

Arkansas Supreme Court Project
Arkansas Supreme Court Historical Society

Interview with
W. H. "Dub" Arnold
Benton, Arkansas
December 13, 2012

Interviewer: Ernest Dumas

Ernest Dumas: I am Ernie Dumas and I am interviewing Judge W.H. "Dub" Arnold. This interview is being held at his home in Benton, Arkansas, Saline County, on December 13, 2012. The audio recording of this interview will be donated to the David and Barbara Pryor Center for Oral and Visual Arkansas History at the University of Arkansas. The recording transcript and any other related materials will be deposited and preserved forever in the Special Collections Department, University of Arkansas Libraries, Fayetteville. And the copyright will belong solely to the University of Arkansas and the Arkansas Supreme Court Historical Society. Judge, would you please state your name and spell your name and indicate that you are willing to give the Pryor Center permission to make the audio file available to others?

W.H. "Dub" Arnold: My name is William Howard Arnold and yes, I will agree.

ED: Ok, Judge, let's start with your birth. You're now seventy-seven years old and you were born...

WA: May 19, 1935.

ED: At Arkadelphia?

WA: Yes.

ED: Your mama and daddy, what were their full names?

WA: My dad was Howard Arnold and my mother was Melvia Taylor Arnold. She was a Taylor.

ED: Were they both from Arkadelphia? Did they both grow up there?

WA: Out in the country from Arkadelphia, about ten or eleven miles.

ED: Is there a name of that community?

WA: That community today is referred to as the Shiloh Community. When I was a kid it was the Oakland community, and in my dad's day it was the Bradshaw community.

ED: Was that a farming community?

WA: Yes.

ED: Is that where you were born, when you were out there, or were you moved into the city?

WA: I was born in that community in my home. A doctor from Arkadelphia, Dr. Ross, came out and delivered me.

ED: Were you the first, only child or what?

WA: No, I had two sisters. The first was Elizabeth Ann and she was three years old and she died a week before I was born.

ED: What did she die of, do you know?

WA: She died of leukemia.

ED: Wow.

WA: When I was about seven or eight years old, my parents had another daughter, Patricia Romanda, and she lived to be three years old and she died of leukemia. So I came between the two girls.

ED: Well, was that something hereditary? Had there been an issue in the family like that, on either side?

WA: I've asked doctors through the years and they say it's not hereditary. There was just something...

ED: Something environmental around there, perhaps, that could have triggered that...

WA: My dad and mother couldn't have little girls. I don't know. When I tell people that, they say "you're an only child," and I say, "No, I was raised as an only child but I really had two sisters." When I tell them, that they both died of leukemia, they really raise their eyebrows when I tell them that.

ED: Well, what did your father do and your mother? Was she a work-in-home housewife?

WA: My mother was a housewife, and my dad was a farmer. His dad was a farmer and he and my daddy inherited land from his father, who was Charles Howard Arnold. Besides farming, like cotton, corn, so forth, he raised cattle, mostly cattle. In that community we lived in, in those days, there was not a store or anything out there except my dad had the only store that was there, a little country store. My mother ran that when he was farming. I was born in a living quarters of that store.

ED: Oh, really? Was the store connected to the house?

WA: Yes, it was connected together.

ED: So you had the store in the front and ya'll lived in the back?

WA: Yes.

ED: So did you have gasoline out front?

WA: We had a pump out front...

ED: And you would pump like this...[moving arms up and down]?

WA: It would hold ten gallons and you would pump and the gas would come up.

ED: Into this jar up there and it showed how many gallons. It had little marks to show how many gallons you got. You had ten gallons and somebody wanted six gallons of gas you could pump it up until it got to that level, right?

WA: Exactly. That's it.

ED: Then you had a few groceries and knickknacks?

WA: Things like coal oil and so forth.

ED: Did you all have a coal-oil lamp in your house or did you have electricity?

WA: No, we had kerosene lamps.

ED: So, you grew up reading by coal-oil lamps?

WA: Yes.

ED: Did you get electricity while you were out there growing up?

WA: Yes, I probably was eight or ten years old when we got electricity.

ED: That was a similar experience to us. Wayne and I—my brother, who, by the way, went to college with you; you were classmates—we studied by coal-oil or kerosene lamps and we got electricity much later. I think Wayne might have been getting close to high school. He was in the eighth or ninth grade before we got electricity out there. So a similar experience because we lived about eight miles out of El Dorado and you lived a few miles out from Arkadelphia—probably a very similar experience. Did Arkansas Power and Light run it [electricity] out there or a co-op?

WA: It was a co-op.

ED: Co-op.

WA: Yes. R.E.A.

ED: R.E.A. [Rural Electrification Administration]

WA: Every time the wind blew, the electricity went off because the lines were built through the woods. But it was a good experience for me.

ED: You didn't think you were deprived, did ya?

WA: No, I wasn't deprived.

ED: Did you have a telephone?

WA: Yes, the old-type phone, like two longs [rings] and a short.

ED: Eight-party line or something like that?

WA: Yes. And everybody listens when somebody calls.

ED: You could hear clicks. People listening and breathing on the line when you were talking on the phone. Well, did you have it first on or did you get it while you were a youngster?

WA: I was just a youngster when we had that type of telephone and before I left home, of course, we had a traditional phone like today.

ED: So, your daddy...you grew up out there?

WA: Yes.

ED: That's where you grew up, not in Arkadelphia; you grew up out there.

WA: No, I went to Arkadelphia when I was in the tenth grade.

ED: All right, so you had a rural school out there?

WA: I started school out in the country, and there was a school that was a two-room school that had four grades on each side. There were a man and a woman named Mays.

ED: They were husband and wife.

WA: Husband and wife.

ED: He was probably the principal and taught the upper grades and she taught...

WA: She taught the first four grades and...

ED: He did the whippings and he lit the fire and drove the bus, probably?

WA: We didn't have a bus.

ED: You didn't have a bus? All right.

WA: This school, it's ironic...My great-great-grandfather was a schoolteacher and he...Well, let me say this: His brother was actually a schoolteacher. My great-great-grandfather was Hendrick Howard Arnold, he was a medical doctor and he lived in that community.

ED: Out in the rural community?

WA: Yes. He came to Clark County back in the early 1800s and, in fact, he was a doctor in the Civil War. His brother was William Arnold and he is the great-great-grandfather of Richard [S.] Arnold, the federal judge, and Morris Arnold [also a federal judge]. [The brothers served together on the United States Eighth Circuit Court of Appeals.] So this school was called "The Oakland Academy" and it was one of the first schools in Clark County. Of course, as we know, Clark County was one of the first four counties in the state of Arkansas. So this school was unique in that it was the first school in Clark County.

ED: So when you went there did it have school all the way through the twelfth grades?

WA: No, the eighth grade.

ED: Eighth grade.

WA: Yes. My dad went to school there. For some reason, the teachers wanted him to stay and they taught him the ninth grade. But then he went into Arkadelphia in the tenth grade. But I only went to that school one year and after one year the school consolidated with the Gurdon schools. We were eleven and a half miles from Arkadelphia and we were eleven and half miles from Gurdon, kind of in the center. The Arkadelphia High School had burned to the ground the year before so they didn't want to accept any sort of consolidation. So we went in to Gurdon. I started the second grade in Gurdon. I rode a school bus from out in the community to Gurdon, and I

went from the second to the ninth grade in Gurdon. My first year, my dad drove the school bus into Gurdon.

ED: Well, did that occur because of the 1948 school consolidation initiative? You know, they abolished in 1948...the Arkansas voters adopted an initiated act that closed all school districts with fewer than three hundred and fifty kids. I know that's what ended my old school district. My brother and I had to go into El Dorado then.

WA: I really don't know, but the years would have been before that.

ED: It would have been. That's right.

WA: It would have been about 1941 or 1942.

ED: That would have preceded the big school-consolidation thing in [1946 and] 1948. It abolished about three or four thousand school districts, reducing them down to about three hundred and fifty. [Actually, more than four hundred.]

WA: No, this was before that.

ED: OK. All right. So you went to Gurdon, which is...is Gurdon still in Clark County?

WA: Yes.

ED: It is. And how long did you go to school in Gurdon?

WA: The second through the ninth grade.

ED: Second through the ninth. Then what caused you to go to Arkadelphia?

WA: My dad ran for sheriff and was elected sheriff so we moved into Arkadelphia. Ernie, I lived in the Clark County Jail for four years. We had living quarters underneath the jail. The prisoners were upstairs and we were downstairs.

ED: So the sheriff had living quarters and was it in the Courthouse?

WA: In the jail itself, which is across the street...

ED: Across the street from the Clark County Courthouse.

WA: Yes. So I lived there, in the living quarters of the jail. So I tell people when I was a young boy, I was in jail for four years.

ED: So all through high school you lived in the living quarters around the jail?

WA: Yes. And started to Henderson [State Teachers College] from there.

ED: So your dad ran for sheriff? Did he...why did he run for sheriff? Was he dissatisfied with things?

WA: No, he was still farming and my dad was a real good baseball player. He played a lot of semi-pro ball. Every community in those days had a baseball team so my dad played all over the county, for different teams, and he was good. I didn't inherit any of that ability but he was a good baseball player and so he was well known in the county.

ED: Might as well put it to good use.

WA: Yeah. Some of the business people talked him into running for sheriff and he did. He ran against a sheriff who was on his first term. In those days, good Democrats didn't run against people for second terms, but he was not doing a very good job so they talked my dad into running and he won that election. I was fifteen years old and I campaigned for my dad.

ED: What did you do in the campaign? Run around handing out cards?

WA: Handing out cards, and putting up posters and things like that.

ED: Well, was it a pretty nasty race?

WA: Yeah. It was. Politics in those days, a lot of them, in different counties, were kind of nasty. But this one...I'll always remember that one of my former teachers at Gurdon, Mrs. Nelson, circulated a petition...There was a rural box at Whelen Springs, which was south of Gurdon. There was a store there that had the election box for Whelen Springs. Those people, apparently, were for my dad's opponent. So my dad didn't get a vote in that box. He got a zero. My teacher, Mrs. Nelson, circulated a petition and there were seven people who signed it that they had voted for my dad in that box and yet he got a zero. There were three people in the race and my dad got in the runoff with the incumbent, a man by the name of Andrew Widener, known as "Peanut."

ED: Who led the ticket the first go-around?

WA: He led it, because he was the incumbent. My dad was second and then another man was third. I think his name was Wells. They moved that box to another place. I always remember that a state trooper sat outside that box when they had the runoff election three weeks later. My dad carried that box.

ED: He got zero the first time and carried it the second time.

WA: Yes, and he won that election and so that when I started the tenth grade we moved into Arkadelphia and lived in an apartment for a few months, from September to January and then my dad went into office January 1 of 1951. That's why I went to Arkadelphia School.

ED: So you entered Arkadelphia High School in the tenth grade.

WA: Tenth grade. Yes.

ED: Did you have any friends there when you went there?

WA: No, I didn't know anyone.

ED: You didn't know anybody. Everyone out in your neighborhood had gone to Gurdon.

WA: Right.

ED: And they had closed that school out there, right?

WA: They had closed the rural school.

ED: And everybody went to Gurdon?

WA: They closed the Oakland Academy and I tell people I went to the Oakland Academy because my dad went there, his father went there, and his father went to that same school. I remember the school well.

ED: So Arkadelphia High School. Were you a bookworm?

WA: No. I was not.

ED: I don't think there were many bookworms, in those days. But you made good grades?

WA: Yes, I didn't have any problem with grades.

ED: Did you get into politics in high school? Did you run for student body president or president of your class or anything?

WA: Yes. We moved into Arkadelphia and, like I say, I went through the twelfth grade. When I was in the eleventh grade, I had been there my second year, so I ran for president of the student body, and I'll always remember that there was a young boy named Eddie Harrell who ran against me. We ran campaigns, put up signs in the school and so forth. My campaign manager was Dr. Mac Moore of Little Rock. Mac was in the tenth grade, so he was my campaign manager and we won that election that year. What is so ironic: Eddie Harrell, who I ran against, I talked to him about four weeks ago. I hadn't seen Eddie in thirty years. Next year will be the sixtieth year since our graduation and we've only had two class reunions and one of those, the last one, was thirty years ago and Eddie Harrell was there. So I'm a horseracing fan, I subscribe to a horseracing book called *Blood Horse*, about thoroughbred racing. I looked at this magazine about six weeks ago, and I looked at it and it had a man who was gray-headed. They had a couple of photos showing that he and another man had bought this racehorse for three hundred and seventy five thousand dollars. They had run him at Saratoga and won the race. I'm reading the article, and it said that Eddie Harrell attended Arkadelphia High School and he would go to the races when he was sixteen years old over at Oaklawn. I thought, "Ed Harrell, that's gotta be Eddie Harrell." So I was sitting at this desk and I took my cell phone and I called information for Ed Harrell.

ED: You didn't ruin his life, then, by defeating him, apparently.

WA: No, no. He owns an oil company in Houston, Texas, known as Citation Oil and Gas, after the name of the horse Citation. I call, and a lady answers, and I say, "Is Ed Harrell in today?" and she says, "Just a minute." In just a few minutes I am talking to Ed Harrell after thirty years. So he said, "You know, remember I ran for student body president and Mac Moore beat me in that race." I never told him that it wasn't him, that I beat him. Mac Moore was my campaign manager.

ED: He just remembered Mac was probably a pretty aggressive campaign manager.

WA: Yeah, he was and he was a good friend and his mom and dad were good friends of ours.

ED: I didn't know that Mac had grown up in Arkadelphia.

WA: Yeah, his mother was postmaster in Arkadelphia some years ago.

ED: So, the year you were president of the student body, did you entertain the idea, in those days, of a political career?

WA: No.

ED: Was it kind of triggered by your daddy's run for office?

WA: Some. Like I say, I campaigned for my dad and I was fifteen years old. When we lived there in the jail, in the afternoons I'd come in from school and I'd walk across the street to the Courthouse, and if they were having court, I would sit and listen to them. I had a good friend that was a prosecutor in those days, Travis Mathis, and before him G. W. Lookadoo was the prosecutor. So my dad was the sheriff and naturally he would work with the prosecutors. I guess I got the idea that someday I would like to be a prosecutor because that was fascinating to me. As it turned out, one day I was a prosecutor.

ED: Did you meet your future bride at Arkadelphia High School then?

WA: Yes. I'm three years older than Earlene. Her mother and dad owned a cafeteria, the Co-Ed Café.

ED: It was on, what was the name of the street that the Co-Ed Café was on?

WA: It was on Clinton Street.

ED: What was her maiden name?

WA: Her maiden name was Aud.

ED: Earlene is how you spell it?

WA: Yes, she was named after her dad, Earl. So Earlene.

ED: So everybody who lived in Arkadelphia or went to school at Ouachita [College] or Henderson [State Teachers College] was familiar with the Co-Ed Café.

WA: Yeah. I started dating her and we got married. What was funny about the situation, we got married when Earlene was seventeen. She was a senior in Arkadelphia High School still going to school. From where the high school was located, one block up the street was Henderson. So I was enrolled in Henderson at the time I got married. We'd get up in the morning and I would walk one block up the street to Henderson and she'd walk across the street to the high school. She graduated from high school while we were married.

ED: Going back to living in the jail, what was that like? Prisoners were up above you, right?

WA: Yes.

ED: Was there a lot of commotion? Did you have any experience with prisoners?

WA: Yes. My mother actually did the cooking for the prisoners upstairs and we had a little rope-pulled elevator that you could put food on and you could pull it upstairs. The deputies would go up and take it off and feed the prisoners.

ED: She would cook that in the same stove that she cooked for you all?

WA: Yes.

ED: So she was the cook for the family and for the jail.

WA: Yes, and the same kitchen.

ED: Did you frequently eat the same food that the prisoners got?

WA: Yeah.

ED: Well, they must have been fed pretty well then.

WA: Yes. One day, I remember that a prisoner hollered for my dad to tell him that there was a young boy that was up there in jail that was gone. So my dad went up and he couldn't find him. So he came back down to this elevator, this rope elevator that lowered food down or up, this boy had got into that elevator and rode it down into our kitchen and got out of it and went into a utility room that joined. When my dad walked in looking for him he was hidden behind the hot-water tank. Of course, they took him and put him back in jail. Then, one evening, my mother and I were home and my dad and his deputy were out, and this man came running up knocking on the door demanding that we let him in because he had just shot a man and he was afraid he was after him and he wanted in the jail. The police station did not have a short-wave radio in that day and we had the only one in Clark County. So, at night, my mother would operate that radio with an extension that was in our bedroom and she called my dad to tell him, on the short-wave radio, that there was a man who wanted in jail, said he'd shot someone. The Courthouse is located about a block from what is now known as Third Street Baptist Church and so when my dad got there, this man told him that he had shot him. And he said, "OK, where is he?" and he says, "He's just a block down the street." So they went down the street and there was a bright street light nearby and when they got there they could see this man lying out in the street. He had killed him. So that was kind of a little excitement. Those types of experiences I had in the jail...

ED: I guess that piqued your interest in being involved in law enforcement and the justice system.

WA: Yes.

ED: It was kind of maybe the foundation of it. Your dad having been elected sheriff probably had something to do with your career.

WA: Oh yes. Yes, I would have never been exposed to the law. I say “never” but...

ED: Probably not.

WA: Probably not.

ED: Further back, briefly—when you were out on the farm, did you have to do a lot of farm work yourself?

WA: I was really too young at that point. I would...

ED: You were eight or nine years old at that point I guess.

WA: Yes. My dad was farming, we would leave the hill country and go down into what we call the “bottoms,” where there were two canals, and then there was Terre Noire Creek.

ED: It ran into the Caddo or the Ouachita?

WA: Actually, the creeks ran into the Little Missouri [River] down south of Gurdon, then the Little Missouri runs into the Ouachita.

ED: OK.

WA: Did he farm with mules and so forth? Horses? Or did he have tractors?

WA: My dad had the first tractor in the community. A little Farmall, which is just a toy today. Everyone had mules that farmed. My grandfather’s farm had several people that worked on it and they all had mules. And my dad had this little Farmall tractor. I would walk down to the “bottoms” at noontime and carry my dad’s lunch, which my mom would send down. I really never did farm work.

ED: You never had to do any hoeing or anything like that?

WA: No. I volunteered one time to pick cotton, I watched them pick cotton and weigh it. I told my dad I’d like to do that. Well, that didn’t last very long because to make that bag heavy I was putting cotton bolls in there instead of white cotton and he said he didn’t need me to help him because I was getting all the green bolls.

ED: Down there, it had to be picked by hand? You were still picking by hand? Those mechanical harvesters—over in the Delta they had those—but you all were hill farmers.

WA: I remember the cotton was just something extra because, really, my dad was interested in corn and hay because we raised cattle and we raised our own feed. But we did do some cotton farming. I’ll always remember that they would put the cotton in a cotton house there on the place and at night they would load it in to my dad’s pickup truck and we would drive into Arkadelphia to Golden’s Gin. Dr. Roy Golden’s father had this gin and we had to leave it there. They’d take it off the truck and then they would run it

through the cotton gin. I remember those days. Well, they always had a carnival there during the ginning season and people would go to the carnival while they were unloading their trucks.

ED: And you didn't have the great experience of working in a cotton gin, either, did you?

WA: No, I did not.

ED: All right, let's move back to... You finish... Any other experiences in high school? You were elected to president of the student body and you met your future wife there. You were not an athlete. You did not play football or basketball...

WA: I played football.

ED: What position did you play?

WA: I played offensive guard.

ED: OK.

WA: I played a little defensive tackle on a five-man line back in those days.

ED: You didn't suffer any lifelong injuries.

WA: No, I broke my hand and I have a knuckle missing on the left hand that was from a football injury. But, I enjoyed football and thought I was going to go up to Henderson and go out for football, but I decided there were a lot of big boys out there and I didn't think I wanted to do that.

ED: Play for Duke Wells at Henderson?

WA: Yes, Duke Wells was the coach then. Jim Mack Sawyer was the assistant coach. I remember years later, skipping way over, when I was a trial judge, Jim Mack Sawyer's daughter was murdered and I was the trial judge in the case. Jim Mack and his wife— Jimmy—had the same name. I remember them for that. That was a hard experience for them.

ED: I did not know that they had a daughter who was killed.

WA: Yeah, they lost their daughter that way. The young man that killed her is, I think, still in the penitentiary today and that was back in 1991 or 1992.

ED: You played football and not basketball.

WA: No.

ED: And you decided to go to Henderson because it was in the proximity? Just across the street, I guess.

WA: Well, I really didn't want to go to college. I got out of high school and I thought, "I think I'll go in the Army." So I went down to volunteer for the draft and they said...this was about the first of September...they said, "We can't take you now. It will be about three or four months before we can do that." And I said, "Well, no, then I don't want to do that then, I might as well go to Henderson." So I went up the street and went to Henderson.

ED: So your first choice was going in the Army?

WA: Yeah. But I would have to wait three or four months before I could go so I said, "No, I'll just go to Henderson." So I ended up going to Henderson.

ED: So you walked to school every day.

WA: No, I had a car that my dad bought me.

ED: Did your dad continue to be the sheriff?

WA: He did for two years, my first two years in college, and he bought me a new Chevrolet car.

ED: A new Chevy?

WA: Yeah. You could buy a new car back in those days for about thirty-five hundred dollars.

ED: Yeah, yeah. Were you still living in the jail?

WA: Yes, the first year I went to college I was still in...

ED: So you could drive over to the campus, which would have been about, what, five blocks?

WA: Yeah. No more. Yeah.

ED: I think you majored in economics.

WA: I did. I did. I got a B.A. degree.

ED: In economics. So you entered school in the fall of 1953.

WA: Correct.

ED: And you would have graduated in the spring of 1957. Is that right?

WA: That's when I got my diploma. Back in those days...Now, a semester ends in December. In those days, you would actually come back in January and go about two weeks until the semester ended. I was married by that time, and I decided I wanted to get out of school as quickly as I could so I actually graduated, you might say, that December or that first week in January.

ED: So you'd done a little summer school to pick up hours?

WA: Yes, I did.

ED: So you actually did three and a half years, I guess you'd say.

WA: Yes, with that summer school.

ED: I should point out here, you were a classmate all the way through, of my brother, Wayne Dumas, who, when I talked to him this morning, wanted me to tell you "hello." He said he liked you a lot and figured you remembered him.

WA: I do and my wife knew him well.

ED: You all had some classes together, I guess.

WA: Yeah.

ED: Economics. You remember an economics professor who was there briefly named Dr. Wladimir Naleskiewicz?

WA: No, I had Dr. Whaley.

ED: Dr. Whaley?

WA: Yes. He was there a long time before.

ED: He had been there a long time. The reason why I mention Dr. Naleskiewicz is that he came over, I guess, in 1956 or '57. In Hungary or Poland—actually, Czechoslovakia, I think—they were having these revolutions against the communists, and he was wounded, had fled and arrived here and was on the Henderson campus. I took, maybe for just one year or two years, an economics course under him for two semesters—Principles of Economics, just your basic course. He taught it and most of the kids didn't like him because they couldn't understand him. He had a very thick accent. He later had to leave, because when the legislature passed the law requiring all state employees and teachers to sign loyalty oaths saying that they were not members of any subversive organization, he refused to sign it because he said, "I fled and was wounded because of that kind of thing and I'm not going to do it here." So he lost his job. I tracked him down. I think he wound up at Notre Dame or someplace years later. Anyway, I just wondered...

WA: He was after me. See I graduated in '56 but got my diploma in '57.

ED: Yeah, that's right. That was probably '57 or '58 when he was there. Anyway, he gave me A's both semesters.

WA: So you remember him well.

ED: He always gave me perfect 40s on all those written exams and I didn't know any economics. Anyway, that's neither here nor there. So anything else noteworthy about your years at Henderson?

WA: Well, I was in R.O.T.C. [Reserve Officer Training Corps]. In those days, you had to take two years of R.O.T.C. I took two years and then I could go into their permanent program...

ED: It would be officer training the last two years.

WA: Yeah. Right. And end up as a second lieutenant. I really didn't want to do that. At that time, they were having a shortage going into the advanced, so they came and talked to me. I said, "OK, I'll go." Of course, in those days, that third year of school, I was about nineteen years old, I guess, nineteen and twenty. I was rodeoing in those days.

ED: You were in the rodeo?

WA: Rodeo. I would bull ride and calf rope. Out on the farm I had a roping horse and had calves and I learned to calf rope. Well, I started the bull riding and so my dad would get mad at me. We'd go to a rodeo and I'd end up losing in the calf roping and end up winning in the bull riding. I got hurt that fall while I was at Henderson. I was riding a bull and got hurt and I was on crutches for a few months. So, before I graduated, we had a sergeant, a regular Army sergeant who was working in the R.O.T.C. program that I talked to. His name was Frank Funk. His wife was a health nurse for the

county. So I talked to him and he said, “Dub, they don’t need second lieutenants right now, after the Korean War.”

ED: This was after the Korean War?

WA: Yeah, it was a period between the Korean and Vietnam Wars. They really didn’t need any second lieutenants. Most of them graduating going in weren’t staying very long. So he told me...I had a knot on my right ankle, which I still have today, where that bull had stepped on me. They didn’t X-ray it. They did what they call a “fluoroscope” and said it was okay. But it wasn’t. I had broken my ankle. So he told me, “They’re not going to take you in the Army.” So he sent me over to the Army-Navy Hospital in Hot Springs and a Dr. Durham, who was an orthopedist, looked at it and said, “You’ll make good draft material, but you’re not going to pass as a second lieutenant.” So they released me and I didn’t have to go back to it. That happened to me at Henderson. That was another one of the things that made my mind up that I wanted to go ahead and take some courses and get out of school early because I knew I wasn’t going to have to wait to go into the Army as a second lieutenant. So I didn’t, but I have to tell you this: In my high schools days, I played football with a boy named Jim Ross.

ED: Yeah, I remember Jim Ross. He later became a general.

WA: A four-star general.

ED: Four Star General Jim Ross.

WA: He died this past year.

ED: Yes, I saw that. He was a star on the football team, too. I think he was captain of the Henderson Reddies football team.

WA: Very good football player.

ED: Bright fellow, awfully good.

WA: I’ll always remember, right before he died, right before...I was honored as a distinguished alumnus at Henderson, and when I did he called me. He was in Florida and he had retired from the military. He called me to congratulate me because he had got there before I did. He told me about it. He said, “Dub, when I graduated from Henderson, I went to some camp down in Texas (Fort Hood or something). And I got there and, of course I was a second lieutenant, but all the second lieutenants, just about all of them, were graduates of West Point.” He said, “There was kind of a thin, slender black boy who was a second lieutenant through an R.O.T.C. program like I was in. So we were together and we kept up with each other through the years.” And he said, “Each time that he made an advancement, he’d call me and say, ‘Jim, where are you? You’re dragging.’” So he followed along behind him. He made four-star general before Jim did. That was Colin Powell.

ED: Oh, really? Colin Powell.

WA: But he said Colin...Colin, I believe, came out of Jamaica or somewhere.

ED: Yeah, it was...Jamaica sounds right. He was not from the regular states.

WA: But he made second and third-star generals before Jim Ross, did but they both ended up four-star generals.

ED: Boy, I didn't know they had that relationship. My brother has kept up with Jim Ross over the years. He was very fond of Ross.

WA: Well, we went to high school together so...

ED: So, was he a year ahead of you in high school?

WA: A year behind me.

ED: A year behind you?

WA: Yeah.

ED: I was thinking Ross was in the same class.

WA: I got out in '53 and he got out in '54. He came on up to Henderson and I had already been there a year.

ED: Probably the same class as Berlon Brown. Remember Berlon Brown?

WA: Yes I do.

ED: He was my roommate, part of the time at Henderson. He and my brother were big pals, played football together at El Dorado. I don't know what's happened to Berlon. OK, so you graduated in January '57, a little early. Then what did you do? Did you get drafted?

WA: No.

ED: There wasn't much of a draft in those days.

WA: No, there wasn't and what happened to me is that because of the injury to my foot, I was reclassified as 4-F in those days. In the meantime, Earlene and I had our first child.

ED: Now when did you all get married?

WA: In '56.

ED: You were still a student.

WA: Yeah, March in '56.

ED: So, she's finished high school about that time I guess and you are getting married. You had gotten married while you all were in college, did you all have an apartment there? Did you live in married student housing there?

WA: No, some people in Arkadelphia owned it. The apartment was about a hundred feet from the Arkadelphia High School and about a hundred yards from Henderson.

ED: OK.

WA: So we both went to school every morning.

ED: So you had your first child, who was?

WA: Melinda Morris. Melinda is the principal at Arkadelphia Elementary School today.

ED: OK. So she was born and you were still at Henderson then?

WA: Well, about the time I had graduated. I had to have a job. The first job I got was as a claims adjuster for Farm Bureau Insurance Company. They sent me over to Stuttgart and I lived in Stuttgart and Hazen, a town nearby, for six and a half years and worked four counties: Arkansas, Prairie, Lonoke, and Monroe counties. So then my boss one day came to me and said, "Would you like to go to law school and take a couple of classes?" And I said, "Yeah." He says, "Well, we'll pay for you to go and you've got a company car so you go ahead and drive the car to school." So I drove forty miles from Hazen to Little Rock each night. Well, after the first year, my boss said, "Would you like to take a couple more courses?" And I said, "Yeah." Well, he said, "Contracts and torts would be good for you in the claims business."

ED: So they wanted you to become an attorney for Farm Bureau, I guess.

WA: They just said, "It will help you right now do your job" and I said, "OK." So I went two years and there was a boy who worked for Westerfield Chevrolet and his name was James Thweatt and his uncle was John Dale [Thweatt], an old lawyer.

ED: James and John Dale were the big lawyers there in Hazen.

WA: Yeah. He asked me if he could ride with me and I said, "Sure" because I'm riding by myself and won't cost me anything because I am driving a company car. So, we went to the night law school while I was working there.

ED: Was it called the Arkansas Law School?

WA: Arkansas Law School.

ED: And it was unaffiliated with the University at that time. It was just a night law school.

WA: Correct.

ED: Later it became the University of Arkansas School of Law, now it's Bill Bowen School of Law.

WA: The law school was the old Carmichael Law School then it changed its ownership and it was Arkansas Law School. Practicing lawyers in Little Rock were the teachers, Judge Guy Amsler was the dean of the school. My teachers were Steele Hays, Phil [Phillip] Carroll...

ED: Phillip Carroll is with the Rose Law Firm. Steele Hays was later on the Arkansas Supreme Court. [Steele Hays died in June 2011 and Carroll in March 2013.] You all didn't overlap; he had retired before you went on the Supreme Court.

WA: Yes, he had retired. But I knew, still well, from the school days...

ED: Well, was the night school down on Broadway?

WA: No, they had it in the Pulaski County Courthouse.

ED: OK. I think it may, at some point, have been over there on Broadway, about a block from the Courthouse. But, nevertheless, it's in the Courthouse.

WA: Yes, it was in the Courthouse in those days, and I'd go to school from seven to nine and go back home, get home about ten each night. I worked four counties. By the way, that school was not an accredited school. It didn't have libraries and different things like that, that they had to have. The rule was, the Arkansas Supreme Court had recognized the Arkansas Law School, that if you went to that school and took the bar and passed the bar, you could become a practicing lawyer in Arkansas. So I went through that night law school and passed the bar and left Hazen and went back to Arkadelphia to practice law.

ED: So, what year would you have gotten your law degree and passed the bar?

WA: 1963.

ED: 1963. So you, and Earlene, and your daughter. Still just one child?

WA: Over in Hazen I had a boy, Gary. His name is Gary Howard. Howard carries throughout our family. He is now with Acxiom Corporation in Little Rock and has been for a number of years. He was born and, ironically, we have two daughters and a son. Melinda is the oldest, then Gary. Fifteen years between the first daughter and the third. We had Jennifer in Arkadelphia. Jennifer Nicole Arnold. Her name is Raabe now, married to a Hot Springs boy. His family was from Almyra over in Arkansas County. We had the three children. By the way, I came from a family with no lawyers in it. All three of our kids, two daughters and a son, wanted to go to Ouachita and so we sent them to Ouachita and they graduated there. As each one graduated—when Melinda graduated—I said, “Do you want to go to law school?” and she said, “No.” Gary graduated from Ouachita and I said, “Do you want to go to law school?” and he said, “No.” Then Jennifer graduated and I said, “Do you want to go to law school?” and she said, “Yeah.” So I sent her through the LRU, now Bill Bowen Law School [William H. Bowen School of Law at the University of Arkansas at Little Rock], and she graduated and at the time she graduated I was chief justice of the Supreme Court. The chief justice swears in all the new lawyers so I swore Jennifer in. She came up and hugged my neck when I swore her in, which I quickly told the audience that...

ED: I'm not hitting on this young...

WA: Yeah, this is my daughter. She leaned over, and she said, “Dad, I don't want to practice law.” And I said, “Well, you don't have to. What do you want to do?” She said, “I want to teach school.” She got a teaching degree from Ouachita and she is a math teacher. She is at Springdale, Arkansas. They live in Fayetteville. She and her husband live there. He's with Trane as an

engineer and she teaches school. That's what she wanted to do. So that's good.

ED: So you have two children who are teachers?

WA: Yes.

ED: They're in the education business. OK, you go back to Arkadelphia and open a law practice. Do you join a law firm there? Or go into solo practice?

WA: I went back and I went in to practice with Travis Mathis. I had known Travis from the days when my dad was sheriff. I went in with him and stayed with him about a year.

ED: Was he a young lawyer then?

WA: Yeah, he was already practicing law.

ED: Is he related to Randall Mathis?

WA: It's his brother.

ED: Randall's brother. Randall was a county judge and later the director of the state Pollution Control and Ecology Commission.

WA: Right, then ran for governor.

ED: Ran for governor. Yes. [Mathis ran for governor in 1978; Bill Clinton was elected.]

WA: So I went in with Travis for about a year, then went on my own.

ED: Just hung out your own shingle there?

WA: I knew Judge Lyle Brown, circuit judge from Hope.

ED: He had gone on the Supreme Court by then. He went on in '67. Lyle Brown became a justice in '67, got elected in '66.

WA: He recommended me to John Goodson, who was a prosecutor and later was a circuit judge. He recommended that John hire me as a deputy prosecutor for Clark County. So John did that. I practiced law and was a deputy prosecutor for Clark County.

ED: And how much of your time did that take, the prosecutor stuff, about half your time?

WA: About half of it.

ED: So you were a deputy prosecutor for how long?

WA: 1965 to 1966.

ED: And then you had your solo practice. What kind of practice...anybody who came in off the street?

WA: Anybody that had something where they wanted to hire a lawyer.

ED: Divorces?

WA: Yes, and I hated those.

ED: Domestic cases.

WA: Yeah, they're terrible.

ED: Do you remember your first trial as a lawyer?

WA: Yes.

ED: You sued an insurance company or something, didn't ya?

WA: Travis and I had a case. I know Allstate Insurance was in it.

ED: Tort case?

WA: Automobile accident. Yeah. We tried several of those and then I tried misdemeanor cases as a deputy prosecutor, but I assisted John Goodson on a few felonies back in those days. That was a good experience for me.

ED: So, '65-'66 you were a deputy prosecutor and practicing law. Then you ran for municipal judge?

WA: No, in 1969 I was elected prosecuting attorney for the Eighth Judicial District, which is Clark, Nevada, Hempstead, and Miller counties.

ED: So it runs all the way from Arkadelphia to Texarkana?

WA: Right. So I ran for prosecutor.

ED: Did you run against an incumbent prosecutor?

WA: Yes, two years before that, which would have been '67, John Goodson, who went in as a circuit judge, gave up the prosecutor's job. What I didn't know was two years before that, when John Goodson was elected prosecutor, he and a man by the name of Bill Denman from Prescott. John ran against Denman. He defeated Bill Denman in those four counties by about a thousand votes. Well, John was a prosecutor for two terms and, you know, the old traditional thing we talk about was, in those days, Democrats believed in two terms and out. So that's the kind of way my dad was. He ran for sheriff, and he would be sheriff for two terms and he didn't run for another term, and he went on back to the farm. Well, Denman had only been in two years. He had waited four years to run. I was unknown in politics and I ran against him. In the four counties, I lost the race by about a thousand votes. I ran seven contested races and ran for office thirteen times and I lost my first race and I didn't lose anymore.

ED: You lost that first race?

WA: That first race.

ED: In 1966.

WA: So I kept practicing law and then I'll always remember the sheriff in Miller County, Leslie Greer, was very popular and held about every office down there. He said, "You need to run against Denman." I said, "Well, this is his second term." He said, "Well, it doesn't make any difference. We don't need him and I'll tell you what—if you run against him, I will campaign for you even if I have an opponent myself." And I said, "OK." So I ran and won that thing by a landslide. Four counties and I beat him by four hundred votes, just barely beat him. I won that race and so in 1969 I was sworn in.

ED: January 1969 you become prosecutor for those counties?

WA: Yes.

ED: Eighth Judicial District.

WA: Right. I served two terms and I left. I could have run for a third term but I didn't want to. I had had enough. So I tried a lot of cases. I would have never had the experience if I hadn't run for that office, because I was in Texarkana most of the time. Miller County had a lot of crime. So I got to try cases even before I was ready to try them. I was...

ED: Thrown in there.

WA: Thrown in there. I'll tell you one case there, if I can. Before I went into office in January of '69, in '68 there was a murder. It was a case called *State of Arkansas v. Kenneth Ray Blanton*. He killed a man, a prominent man, by the name of Wynn Smith, in Texarkana. The Smith family was well-known. Judge Smith was president of the Arkansas Bar at one time [Willis B. Smith].

ED: Yes. His son was a lawyer, too.

WA: Willis Jr. Yeah. Willis Jr. was married to the niece of [U.S. Senator J. William] Bill Fulbright. Here I was, a brand new prosecutor, going in to try a big murder case. Defending that case, Kenneth Ray Blanton, were two lawyers: Richard Arnold and Victor Hlavinka. They defended him. Both were good lawyers. Anyway, I tried the Kenneth Ray Blanton case and the jury gave him life. Two years ago, I believe, he died at the penitentiary.

ED: Did he get the death sentence?

WA: No, I had a vote, I think it was eleven to one to give him the chair. But, no, he got a life sentence. I saw Kenneth Ray a couple of times at the penitentiary. I would be over there on business and I would run into Ray over there. This was a homosexual killing. In those days, I had never heard of them, what a homosexual was.

ED: They had been lovers or something.

WA: What happened was Kenneth Ray was just passing through Texarkana and he got hooked up with Wynn Smith and he killed him. He went to his apartment with him and he killed him in that apartment. Took Wynn's vehicle and they caught him in Sierra Blanca, Texas, just before you cross over the line into Mexico. They caught him down there and they brought him back. I start off on that case, with Kenneth Ray Blanton, and they had some fingerprints... What happened was, he killed Wynn Smith, and he got into a bathtub and was washing off and had blood on him, and when he got out of the bathtub, he put his hand down on the side of the tub and he left a bloody print. And I'll never forget this for the rest of my life. I tried that case. The law enforcement officers were as afraid of Richard Arnold as they could be. They just thought he was the smartest thing in the world and were

afraid of him. So we had this police officer that took the prints, and the way they took they prints in those days was they took Scotch tape and they tape over the print and then put it on a sheet of paper. This officer took the stand, and here I am a brand new prosecutor, and I was trying the case...My deputy was the former senator from...

ED: Wayne Dowd?

WA: Wayne Dowd. Wayne Dowd was my deputy prosecutor and Wayne was new also. So here are two guys who don't know nothing and we are up there to try this big murder case.

ED: Against Richard S. Arnold, who almost became justice of the U.S. Supreme Court.

WA: Correct.

ED: Would have been.

WA: Should have been.

ED: Would have been had he not had cancer by that time. Bill Clinton would have appointed him.

WA: Would have appointed him. Richard starting cross-examining...I was examining this print, to put this print into evidence, so Richard says, "Judge, can I take him on *voir dire*?" And I said, "Sure." So he took him on *voir dire*. He started in and said, "Are you a fingerprint expert?" And he said, "No." And he says, "Well, you can't say that this print is the same one you took off that tub, now can you?" And the officer just, he got shook up real quick, and said, "No." Well, there I was, with a print I needed in and couldn't get it in, because my officer says he can't identify it. So I take a recess and run down to the sheriff's office downstairs in the Miller County Courthouse and the sheriff said, "Well, my deputy, Howard Giles, who later was sheriff down there, he was in the military and World War II and that's all they did was take finger prints of dead soldiers for indemnification. So he's trained." And I said, "Really?" So I go over there and I say, "Howard, could you help me? I need to get these prints in. Were you there that day?" And he said, "I was there." I said, "Can you identify them?" And he said, "Sure I can." And I said, "Well, let's go back upstairs." So we go back upstairs and we go in and I qualify Howard as an expert. And, by the way, the judge was Bill Arnold in those days. There was Arnold defending, an Arnold as a judge and an Arnold as a prosecutor.

ED: I should establish here that you and Richard S. Arnold and Morris Arnold are third cousins, twice removed.

WA: Right.

ED: Now, is Bill Arnold some relation too?

WA: Bill and Richard were first cousins. They practiced in the same firm.

ED: You mean one was the judge and one was the defense lawyer?

WA: Yeah.

ED: OK. You were up against them.

WA: But I'm not really related to these guys. But anyway, we go in there, and Howard gets on the stand and he's testifying. So Richard says, "Let me take him on *voir dire*." So he took him on *voir dire*. Howard had a little magnifying glass that he took this print and run this thing back and forth a few times and twelve jurors were just glued looking at Howard. He said, "Can you identify that?" He said, "Yes, I can." Of course, Richard Arnold worked him over real good and he said...How did it go? This was a palm print. Richard says, on cross, he said, "It be a fact that there are more fingerprints than there are palm prints?" And Howard Giles looks straight at his hand and turned his hand over and he's staring at his hand and the twelve jurors are looking, the judge is looking and I am about to have a fit wondering what he's going to do. He looked down and he said, "Yes, sir, Mr. Arnold, I'd say it's about five to one." A palm print is only one. He's looking at his hands, "There are more finger prints than there are palm prints. I think so, about five to one." When he said that, the jury just exploded, they were laughing. And even the judge turned his head. Richard shook his head and we went on and I got that print in and...

ED: That's what convicted him.

WA: That's what convicted him. But I came about that close to...

ED: To losing it.

WA: To losing that case, yeah. I will never forget that. That was the first big case that I tried as a prosecutor. So that was my beginning.

ED: So you served two terms as a prosecutor and decided not to run again. Then went back and started practicing law again?

WA: No.

ED: Or what?

WA: There was a guy I met a couple of years before. A black preacher that was a good friend of mine introduced me to him here in Arkadelphia at a picnic. His name was Dale Bumpers. So Reverend Raymond Ream was this black preacher, a super nice guy, had introduced me to Dale. Dale said to me, "If you ever want a job, you call me." Well, I was kind of worn out as prosecutor after those four years driving back and forth to Texarkana and I was ready to leave. So I didn't run for re-election. I picked up the phone and called Dale Bumpers, who was governor then.

ED: He got elected in 1970 and this would have been in '72?

WA: Yeah. Did you mean what you said? He said, "Yeah." I said, "I need a job" and he said, "You need a part-time job or a full-time job?" As a part-time, he

was thinking about one of the commission jobs up there, not highway, it was one that Joe Woodward had.

ED: Transportation Commission.

WA: Transportation. In fact, Joe had called me and said, "I'm going to quit. Maybe Bumpers will appoint you to that job." And that was a part-time job. I told Dale, "No, I need a full-time job, I need to work." So I found out later that Dale wanted to appoint a man from Jonesboro to the transportation job but...

ED: He had appointed Garry Brewer to the Transportation Commission.

WA: He did.

ED: Garry Brewer, who died about two years ago. He was from Blytheville. He had been practicing law in Blytheville.

WA: You're right. But, Dale said, "Hey, I've changed my mind, I need somebody who is a lawyer. I've got a good friend who is chairman of the Workers' Compensation Commission and he's just lost it. He's older and..." Mark Woolsey.

ED: Mark Woolsey from Ozark and Dale Bumpers were old pals. They had been partners, in a way, on all kind of cases all those years.

WA: He told me it was the hardest thing he ever did to take him off.

ED: Mark had served under Faubus. He had been on the Workers' Comp Commission for some years. He had originally been appointed by Orval Faubus, but by that point he was in his old age, I think, in his seventies.

WA: He just didn't know hardly what was happening from one day to the next. So, anyway, Bumpers told me that he was going to appoint me chairman of the Workers' Comp Commission...

ED: I had lunch with Dale Bumpers yesterday, by the way.

WA: Did you?

ED: Every Wednesday I have lunch with Dale Bumpers.

WA: Well, you can tell him we talked. In 1973 he appointed me chairman of Workers' Comp. Six-year term. I served four and a half years and then I went with the International Association of Industrial Accidents Board and Commission. I went with them. It was an organization that was made up of all workers' comp people. I could do that and go back home and practice law. So after four and a half years as chairman of Workers' Comp, I went back to Arkadelphia and started practicing law again. By then, I was ready to go back to practicing. I was rested up.

ED: So the workers' comp job wasn't the kind of pressure you had as prosecuting attorney.

WA: No.

ED: You adjudicated appeals, I guess. Law judges made the decisions and then appeals were to the full commission...

WA: It was a paper job.

ED: You were, in effect, an appellate judge, with...The opinion writing was, you know, very separate...

WA: What was so bad was that the chairman of the Workers' Comp Commission is the Commission. The reason is...

ED: He's the lawyer.

WA: He's the lawyer but for one position, representing labor, you had to be a labor man...To get one appointment you had to be an employee and a chamber man to get the other one. So if I went in there and there's three votes, if the labor guy says, "I think what we need is to award this" and if the employer guy wants to join him, fine, but so many times, he would say, "No, I don't think so." So you'd have to get those two guys together, the chairman can go home, but otherwise, most of the time, they were in disagreement and the chairman ends up making the decision.

ED: The labor guy is always, whenever possible, going to lean toward the employee and the business guy is going to tend to lean toward the employer. It leaves the lawyer, as the chairman, the impartial, independent adjudicator of the case.

WA: I walked in up there and there was a backlog because of Mr. Woolsey's condition.

ED: Mark's...

WA: Because of Mark's condition. He needed to be out and in each one of those cases there were two opinions laying with the file—one from the labor guy awarding him, one from the employer denying it. They said, "Go through them and you make the decision. Whichever one you sign is the one you want to go with." And I thought, "Boy, this is crazy!" But, those were some good years. I enjoyed being up there. Like you say, it was easy, it was not a hard job. But, I just...

ED: You had to clear the backlog and keep up with the cases. That's the pressure.

WA: We got them cleared up pretty quick. As you know, Jim Clark was the labor guy.

ED: Yep, Jim Clark was a labor guy, later AFLCIO secretary.

WA: Jim Cross from Pine Bluff was in there first and then John Cowan took his place. Cowan and Clark never got along. But they were OK to work with. I didn't have a problem.

ED: So you go back to Arkadelphia in...

WA: '78.

ED: And you are practicing law again, and shortly after that then you run for municipal judge, right?

WA: Yeah, I got the idea, I was a little bit peeved at...Bobby Sanders was a municipal judge. Bobby had practiced law with me at one point back there. There was days Bob Sanders was a great guy and there was other days that I couldn't get along with him.

ED: He was kind of a wild man.

WA: Sometimes.

ED: He ran for the Supreme Court against David Newbern and it was a crazy race because he was demanding that Newbern debate him on the death penalty and pornography and every issue likely to come to the Supreme Court. He wanted to take a stand on all those things. Newbern wouldn't debate him. But, nevertheless, was he the municipal judge?

WA: He was the municipal judge and I ran against him. At some point back there, while he was municipal judge, before I ran against him, I made a remark about his decisions or something and he had me arrested.

ED: He had you arrested?

WA: Yes.

ED: For a remark that you made?

WA: Yeah. What did he call it?

ED: Libel or slander?

WA: Maybe it was contempt of court.

ED: Damaged his reputation.

WA: No.

ED: He had you arrested.

WA: He had me arrested. I said his court was nothing but a kangaroo court or something like that. It offended him, so he had me arrested.

ED: Would it have been for, I guess, what do you call it? Insubordination in court, I forget what...

WA: Contempt.

ED: Contempt.

WA: He had me arrested for contempt of court.

ED: Did they put you in the lockup?

WA: Yeah. I remember now. I was trying a case, a jury trial, a criminal case. [J. Hugh] Lookadoo was judge. So there was a break at noon and there were two deputies in the back of the courtroom and they say, "Dub, we need to see you" and I say, "OK." So I walked back there and they say, "We have a warrant for your arrest." And I said, "For what?" "Bobby Sanders has got you for contempt of court" and I said, "Well, what do we do now?" And he says, "Well, he wants a five hundred cash bond" and I said, "I don't have

five hundred dollars.” And I said, “Let’s just go on over to the jail.” We walked over to the jail and we get over there and they say, “Dub, you need to make this bond.” And I said, “I don’t have the money. By the way, you need to call the judge and tell him I won’t be back for court today.” So they called Lookadoo and he said, “I’ll tell you what. You call Bob Sanders and tell him that if Dub Arnold’s not back to court after lunch to finish that jury trial, I’m putting him in jail this afternoon.” Then the deputy walks in and says, “Bobby said that you could sign your own bond.” And I said, “I’m not going to do that. I am just going to stay here and see what happens.” About five minutes to one, the deputy says, “Dub, get the heck out of here!” So I left. Well, I picked up the phone and I called Rodney Parham. Do you remember him?

ED: He was chief deputy attorney general of Arkansas.

WA: For years.

ED: Forever.

WA: Rodney and I got to be friends when I was on Workers’ Comp...I said, “Rodney, here’s what I got. Can he do that?” He said, “Dub, what are you doing getting into this? I don’t think so.” So I says, “Good.” He says, “On the other hand, there’s a case from 1901 or 1902 in Miller County in which the court held that the municipal court was a court of record, and if it’s a court of record there’s contempt powers outside of the court. But, if it’s not, you can only be held in contempt if you are in front of that judge.” I wasn’t in front of Bobby. I called Travis Mathis, who was representing me. Travis got in touch with Bobby and he told him that it wasn’t a court of record and he wasn’t going to be able to win that. So Bobby dismissed the case against me. I didn’t have to go to the jail.

ED: You don’t have a criminal record, then?

WA: No, I don’t have a criminal record. So I ran against Bobby and I beat him 60-40. That 60-40 means something to me, because every race I won after that I won it 60-40. It was a four-year term and I served a year and three months. I had all the municipal judging I think I wanted. All I was doing was fining my friends as they come in, speeding tickets and stuff like this. Every one of them wanted me to take care of it and I couldn’t do that.

ED: You make someone mad every day, no friends.

WA: No friends.

ED: You made no friends.

WA: Especially in a small county. I said, “No, I quit.” They appointed Dick Huie who had just retired from...

ED: C.R. “Dick” Huie had been the administrator for the court system, right? In Little Rock.

WA: Yes. So they appointed him. What happened, they created a new prosecutor spot, Clark and Pike. Nine East.

ED: They reorganized the judicial circuits, I guess.

WA: Yeah, took Clark out of the Eighth and took Pike County out of Judge Steel's territory over in Nashville and so I ran for it.

ED: This is for Clark and Pike County.

WA: Yes.

ED: Ninth Judicial Circuit.

WA: East.

ED: East. It had an east and west? OK.

WA: And by the way, later years, when I was judge of the Ninth East they called me and they wanted me to give them Pike County over there and I said, "That's fine. You all can have it." So it ended up... Nine East today is still Clark County by itself.

ED: By itself. So did you have an opponent when you ran for that?

WA: Uh, yeah. John Jackson from Gurdon. John and I were good friends. I certainly wasn't going to run for that slot as a prosecutor, I was going to let John have it. But John, his wife, and a Dr. McGrew from Gurdon and his wife and another couple were out at the country club in Gurdon one night—this is shortly after he had announced he was running for prosecutor. John Jackson had won at the Ducks Unlimited a free vasectomy. So they were out at the country club and they got the bright idea...Dr. McGrew said he would just perform the surgery out there on the pool table and they did.

ED: On him.

WA: Yeah, on him. McGrew performed a vasectomy on the pool table.

ED: He won a vasectomy at the Ducks Unlimited? What a prize!

WA: What a prize! Yeah. A free one.

ED: He's beaten already.

WA: McGrew's wife and John Jackson's wife were friends, and McGrew's wife thought this was a great story and gave it to the newspaper, the *Gurdon Times*. Well, it didn't take but just a short time that this hit the fan and the general public did not like that at all. I went to John Jackson and I said, "You and I are friends. But already, Bobby Sanders is talking about he's going to run for prosecutor and he's going to beat you. I can't let that happen. I'm going to have to run." So I ran against John Jackson and I beat him 60-40.

ED: You ran to stop Bobby Sanders.

WA: That's true. I was elected and I served ten years over there.

ED: So you were elected to five terms as prosecutor for Nine East.

WA: Nine East. Yeah. During those times, I tried what I consider seven very important cases in those days. I started out in '69 with *State vs. Kenneth Ray Blanton*, the one I was telling you about. Then I went over in 1981—this all while I was prosecutor for Nine East—I went over in 1981 to Little River County in Ashdown and tried a case, a murder case, *State vs. Glenn Murray*. He killed his mother. He was sixteen years old. His mother was Nedra Sharp. Damon Young represented Glenn.

ED: Damon Young was from Texarkana, later a state legislator.

WA: He got life. That was in '81 and he's still in the penitentiary today. In '81, in Pike County, which was part of my district, I had a case *State v. Harvey Williams*. Ms. Sydney Riley, a well-known lady over there—Harvey was a black guy and Ms. Riley was white—and he killed her. They gave him life. I got a vote of 10 to 2 for the death penalty. But, anyway, Harvey is still in the penitentiary today. Both of those two have been there thirty-one years. 1982 in Clark County I tried a case of Jeff Brown and Mark Henderson. There was a couple, Diane and Steve Francis. Those two boys murdered them over a dope deal. The two Francises were white and the other two were black. They killed them over on Pine Street in Arkadelphia. They're both still in the penitentiary today. They've both been there thirty years. Then, in 1983, I tried a case of Pat Hendrickson and Norma Foster and Howard Vagi. Oren Hendrickson and Pat were a nice couple, went to my church. Oren and I were deacons together at my church. Pat got to be friends with Norma Foster, who was a dorm mom over at Ouachita. Pat and she talked about it and Norma told her that she could get a boy over at Ouachita to kill Oren. So they worked out a deal with Howard Vagi, who was up north. I didn't get to try Pat Hendrickson because ...Before she was arrested, I was going to represent her in probating the estate of Oren. But when she was arrested I had to disqualify. Charles Yeargan, who is now the judge over in Nine West, tried her and the jury gave her life.

ED: So they severed the cases so that...

WA: Right. Pat's still over there, twenty-nine years.

ED: So she arranged for her husband to be murdered.

WA: Yeah, I went down there that night and she was sitting on the bed and he was lying on the floor. Crazy, blood everywhere. This boy took a shotgun and when he came in the house, the boy was waiting and shot him in the face with the shotgun.

ED: This was a student at Ouachita?

WA: Yeah. I tried Norma two times and the Supreme Court reversed it two times. I could have tried her the third time and got a conviction, but anyway the Supreme Court held that there was not sufficient evidence to convict.

ED: She was a dorm mother?

WA: I had a confession taken from her and the officers screwed up on it and the Supreme Court threw it out so I didn't have that to try her with. I didn't have sufficient evidence to try her the third time. Howard Vagi was convicted. He was a student and from New Jersey, I believe. He's been in the penitentiary ever since. Last year, I got a phone call from a girl who worked in the prosecutor's office and she said, "Dub, not sure if you are interested in this or not, but Howard Vagi died this morning. He died in the penitentiary. I don't know what his problem was." Anyway, I tried that '83 case. '86 I went over as a special prosecutor in a Montgomery County case. It was tried in Waldron. Jonas Whitmore killed Essie Mae Black. Essie Mae was a former clerk in Montgomery County. Her husband was a former sheriff and county judge. Her son was the deputy prosecutor at the time. The jury gave him the death penalty. They had the deal where you had to have twelve witnesses to see the execution in those days. They've changed it since then, but in those days the victim's family could not attend. So the Blacks were good friends and they asked me if I would go over there and to be there for the execution. So I did. I went over there on May 9 of '94 to witness Jonas Whitmore's execution. I also witnessed a second execution. Edward Charles Pickens had killed a man in a grocery store down south of Stuttgart. I can't think of the name of the place. It's on the highway...He was tried a couple of times, I think. Anyway, I witnessed those two. I think, in about six months, I witnessed the execution of James Edward Swindler, who was the last one who was electrocuted.

ED: Yes, famous case.

WA: Anyway, after this, in 1986, in Clark County, I tried *State v. Frieda Philips*. She was the lady who drowned her two-year old son in a bathtub there in Arkadelphia. The jury gave her life and she's still in the pen today. Her son was two years old, David Philips. After she drowned him, she took him out to the Davidson campground—that's a Methodist campground out at Hollywood—and nothing was going on out there at the time...They got a lot of these little cabins out there. She took the boy and put him in one of the cabins and went off and left him. She's still over there. That was some of the cases I tried when I was prosecutor and, fortunately or unfortunately, or whatever...So, I stayed ten years that trip. So that gave me sixteen years as a prosecutor and I had had enough. In 1980 I ran against J. Hugh Lookadoo, circuit judge who'd been there twenty years.

ED: Lookadoo had also been a state senator, I think.

WA: Yes he had.

ED: Had a big family.

WA: His dad was John Lookadoo and he was the power in Clark County politics.

ED: I guess Gooch and Lookadoo were the powers...

WA: Thought they were. He died. Jim Gooch was the son-in-law, and [U.S. Senator] John McClellan was a friend of John Lookadoo and they had Jim Gooch appointed as the U.S. district attorney although he'd never tried any cases, but in name he was "the one." So, anyway, Hugh and Jim come along after Mr. John dies and they think everyone's got to get in line and bow down to them, like they did Mr. John. Well, these guys, didn't know how Mr. John got where he was. They are just benefiting from having the Lookadoo name. Well, they were not the friendly, helpful people that John was. So Hugh did OK as a judge, but he had his own little rules that were more important than the law. You do so-and-so because I tell you to do it. My friend, Travis Mathis, had tried to practice law in the days of John Lookadoo and young lawyers starved to death with Mr. John around because they got all the stuff. Travis said, "You've got to run against him." I was convinced that if I ran against Hugh and I defeated him that, in effect, the Lookadoo era was over, forever. And people would vote how they wanted to, not because of what Mr. John said or anything like that. I said, "OK" and I ran. To be honest with you, in those days, politics was pretty bad. When I ran down in Miller County, man, that was nasty; it was rough down there. I was convinced that if I could run and beat him then it was all over and the people could vote the way they wanted to. So I ran against Hugh and here he is, the circuit judge. You would think he would say, "I'm your circuit judge and enjoy being your judge, I do a good job and I'd like to continue." No! He took off after me, personally. He would run cartoons in the paper and everything. My friends told me, "Don't do it. Sit back and let him alone. Don't say anything." And I didn't. I let him run all over me and I never responded to him. I beat him 60-40. So I went in as judge.

ED: This would be Clark County, right?

WA: I started out in Clark and Pike.

ED: But now just Clark.

WA: I had filed charges on a murder case in Pike County, so here comes Bobby along to try it. I'll never forget, I was home one weekend, and I called Bobby, and I said, "Bobby, you going to try that case Monday?" "Yep!." "Are you ready?" "Yep! I got my opening speech already written out." I said, "Really?" So I said, "Well, you've got a number of witnesses. Have you decided what witnesses you're going to call?" He said, "Yep! I'll tell you what. I'm going to call the defendant first." And I said, "Do what?" He said, "I'm going to call the defendant." I said, "Bobby, you can't do that."

He says, "We do it all the time in civil cases." I said, "Yeah, you do, but not in criminal cases!"

ED: He doesn't have to testify.

WA: Can you imagine? You're in a courtroom...I told the circuit judge over there, I told him I regret so much that I told Bobby that you can't do that. Because I would have liked to come over there and sat down in the courtroom and when he said, "I call the defendant" those two lawyers representing that guy would have been jumping up, falling all over the floor, the circuit judge would have been having a fit. Anyway, sadly, Bobby didn't win that case. He screwed it up. But I made up my mind that I was not going to be a prosecutor...If I was going to be the circuit judge, I wasn't going to be a prosecutor. And I didn't. One day...I'll tell you this story, then I'll quit telling stories. This lawyer got up, I was circuit judge, and Bobby Sanders was prosecutor. This lawyer got up to make the closing argument and I saw him reach and get a book. I didn't realize until he got up there and leaned it down and he says, "Ladies and gentlemen of the jury, the Bible is the law and the Bible says you can't convict unless you have two or more witnesses. It says right here in Deuteronomy." I am looking at Bobby Sanders and Bobby's not doing anything and I thought, "Oh my gosh!" So he let him go ahead and tell that speech. Well, this was a drug case and the drug case was an undercover agent, one witness. They had a second witness that was marijuana. But as far as taking the stand he says, "I'm an undercover agent and I bought off of him." That's all you need. Plus, it's marijuana and you can convict him." But, Deuteronomy says you have to have more than one witness, according to this Jamie Pratt, the lawyer's name, from Camden. So they finished their arguments and the jury goes out and I said, "Mr. Pratt: Approach the bench." I said, "Jamie, if I had been the prosecutor you would not have got that Bible that far off of the desk because I would have objected and the judge would have sustained it and the judge would tell the jury that the judge tells you what the law is, not the Bible, and that would have been sustained."

ED: He just grinned probably.

WA: Yeah, he said, "Well, Dub, I didn't think I'd get away with it. I went up there and laid that down and he hadn't said a word." I know I'm looking at him and he's not moving and he said, "So I just kept on and he never stopped me." And I said, "I know, I don't blame you, Jamie, and I wasn't going to be the prosecutor for the prosecutor." OK, so the jury goes out and about ten minutes later a knock on the door. The jury comes back in. Not guilty. Because they ain't got but one witness. Gosh! But anyway, that was some good days as a circuit judge. I enjoyed it.

ED: He, fortunately, was only a prosecutor for two years.

WA: Yeah, they beat him.

ED: Field day for the defense lawyers? Well, fortunately, he didn't get elected to the Supreme Court either. That was kind of scary at the time.

WA: Hey, I looked at the report that the Secretary of State puts out...Do they still put that book out?

ED: Yeah. Every ten years.

WA: I was looking at one and it had his race in it. I tell you what, Bobby ran a good race against David, insofar as numbers. He came close.

ED: He came reasonably close, it wasn't very tight. He got a big vote.

WA: He carried Clark County the first time but I don't think he carried it a second time, because the lawyers in Clark County went to work against him down there.

ED: Yeah, I forgot who the third person in that race was that year. I have it some place here.

WA: Well, that gets me up to the Supreme Court.

ED: All right, so you serve how many years? You got elected circuit judge, what year- 19...? Was it '89 or '90?

WA: Circuit Judge in '90 and I went in '91.

ED: OK. All right.

WA: Stayed until '96. I got elected to a four-year term and I ran for another one and served two years of it, then I ran for the [Supreme] Court. Six years.

ED: OK. So, 1996 comes along and you're...I guess Jack Holt had been the chief justice and he retires in 1994 with a little time left on his term.

WA: Four.

ED: Four. Governor Jim Guy Tucker appoints Bradley D. Jesson of Fort Smith as a chief justice to serve, I guess, until the next election. So that would have been in '96 then and you run, what, for the final two years of his term?

WA: No, I tell you what, Jack left a little earlier than that. Brad went in for a year so there was four years of the eight years left. I ran for a four- year term.

ED: So you went on in '96 and that means you have to run again in 2000?

WA: Right.

ED: For a full eight-year term at that time.

WA: Which I did, but I only served three.

ED: Right. So you decide to run for chief justice. Who else runs in that election?

WA: Lamar Pettus.

ED: Where was he from?

WA: Fayetteville.

ED: OK. So just the two of you.

WA: Yes.

ED: As I recall, it was not a mean race. I don't remember too much about it.

WA: Remember, it wasn't on my part because I had learned my lesson. I needed to sit back. Lamar took after me. He ran cartoons showing me coming out of the courthouse wearing shorts and carrying golf clubs—and I don't even play golf. He did some crazy stuff like that. He spent...All the money I could scrape together was a hundred and thirty thousand dollars and that's what I used. He spent three or four hundred of his own money, but he ran some stupid ads like I'm talking about and they backfired. I go into a place like Stuttgart, to a coffee shop, and I tell them who I am and what I'm running for and they would say, "Well, we don't know you but we know your opponent. He's running some crazy ads." So I got my money's worth out of his ads because I never said a word against him. He had been president of the Arkansas Bar. But the lawyers told me that they were not going to vote for him. In fact, I came real close to beating him in Washington County. I didn't campaign up there. They kidding us that if we'd campaigned up there we would have won that county. I only lost four counties.

ED: So you won about 60-40.

WA: I won 60-40. Yeah.

ED: Well, that happened to be the position that was up, but did you have any desire to be chief justice rather than justice? That was just the position that was up that year.

WA: No, in fact, what happened was that there was a full eight-year term that Thornton ran for and then there was this four years. I picked up the phone and called Thornton and said, "Ray, you and I are friends, I don't want to get in the same race as you. Why don't you run for chief justice and I'll run for the other term?" He said, "Well, I appreciate it. I want you to run for the chief job and I'm going to run for the other."

ED: He didn't want those additional duties, of administration and all that.

WA: Something even more important. I didn't know this until it was over: His age, remember, if you're seventy and you have to run you can't run or you lose your retirement. You got to have ten years. In those days, you had to have ten years, and reach the age of sixty-five or older and you can retire. If he ran for four years and you take his military time, he's still not going to have ten years. He can't run and he can't retire. As it was, by running for the eight-year term, he got his eight, he got his two for military time, he got his ten years in, got his eight years served and he retired.

ED: Yeah. I had forgotten the details of that. I didn't know that's why...I see now why he chose to run for the eight-year term.

WA: He didn't tell me that, but I figured it out later. He wasn't no fool by doing that.

ED: You didn't have any hankering to be the chief administrator? All of the extra duties?

WA: No, Tom Glaze thought about running.

ED: He did.

WA: But Tom, I don't think...He knew he'd have to run a race if he got into that race, because Lamar was still in there. I went to talk to him—I talked to everybody before I ran, who had any idea of maybe running.

ED: Tom would have liked to have been chief. He kind of wanted to run the court, I think.

WA: Yes.

ED: He really had an interest in doing that. And he would have done a good job. But you're right. He had to run. So he had two free shots after his first election.

WA: It just worked out that way.

ED: So you get elected and you and Ray Thornton...

WA: And Annabelle. Three of us.

ED: And Annabelle Clinton Imber. All three of you. So you had three new justices on the seven-member court in January 1997.

WA: Right.

ED: And did you know how the inner court worked? You had to get educated about how, I guess. George Rose Smith had set up how all this worked years earlier.

WA: You're right.

ED: Very efficient way of how they got cases assigned and conferenced. This little system where every judge had a number and you went around. George Rose had worked that out in '48 or '49 to get the court running smoothly.

WA: They never would have admitted it, but he actually wrote it out and they knew it. The guys up there on the court, I saw a copy of it. Bob Brown said, "Hey, this is not to be passed around, but here is the way we operate." It was very helpful.

ED: Yeah, and it was very efficient. The court never got behind. Unlike appellate courts across the land, the Arkansas Supreme Court was always current and it had a big case load. So you kind of inherited that system from fifty years, I guess. It had...

WA: A long time.

ED: So let's see, who served on the court with you? You had the three of you, Robert L. Brown had gone on the court, Donnie Corbin was still on the court and is still today...

WA: And Tom Glaze.

ED: And Tom Glaze. Glaze had been on there since...He took George Rose Smith's place in 1986. Well, was that a pretty congenial group?

WA: Yes. We had a good relationship, and if it wasn't I would have left earlier than that because all I needed was four years.

ED: Yes, and you served...

WA: Seven.

ED: Seven years. Well, it was, as I recall, not a lot of...Just reading opinions and the cases that came down, it did seem to be a very congenial group because you didn't find a lot of strife in the opinions, justices attacking each other, like two weeks ago. Did you read the opinions on the *Lake View* case that came along? They went after each other. I hadn't seen anything quite like that in a long time. It's kind of an outgrowth of the *Lake View* case. We'll talk about that a little bit later, although it has nothing to do with...except it does kind of flow out of the *Lake View* decision...Two school districts that are rich school districts—small but wealthy school districts, a lot of property wealth—sued. They said the precise wording of the law, their property taxes, the base twenty-five mills that Amendment 75 prescribed, the twenty-five mill from every district that would go to the state—they argued that all that wealth came from their school districts, that the twenty-five mills was over and above the level for suitable education statewide and they should get it back. So that's what the Supreme Court ruled. Of course, Robert L. Brown and two others said, "No, that violates the whole spirit of the *Lake View* decisions, that wealthy districts'...that money goes to the state and does not go back to the districts." Anyway, the opinions were really tough, they went after each other. It was the meanest, if I could use that word, about the meanest language that I've seen among those judges. Everybody had to write an opinion about it. Danielson wrote the majority opinion and Donnie Corbin joined him along with the two women—Karen Baker and Courtney Henry Goodson. Back over the years, I thought it was very cordial, a lot of agreement, not a lot of dissension.

WA: I never had any problem.

ED: You all handled the biggest single case that's come down, probably at that time. The most far-reaching case in the last thirty or forty years, which would be the *Lake View* case. About the time you go on the court is about the time it's coming up through the ranks. I guess about that time.

WA: Yes, Imber had decided that case as a circuit judge.

ED: About '92 or so. It's kicked up to the Supreme Court and they kick it back down. Then it goes to, what's his name in Little Rock?

WA: Kilgore.

ED: Yeah, Collins Kilgore and he tries the big case all over again and renders his decision and it comes along in 1998, '99 or 2000, somewhere along in there. It goes back and forth, I guess.

WA: 2002.

ED: 2002 you come down with the final decision, in November of 2002, in which the court says basically that the Constitution requires that each child gets a suitable education and the state must guarantee that all those kids get that suitable education and that it all has to be equal. That's a landmark decision.

WA: So the state school funding system was held unconstitutional.

ED: It was, because it was basically based on local wealth.

WA: Yesterday, I flipped on the computer and was looking and brought up the *Lake View* case because I hadn't even thought about it since I left up there...

ED: You kind of want to forget about it, it is so nightmarishly complicated.

WA: But I notice on here it's talking about it's been back up there in 2004 and 2006 and it's back up there...

ED: 2012 in a way.

WA: Yeah, in a way.

ED: It's not *Lake View* any longer it's something else. It's an outgrowth of the *Lake View* case.

WA: Right. It was a 4-3.

ED: 4-3. It goes on and on.

WA: I was looking at that, seeing how everybody voted and...Of course, Brown wrote it, Corbin joined in with him, in part, concurred. Glaze went along in part...

ED: Concurred and dissented.

WA: And dissented. Then Imber wasn't on there.

ED: Carol Darby of Texarkana. [Governor Mike] Huckabee appointed her to take her [Imber's] seat.

WA: So the only two that didn't do any writing was Thornton and I.

ED: The basis of it was unanimous. There was no real dissent except Glaze's partial...I forget which part he dissented on but it was not the central part of the case.

WA: No. Well, what he...He was talking about the way he felt the court should have ruled back there when Judge Imber made the decision, that it shouldn't have been delayed as long as it was. We should have gone forward with it, then Kilgore come on and he made the decision and it came kind of quickly after that.

ED: Well, do you recall, was that a hard decision to come together on? Or at the end was everyone saying "yeah that's what we've got to..."

- WA: Everybody was, like you say, basically in agreement. But someone had to word that thing. You'll see that Brown did most of the writing of these cases on *Lake View*.
- ED: Did his number...When the case is submitted, it just falls, is it his case? Is that why he writes the majority opinion?
- WA: Yeah, normally it's going to fall...How the chips fall is how you get a case. In this case, Brown is writing the case and he's writing it for the majority, so the next time it comes up...
- ED: It just goes back to him?
- WA: It goes back to him because the rest of them are saying, "No, we don't want to start new, you got it! Let's go."
- ED: A question about appellate judging: This was a hot case, not just a tough case, but potentially unpopular because it might produce taxes or whatever. In any case, legislators were furious about it. Did you ever think, "Gee whiz, this could be difficult politically for us?"
- WA: I'll be honest—I never did.
- ED: You never felt any kind of pressure about it.
- WA: No, I never did.
- ED: I gather that the others didn't either. But the legislators were furious about it and still are to this day. They haven't given the courts a raise for years and that's part of it, because of that. Of course, the last couple years, courts also have thrown out their tort reform, said it was unconstitutional, so they're all mad about that. So my guess is that the Supreme Court is not going to get another raise this year as well.
- WA: They're making good money.
- ED: They're doing well enough.
- WA: At one time, there was a tax case that came in that involved just Pulaski County and all of a sudden, I'm sitting there by myself and the other five had disqualified. What happened was, the other five lived in Pulaski County and they said they didn't feel like they should be making that decision and left me by myself. I had six other judges came in with me, so we had a hearing, and our discussion about it, and there was a law professor from the university and he said, "Well, here's the way I feel about it. I would reverse this case." I said, "Well, I'm going to affirm this case, if I were writing." He got the vote, so I said, "OK, you go ahead and write the majority opinion and I'm going to write a dissent." So we did that and I mailed out my dissent. Normally, we didn't mail anything, but we were all in a different part of the state—somebody was from Fayetteville and somebody was from Texarkana, et cetera.
- ED: All right, I see now. It's not in conference, it's not a normal case then.

WA: So we had already conferenced, and it was just how it should be written. Well, I sent it out and this law professor called me and said, "You know what, I read your opinion and I've been thinking about this. I agree with you, I can't reverse that case either. I'll adopt your dissent along with you."

ED: It left someone else who had to write the majority.

WA: We all got on the phone and the next thing you knew I ended up with the case and we had a majority opinion.

ED: There was another case...In fact, you might have written the opinion on this. This would have been kind of a hot case, I guess. It was involving an unborn child.

WA: Yeah, I wrote one of those. It was out of Pine Bluff and I forget...

ED: It was an accident.

WA: Yeah.

ED: There was an accident and a...What was it? There was a mother and she was pregnant.

WA: Didn't it involve the hospital and the doctor?

ED: Yeah, that's right. She's pregnant. I don't know if it was accident or something or what...She goes to the hospital and they try to induce labor at the hospital and, eventually, both of them die. She dies and the unborn child dies and they sue the hospital and the doctors and whoever. The case goes up to the Supreme Court and I think you wrote the opinion. It was not a unanimous decision. You said that the unborn child was a human being under the law.

WA: Yeah, because that was the issue. When was it a human being?

ED: Yes, for purposes of this civil case.

WA: I had forgotten all about that case.

ED: So that was kind of a landmark case, I guess. I think Bob Brown wrote a dissent on that. And it all goes back under the Unborn Child Amendment, the constitutional amendment that was adopted. Right after that, while the case was being tried, the legislature passed some bill specifying that an unborn child was a person.

WA: They took care of the problem then, didn't they?

ED: Yeah. So you said we're going to recognize that. Before that, you had to follow common law, which said that an unborn child was not a human being. So you said All right, you threw out common law and said the unborn child, for these purposes...

WA: I've got to go back and read that.

ED: I'd kind of looked at that. I saw a reference to it and I went back. I remembered it because, at the time being, it was kind of a controversial case.

WA: I wrote... It was insignificant to a lot of people but I wrote one on *James Jackson v. the Arkansas Racing Commission*. Where the horse, Valhol, won the Arkansas Derby. What happened, ESPN covered the Arkansas Derby and they filmed that thing from beginning to end and when the jockey crossed the finish line they saw him throw something down. They went out there straight to where he threw it and picked it up and it was an electric prod type thing, a buzzer, that was supposed to make the horse go faster. They threw it down and the racing commission suspended the jockey and that was back when it was, instead of a million, it was six hundred thousand. They made him give it back to them. I'll always remember that because Sam Laser was a big racing guy...I wrote that and he says, "You wrote that stupid opinion."

ED: Was Sam the lawyer? Was he on the case?

WA: No, he loved the races.

ED: Yes, yes.

WA: He did not want them messing with it. OK? Gosh.

ED: Well, All right. Maybe we can wrap this up in short order. Any other cases you can remember? We talked about the big ones, I guess. There's one other case that I guess Annabelle wrote the opinion on, and that was the sodomy law.

WA: I know we made a decision on one but I don't even remember anything about it.

ED: The majority said...They threw out the sodomy law, said it violated the constitution, privacy and so forth. I think you and Ray Thornton dissented on the grounds that the case was not ripe for review because no one had been prosecuted under the sodomy law. I think Ray wrote the dissenting opinion and you just concurred him in that opinion.

WA: Yeah.

ED: That was, of course, kind of a hot issue. Everybody thought it was going to be hotter than it was. Not much controversy about it though. So you decided in 2004...

WA: 2003.

ED: 2003.

WA: December 31st.

ED: You got your time in and you were kind of worn out, I guess.

WA: Yeah.

ED: So you decided to hang it up and retire.

WA: I wasn't mad at anybody. I was ready to go. See, I was sixty-eight years old then. So I've got nine good years if I die today. I've always thought about—how many times do you see where people retire or think they're going to

retire and they die today? They don't get to enjoy it. I wanted to get that. Earlene and I were both in good health, so we've enjoyed it.

ED: So you stepped down and the governor appointed somebody to finish out the next year.

WA: Betty Dickey.

ED: Betty Dickey filled out another year and then Jim Hannah...Jim Hannah had already gone on the court, I guess.

WA: Yeah, he was on as a justice.

ED: As a justice. So he switches and runs for the chief's job in 2006. All right, and so you went back to Arkadelphia for a while, right?

WA: I went back...My little cousin wanted me to come down and join up with him—Batson and two Turner boys. I did that for a few months, then I did some mediation and I took some assignments as a trial judge and did those for a while. I did all that for about two years. Did some class-action cases with some Texas lawyers and after about two or three years, I said, "Hey, I'm retired. I'm going home." So I hung it up. I gave it back to them.

ED: Then you left Arkadelphia and moved to Benton.

WA: I moved up here when I went on the court.

ED: Oh, did you?

WA: Yes, I've been up here fourteen years.

ED: Oh, I didn't know that. So you've lived here all this time.

WA: Yeah. I just decided that I'm up here, I'm close to the airport, close to my doctors and so forth. I thought I might as well stay here. That's why I'm here. I don't have any connections up here. I'm just here. We bought the condo over in Hot Springs and go over there and stay. In fact, this afternoon, we're going over there and staying a night or two. Then I got a grandson graduating from Henderson on Friday night so I'm going to go see him graduate.

ED: Well, did you have some vote in the formation of the Arkansas Supreme Court Historical Society?

WA: Back early, I did. Then I just kind of lost track.

ED: You thought there ought to be such a thing to preserve the...

WA: Yeah.

ED: The legacy of the Supreme Court.

WA: Did you get the copy of the program where they honored...

ED: All the judges?

WA: Ex-judges. Yeah. The reason I said that, it had pictures in it and a short deal about each one in there.

ED: Yes, I've got that. Yes.

WA: I was hoping that someone, while there was some photos still out there, would develop a format of Supreme Court justices from the very first to the last one up until now.

ED: I think on this, we're probably going to try to get some photos, so I may be back in touch with you and get some photos that can go on the website up there with these interviews. I haven't gotten them from all the judges I've interviewed, but I we've talked about it and we may do that.

WA: They've got a whole bunch.

ED: They should have them at the Supreme Court.

WA: Yes. The Supreme Court.

ED: They should have all of those.

WA: Ironically, this has nothing to do with anything, but we had a program up there and we had someone who brought in the old judges and the first chief justice started practicing law in Clark County, Arkadelphia. I ended up as the twenty-third from Clark County and I thought that was kind of neat. He came on in 1936 and he had been a territorial clerk or something in Clark County.

ED: 1836.

WA: Yeah, 1836. Excuse me.

ED: That's when we became a state, when Congress made us a state. All right, well, if we get some pictures, do you have pictures of yourself riding a bull or anything we can put on there?

WA: Yes. Yes, I'm sure I do. It would be right there.

ED: Well, if we do, we might want to get a picture of you riding a bull.

WA: You see them. You can't see this over there. I'm hooked up.

ED: Oh, yeah. OK.

WA: Yeah. You know...

ED: You may be the only bull rider on the Supreme Court.

WA: The thing that was an honor to me...Clark County, after the tornado, they redid the Courthouse but they took the courtroom out of the Courthouse and built a judicial building next door. They dedicated that building to me. It's in my name.

ED: It's the W. H. Arnold Building?

WA: Yeah, it's got my name up on the front. Hey, being from Clark County, that's an honor!

ED: All right, judge, it's been a pleasure.

WA: Same here.

ED: We want to shut it down now. [End of recording.]