

Arkansas Supreme Court Project
Arkansas Supreme Court Historical Society

Interview with
Robert L. Brown
Little Rock, Arkansas
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Interviewer: Ernest Dumas

Ernest Dumas: I am Ernie Dumas and I am interviewing Judge Robert L. Brown. This interview is being held at his home in Little Rock, Arkansas, in Pulaski County on May 7, 2013. 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. Would you please state your full 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?

Robert L. Brown: Yes. I am Robert L. Brown, Robert Laidlaw Brown, and I am willing to make this available to the Supreme Court Historical Society and to the Pryor Center for Oral History.

ED: OK. Bob, let's start from the beginning. You were born in Houston, Texas, on June 30, 1941, right?

RB: That's correct.

ED: And your father and mother?

RB: Well, it's a little bit like Edna Ferber's *Giant*. My dad was a wild San Antonio boy from Texas and he decided after playing some semi-professional sports that he wanted to work religion into his...

ED: What sports did he play?

RB: He played where they pass the hat after the game—football. But he also was a good basketball player. He went to St. Mary's in San Antonio. St. Mary's University. But he decided...He was raised by a religious family, Episcopalians, in San Antonio, and he decided he wanted to work in religion with his coaching. He wanted to coach and he was coaching some of the local San Antonio boys, and the bishop sent him to a seminary in Virginia—Virginia Theological Seminary in Alexandria—and my mother, who was like the Elizabeth Taylor figure in *Giant*, you know, she was raised very comfortably in Fairfax, Virginia, and she was teaching at a school not too far from the seminary in Alexandria. So one thing led to another and they dated and they married and that's how...

ED: Your father's name was Robert R. Brown.

RB: Robert Raymond Brown. Robert R. Brown.

ED: Robert Raymond Brown. And her name was?

RB: Katherine Warwick Rust.

ED: Catherine with a "C"?

RB: With a "K."

ED: Katherine.

RB: That's correct.

ED: Warrick or Warwick.

RB: Warwick.

ED: Warwick was her last name.

RB: Warwick Rust.

ED: Rust was her last name.

RB: Yeah. Yeah.

ED: OK. And they met at the seminary there?

RB: Well, probably at the seminary. But she used to tell a story that she saw this wild guy running across the campus doing a Texas yell, so she was entranced by that.

ED: Well, describe your father physically. Was he a big athletic figure?

RB: Not tall. He was like six feet. Muscular. Coordinated. Yes, he was an athlete and coordinated, of course. He was handsome. As a young man he had Hollywood looks. She did, too. He was charismatic. At St. Mary's, he was a student leader and, of course, sports helped a person. So all of that combined to make him an impressive guy.

ED: Well, you said there was a seminary. In those days was there a seminary/college or did you go to college first and then to seminary?

RB: Yeah. He graduated from St. Mary's University, which was a four-year institution and seminary was three years. So he was there for three years.

ED: And this was in Fairfax?

RB: Well, outside of Fairfax – Alexandria.

ED: OK, Alexandria, Virginia.

RB: The seminary adjoins Episcopal High School, which are two different institutions.

ED: So it's an Episcopal seminary?

RB: That's right.

ED: Is it still in existence?

RB: Oh yeah.

ED: So they were... They were married then? Or did their courtship go on for some time?

RB: They married shortly after they met, within a year or so. I am guessing it was like '37, 1937. They began their ministry in Harlingen, Texas...he did, in the Rio Grande Valley.

ED: It's down in the Rio Grande Valley.

RB: And this is the Depression and it's 1937 and mother has always said she almost starved down there. It was just a hand-to-mouth existence. As a minister, he wasn't making any money.

ED: Did he choose to go down there?

RB: I think...

ED: What part of Texas is he from?

RB: Out of San Antonio.

ED: So it's not too far away.

RB: Well, you've got the King Ranch in between.

ED: Yeah. By Texas standards it was not that far away. From Arkansas standards it would be a long, long way.

RB: That's right. But I think the bishop sent him down there so he would learn humility. I think dad had a little bit of a cocky streak to him.

ED: Yeah. Was he a scholar?

RB: Well-read.

ED: Did he write?

RB: He wrote. In fact, during his career he probably wrote four or five books.

ED: He wrote one here in 1958.

RB: That's right. *Bigger Than Little Rock*.

ED: *Bigger Than Little Rock*.

RB: And, of course, sermons and articles. Yeah, he liked to write.

ED: So was that altogether his career? The moment he got out of seminary he was an Episcopal priest starting off in Texas? Did he do anything else?

RB: Well, he was in Texas then most of his career. At least eight years before he was bishop of Arkansas, he was in Richmond, Virginia, and he was the minister at St. Paul's Richmond, which, if you've been to Richmond, is right across from the state Capitol. It's an old church but it was Lee's church and Jefferson Davis' church during the Civil War. So Dad wrote a book about the spiritual life of Robert E. Lee after *Bigger Than Little Rock* and I'm sure that's one of the reasons he did it.

ED: Well, where were you born?

RB: I was born in Houston and this was '41. Dad started in Harlingen...

ED: Were you the only child?

RB: No. My sister was born in Harlingen.

ED: What is her name?

RB: Her name is Anne Warwick Brown. Now she's Plant. Anne Warwick Brown Plant. She lives in Owings Mills, Maryland. It's right outside of Baltimore.

ED: OK.

RB: So she was the older sister. I had a younger sister. We're all three years apart. So I was the second born.

ED: And a younger sister?

RB: And a younger sister.

ED: What was her name? Is she still alive?

RB: She's still alive and her name is Katherine Willoughby Brown.

ED: So she's still Brown?

RB: Uh, no. She married a minister named Hollis Williams and they live in Seattle, Washington. So I have sisters on both coasts.

ED: OK.

RB: And I'm in the middle.

ED: So you were born in 1941, the second child, and born in...

RB: Houston, where I lived for three months and then moved to Waco. My first six years I lived in Waco.

ED: So was he at a church at Houston briefly?

RB: Well, he was an assistant in Houston. He was the rector in Waco. St. Paul's Church.

ED: St. Paul's Church. So you were in Waco in your formative years? You grew up...

RB: Six years.

ED: Six years in Waco.

RB: First six years. I remember parts of it. If you've seen any Terry Malick films... *Tree of Life* was supposedly filmed in Waco.

ED: OK. Yeah, I've been to Waco.

RB: Wacko we call it.

ED: Wacko. Yes. Since it came up, it has nothing to do with this... We went down a year ago to Baylor for the convention of a national outfit (Elaine's the treasurer) and on the way down we had the little thing you plug in that tells you "take a right here"... The G.P.S.

RB: Yeah. Yeah.

ED: So on the G.P.S. it's Wacko.

RB: [Laughing.]

ED: Wacko is thirty-six miles. We loved it. Wacko.

RB: I think Steve Martin was there about the same time I was there. I was reading his book, his biography—he's from Waco. But we're about the same age.

ED: So where from Waco? You started school in Waco then?

RB: I started school in Waco.

ED: Did you go to public school?

RB: Public school. I remember the school—Sanger Elementary School. I remember going there for part of my first grade and then transferred, of course, to Richmond and went to public school in Richmond for the rest of my first grade. Then I entered into a private boys school named St. Christopher's from the second grade through the eighth grade.

ED: Now this is in Richmond, Virginia.

RB: Richmond, Virginia.

ED: And your father was the rector of the church there?

RB: He was the rector of a church of the same name, St. Paul's. And, as I say, it was a stodgy old church because of Robert E. Lee and Jefferson Davis and all of the tradition, all of the Virginia stuff. It was fascinating.

ED: Well, talk about being raised by an Episcopal minister. Was this a rigid life? Was your father a strict disciplinarian? Could you smoke and cuss?

RB: Typical preacher's kid?

ED: Yeah.

RB: Of course, I am the son of a bishop, too. So you got to be careful about how you say that. I'd say, on balance, obviously people looked at you and studied you and wanted to know how you were going to react to things. "Are you a bad boy?" and that sort of thing. That was kind of the book on a preacher's kid. I'd say the benefits outweighed the detriments. I think, you know, to some extent, I had to walk the straight and narrow and I was very mindful of that. When we had a scandal in Virginia (of course, you don't have scandals in Virginia, you know that)... But every now and then something would slip through like the University of Virginia. There was an incident with a girl in the dormitory. I would always get a lecture after that. "Now, we don't want you to do anything like that." Well, you were raised in the '40s and '50s, to some extent, so you know how fathers were. They were different. They weren't like you and I were as parents. We are much gentler than that generation was, that pre-World War II generation. So it was strict... Not that he hovered all the time. But if you did something wrong, you'd better watch out.

ED: But you knew all the time that you were expected to meet higher standards.

RB: I was a symbol. That's right.

ED: So you were aware of that? All the time in school and everywhere you went? You were aware that...

RB: I wasn't that aware of the fact that I had to be perfect. That I couldn't act out. But I was aware of the fact that if I crossed the line and did something that embarrassed my father, there'd be consequences.

ED: And you didn't want to do that anyway. You didn't want to humiliate your father?

RB: No. But I did things that could, without thinking about it at the time, humiliate my father. I was a rambunctious kid.

ED: How were you rambunctious?

RB: Motorcycles...

ED: Oh, you rode motorcycles?

RB: Well, I had a little motor scooter back then in Richmond and we just gallivanted around.

ED: A little Cushman motor scooter?

RB: Yeah, exactly. Hump back. We'd go about thirty-five plus.

ED: I always wanted one of those things...

RB: Oh, it was great! I still don't know...

ED: Motor bike or something.

RB: Yeah. And my parents...I don't know why they let me have it. But it was more damn fun! Of course I was Mr. Popularity with that motor scooter. So people came around who never came around before. That was good and the girls loved it.

ED: Did you give the girls a ride on the back? You had a little seat back there.

RB: Yeah, and they had to hold on to you. So it was...

ED: It was a very nice arrangement.

RB: It was a nice arrangement. Back then, as you know, before the Cushman, you could bicycle all over the city without any fear of any kind of bad doings. And I rode my bicycle to school, which was probably four miles away, something like that. Up and down the main thoroughfares in West Richmond. It was pretty wide open. And I had some friends...They were more daring, in a sense, than I was. But I was a good follower. So...

ED: But you never got into any kind of trouble? Where they had to call your folks about any trouble at school?

RB: Well, I wouldn't go that far. I had incidents where the teacher would call from time to time if I had a string of things. But I wasn't a bad, bad boy. I just was kind of on the cusp there. Adventuresome and testing the limits and whatnot. I'll be candid with you. I knew the consequences would be very real if I got caught in situations. It became more pronounced when I came to Little Rock. I was fourteen and in the middle of adolescence, shifting from private school to public school and all that.

ED: So you were in private school in Richmond?

RB: I was in private school in Richmond for...What? About six years.

ED: So, and then...Did your father come to Little Rock to be the bishop?

RB: He was the elected bishop.

ED: He was the elected bishop. How does that work?

RB: Well, you want to know who nominated him?

ED: Who?

RB: Dale Alford.

ED: Dale Alford nominated him?

RB: Dale Alford nominated him.

ED: Is there a board of something?

RB: There are delegates from all over the state. Each church in Arkansas sends a delegation and that's one house. Then you have the ministers and that's another house. To be elected bishop, you have to have a majority of both houses. Back then, you had speeches,

nominating speeches, like Dale did. Dad did a couple for the bishop of Texas, one of his good friends. But anyway, that's the way it worked.

ED: So this is 1956? Was that when it was?

RB: He was elected in '55.

ED: Elected in '55. But he had a past in Arkansas. How did his name come to attention of the people of Arkansas?

RB: I think he got on a list back then.

ED: There'd be a list?

RB: The comers. Dad had been...He had edited the publication in Richmond, which is known as the Southern Churchmen. He had gone to Germany to work with the displaced persons after the war. So he had a reputation. He was a comer, obviously. Then I think he was up for bishop of Kentucky and didn't get that. They wanted him to go to Dallas for the church there and he turned that down. This was the next opportunity so he went for it.

ED: You said he went to Europe after World War II. You all didn't go with him? This was a mission on his own.

RB: No, he went solo and had an interesting time.

ED: How long was he over there?

RB: I am guessing he was there for five, four months maybe.

ED: OK.

RB: It was a while.

ED: So Dale Alford, in 1955, would have been...Would he have been on the Little Rock School Board then?

RB: I think he was.

ED: He was on the school board and obviously big in the church and a leading ophthalmologist.

RB: Big in the church and a leading ophthalmologist. I think I saw something that came out from the Arts Center in the last couple of months and they had the original board and there's Dale Alford.

ED: And his father...Was his father superintendent of schools in Pulaski County Schools, or something? His father was in education somehow. I've forgotten.

RB: I don't know. I know L'moore [Dale Alford's wife] was from Mississippi. But I don't know.

ED: But at that time we had no inkling of his segregationist sympathies. Of course, it would not have been uncommon. That was nearly everybody's sympathies at that time.

RB: Well, he and my dad were friends for about a year and after that neither would talk to the other.

ED: Yeah.

RB: You know the city. It was a cruel period.

ED: All right. So you all came here. He was elected in 1955 and did you come later that year to Little Rock?

RB: We came in like September of '55 and school had already started. It was the first year of Forest Heights [Junior High School]. So, in a sense, I was starting out with everybody else, but these were all kids that had been at Pulaski Heights. This was a new school.

ED: So you entered Forest Heights Junior High School?

RB: In the ninth grade.

ED: In...

RB: 1955.
ED: 1955.
RB: It was hot as hell! I remember that.
ED: Yes.
RB: No air conditioning.
ED: Yes. No air conditioning. That's right. Even in cities there wasn't much air conditioning in those days.
RB: We were all adolescents so body odor was beginning to appear.
ED: Yes. Yes. Well, all right. And your sister... Your eldest sister would have been about in the ninth grade and your younger sister in about the third grade then.
RB: Well, I was in the ninth grade. My oldest sister was a senior at Central.
ED: She was a senior at Central. So she graduated...
RB: She had gone to private schools at Richmond. Boarding school. No, not boarding school, but private school.
ED: OK.
RB: So she comes here as a senior at Central High School and, frankly, she was ahead. Her education had been superior so she did very well at Central, then went to Wellesley after that.
ED: Well, was this an abrupt change for you, coming from a private school to Forest Heights? How different was it?
RB: Well, it was culture shock. I remember driving... Seems like we brought two cars and we drove all night and did it in one trek. I remember crossing into Arkansas and seeing, I guess they must have been cotton pickers and Hispanics on the backs of trucks.
ED: Crossing the Delta.
RB: Yeah, crossing the Mississippi and coming into Arkansas. I guess that would have been [U.S. Highway] 70. Just saying, "What in the world?" I hadn't seen that.
ED: Well, yeah. You still had the sharecrop system. It was dying but we still had remnants of the sharecrop system, so you would have seen all those cabins out there along the side of the road.
RB: Oh, the cabins. Yeah, they were there for sure.
ED: All those old ramshackle cabins.
RB: Yeah, yeah. So that was interesting and then, of course, the bayous on either side of 70... That was startling, too. I didn't want to go off the road. But, I tell you, I got here and Dad... Back then, it was a big deal to be elected bishop. So I had all these families and coterie of friends and they all seemed to be related to one another. They kind of took me in and really made it easy. And I played football, so that helped a bunch.
ED: You played football at Forest Heights?
RB: Mmm hmm.
ED: What did you play?
RB: Defensive end. Actually, that's what I played at Hall. I was a tackle. I weighed in at about a hundred and thirty-five. But I was fearless. So...
ED: Well, in those days we...
RB: Did you play football?
ED: I didn't play football. I was probably six-two and a hundred and ten pounds. I would have... My brother was a big football player and injured himself for life playing football.
RB: Oh, come on. Really?

ED: Well, he's now seventy-seven. He was here last week and he's all crippled up and it's all basically from high school football injuries. He was an end, too, for El Dorado. He got injured against Central High, I think, among several...He was always getting hurt. He didn't like to get hit.

RB: He was with that team with Bruce Fullerton and...

ED: Bruce Fullerton and yeah, all those guys. My brother was well ahead of Bruce Fullerton, Herb Rule, and all of those guys. Herb Rule was my contemporary but...

RB: Well, Jim Rule I played football with, but I was a year younger. He was a good ballplayer.

ED: So you played high school football as well at Hall [High School]?

RB: I didn't go out at Central [High School]. I thought about it. I was at Central my sophomore year. Then they built Hall and I came to Hall the first year of Hall and I played football for Hall.

ED: That's right. You would have been wrapped up in all the goings-on in the late '50s. So we'll want to talk a little bit about that. To go back, though, to your dad: There was a Bishop Brown, an earlier Bishop Brown in Arkansas about the turn of the century. But I think his name was William Brown or something like that.

RB: I think that's right.

ED: And a controversial character. Is he related to you all?

RB: Not at all.

ED: Not at all. You're certain about that?

RB: Certain about it. Yeah. I don't think there are any Browns...I don't think I am related. No part of the Brown family that I know about is here in Arkansas.

ED: He was kind of famous. You know, he was the bishop and then he wrote a book in which he kind of embraced communism and Marxism and Darwinism.

RB: [Loud laugh.]

ED: And he was expelled from the church.

RB: Oh, I know he was defrocked or whatever.

ED: Defrocked. So you deny any kinship?

RB: I knew he was controversial. I had forgotten exactly what it was.

ED: Sounded like a fascinating guy. He would have been a thinker.

RB: He was ahead of his time. I thought it might have been race, too. I thought he might have been involved in that.

ED: That's right. He did...One of the things he did when he became bishop here is start an outreach program with African Americans to bring them into the Episcopal Church, and I think they established black Episcopal churches.

RB: I think that's right. And I think, didn't he try to have a black suffragan bishop?

ED: Yeah, he did. That's right.

RB: So, I mean, he was really ahead of the times.

ED: Yeah. So, your father, in some ways, was kind of a...

RB: Followed. But then Dad, I guess in retrospect (and I know we are leaping way ahead)... I guess it would have been more like '63-'64...Everybody was saying, "Integration! Integration!" And he thought the separate black churches were thwarting integration, like St. Philip's here in Little Rock, and he decided to close it on the theory that all the blacks would come to Trinity and Christ Church and St. Mark's and what not. Well, that didn't really happen. Some did, but not many.

ED: So he closed the churches and they just went elsewhere?

RB: That's basically it. He did it with the right intention.

ED: He was somewhat naïve, I guess, about these people.

RB: I guess that's right. Because, as we both know, there is a tremendous difference in the way that whites and the blacks worship and, as my son says, the blacks have a lot more fun than we do.

ED: Yeah. I don't know what it's like in the Episcopal Church, but every other black...

RB: Pretty staid. Pretty staid.

ED: Yeah, but I guess it was colorful in the black Episcopal Church as well. They had fun there, too, I guess.

RB: I guess. You know, the school over in Forrest City, and maybe even the church...I don't think there's a separate church. The black school has been going on for decades. It's still in existence in Forrest City. As far as the separate churches, they were closed.

ED: Well, when you were in Virginia in private school it was segregated.

RB: Segregated, by gender. It was not segregated as far as Jewish people in the school but as far as African Americans absolutely. You know, when I was there, *Brown* [*Brown v. Board of Education*, the U.S. Supreme Court decision that outlawed public school segregation] came out in 1954 and that's all we talked about. I remember *Brown* vividly. [Phone rings. Pause to answer phone call.]

ED: All right. We're back again. Where were we?

RB: We were talking about Richmond in '54 and the *Brown* decision and what was happening in Richmond.

ED: Yes.

RB: It was *the* topic of conversation, I mean, on all fronts. It wouldn't be that unusual to be with a group of my friends and there would be kind of a vote on "Are you for integration, segregation?" or whatever. It was something that everybody knew about. Certainly the parents knew about it and were talking about it. And there were incidents I can remember. Of course, back then, you would ride the buses at night throughout the city and didn't worry about crime or anything like that. But I remember one time there was an incident on the bus at night where an African American would not sit in the back of the bus and the bus driver wouldn't drive the bus unless he did so. So he wrote down the bus driver's name... You know, typical type incident.

ED: Were you there? Was that an incident that got publicized?

RB: It wasn't publicized. I don't know how unusual it was but I was sitting on the bus, yeah, just watching it all take place.

ED: So they made him get off or get up front? Or get in the back.

RB: He wanted to be up front. The bus driver wanted him in the back. Then I was just thirteen, kind of looking around, what's going on. He took down the certificate number of the bus driver and he eventually got off the bus. And everybody kind of looked down like, "What in the world was all this?" It was the segregated South. I mean, it was...

ED: So were there champions of integration among your friends? Some people who said, "Oh yeah, we need to do that!"

RB: Oh yeah.

ED: Some of them did?

RB: In the minority, I'd say. The truth of the matter is, people were not... Even though it was not a subject, nobody thought it was going to be that real.

ED: It was just a topic.

RB: It was just something that was happening. Now Lewis Powell, at that time, was on the Richmond School Board and he was a conservative member of the school board.

ED: And later justice of the U.S. Supreme Court.

RB: That's right.

ED: I guess he'd still be described as a conservative justice.

RB: Swing vote.

ED: He was a swing vote.

RB: But the two newspapers were good newspapers. The *Richmond News Leader* was more conservative, as I recall. It was owned by the Bryan family.

ED: And the *Times Dispatch* was the other one.

RB: The *Times Dispatch* was the other one, I think.

ED: Which one did... What's his name?

RB: Virginius Dabney?

ED: Well, you've got Dabney and then the other guy who was the columnist.

RB: Jack...

ED: Jack Kilpatrick. James Jackson Kilpatrick.

RB: I think he was with the *Times Dispatch*.

ED: I think he was with the *Times Dispatch*.

RB: Then you had that commentator that used to be on *Washington Week* [Friday night news show on the Public Broadcasting System] forever who died about five years ago, and I am blanking on his name. [Charles McDowell Jr.]

ED: Yeah, I am too.

RB: But he was with the *Times Dispatch*.

ED: Yeah, he was a good fellow.

RB: And he was not conservative...

ED: No.

RB: Like Kilpatrick.

ED: Yeah. Yeah. And Kilpatrick kind of flipped in his later years.

RB: I didn't know that.

ED: He married some leftist feminist.

RB: That'll do it! [Laughing.]

ED: In the end, kind of flipped and became a champion of egalitarianism.

RB: I did not know that.

ED: Of course, he was a great writer. He was a wonderful writer. Whatever you thought of his nutty ideas.

RB: I just remember *60 Minutes* and *Point-Counterpoint* debates.

ED: Yeah. All right, so '56 comes along and your father is the bishop and then it's '57. You remember anything about... In the fall of '57 you would have been in the...

RB: Junior at Hall High School.

ED: Junior at Hall High School.

RB: Yeah, I was a sophomore at Central in 1956 and that was the last year of all-white Central High School... The Key Club Minstrel and all of that, all of these vestiges of former time periods. Of course, an undefeated football team. But it was really full blown '50s. You know, the rock n' roll and the proms and all of that. But it was the last year of all-white. You know, the old South.

ED: Were you enjoying the public schools? Obviously a different kind of life than...

RB: On balance, I think it was probably better to move to Arkansas for me because I was caught up in this private school situation and in the middle of adolescence at an all-boys school. I think coming to Little Rock and public schools really helped me in that regard as far as learning something about the opposite sex. Of course, we dated and had parties and whatnot in Richmond. But I think the proximity and all that was a good thing. Of course, Elvis was on the scene and Little Richard and all of that.

ED: Exactly. Where did you live?

RB: Well, the bishop...When we moved here for one year we lived on North Spruce Street because *the* bishop was Bland Mitchell and he was retiring and he retired after one year. Dad was really the coadjutor bishop the first year. Then he was installed as *the* bishop in '56 and *the* bishop lived on Edgehill, number 3 Edgehill. They had a house called Bishopstead and that's where I lived.

ED: OK. So that would have been in Hall High district?

RB: Yes.

ED: So you went to Hall High.

RB: That's right.

ED: Did your friends go to Hall High? Was there any disruption when you transferred from Central to...

RB: Disruption as far as friends?

ED: Yeah.

RB: It was a neighborhood situation, so everybody in my neighborhood went to Hall. So that, of course, caused a lot of disruption downtown because it was as though the School Board had built this school in west Little Rock where it would not be integrated.

ED: Yeah, that's always been the theory. I don't know whether that was on their mind or not.

RB: I don't either. But the first time I read that theory was in Roy Reed's book on Faubus [*Faubus: The Life and Times of an American Prodigal*]. I hadn't thought about that before. So I thought about it pretty late in the game. But the truth of the matter is I kind of think it probably was in the back of people's minds.

ED: Well, that was always...Of course, when I came here in 1960 that was the theory...at the *Gazette* or wherever. I don't remember where I heard it first, but that was always the idea. It would be built for maintaining white neighborhoods and Central would be the one that took the brunt of integration. I don't know whether they consciously thought about doing that or not.

RB: I don't either. But the essential result was that Central was integrated and Hall wasn't. That first day of school...What would it have been? I guess September or August of '56.

ED: Right at the end of August.

RB: I guess the beginning of '57. It was '57-'58 when the troops came in.

ED: Yeah.

RB: So that first day of school in '57 we had troops at Hall. But nothing like they had at Central. And I think the troops were just protecting in case somebody decided to have an incident there. Of course, we had no African Americans...We didn't have any of the nine or anything like that so...

ED: Well, did it affect you at all at Hall, all this ferocity around Central High School and the whole front page of the paper day after day? Did that affect you at Hall?

RB: Well, it affected me at home because Dad got into the middle of it, as you may know. I guess when they had the riots on September 20 or thereabouts...

ED: When Faubus withdrew the...

RB: Troops.

ED: The National Guard.

RB: And the police were the only protective part of it and before Eisenhower nationalized the National Guard and sent in the 101st [Airborne] you had all that rambunctiousness around Central and the black newspaperman was kicked and all that. It was not a full-blown riot. It was certainly out of control. And when that happened, Dad issued a letter to all the Episcopal churches and said that all men are brothers and that we can't condone this type of activity and we've got to abide by the law and that sort of thing and talked about the ministry of reconciliation. Well, to do that, which sounds so mild today, was considered integrationist. So immediately he was on the front lines and became a controversial figure.

ED: Do you think he expected that? Do you think he expected that kind of reaction?

RB: I don't think anybody expected the extent to which it was an international story. I certainly didn't. I remember seeing Central High on the front page of *Life* Magazine and saying, "Oh my God! Is it that big a story?" And Dad was written up in *Life* and *Time* and that got my attention. So it was all...I didn't realize it was that big at first.

ED: Did he get any calls at home from parishioners and from other people? Threats? Do you remember anything about that?

RB: Well, Mother would talk about the fact that the phone would ring and there would just be silence, you know? Then Dad would talk about, "They called me up and said they've got a slab at the funeral home for you." So yeah, there was some of that. I never had any incident where somebody came up to me and said, "You're the son of an integrationist and we're going to beat you up," or something like that. That didn't happen to me. If anything, I think people were kind of proud. It was the parents who were, you know, more split on this than the kids were. The kids, by and large, in the Heights and West Little Rock thought integration was all right. By and large. I mean, we didn't know what we were talking about because we had never experienced it before. But I think it was the parents who were really stomp down against it.

ED: What about in the Episcopal community—was there kickback for your father? Did he hear from people?

RB: I don't know the ins and outs of it. But yes, I'm sure there was. This is before the STOP [Stop This Outrageous Purge] campaign. And when the STOP campaign came about, what in May of '58?...Would that be right? Or was it '59?

ED: It would be...The STOP campaign would have been in spring of '59, I guess. There was no high school the year of '58-'59.

RB: No high school. So that's when that was. And by that time, you had people like Everett Tucker running for the School Board, you know, to remove the people who are trying to purge the teachers.

ED: Russell Matson and Ted Lamb ran, too.

RB: That's exactly right. Yeah. Yeah. And Engstrom was involved. Harold Engstrom.

ED: Yeah, Harold Engstrom was one of those. Yes.

RB: But the point was that the business community by that time...And I think there had been some work by the business community surreptitiously behind the scenes because there

were... You know who they were. I mean there was a strong business element opposed to any kind of integration. Some of the utilities and whatnot. It was known, so you just were fearful of that. The whole idea of “*Gazette* ad, too bad”—all that was going on. But in May of ’59, by that time, you had Jim Penick, who was the chairman of the board of Worthen Bank, and he was involved in the STOP campaign and Will Mitchell, who was Dad’s chancellor for the Diocese of Arkansas. So you had these respected business people coming out in favor of, “let’s stop this nonsense.” You know, it’s killing business, et cetera, et cetera. By that time, it was turning around. But that’s May of ’59, compared with September of ’57. So it took a while. And the Women’s Emergency Committee and all that, that was really...

ED: So you were in eleventh grade at Hall in ’57?

RB: That’s right.

ED: And so then your senior year, the following year (the ’58–’59 school year), the high schools were closed.

RB: That’s right.

ED: And what did you do? That would have been your senior year, right?

RB: Well, that’s right. We waited, you know, and the deadline was passed and the next deadline was passed and we just thought... No one dreamed the schools would actually be closed. So about the middle part of September the bishop of Texas called my father (they were good friends) and said he can come over here to a coeducational boarding school that we have in Austin, Texas. And that’s where I went. I got a free ride.

ED: So you went to Austin, Texas, and did your senior year there and graduated from high school?

RB: That’s exactly right. St. Stephen’s.

ED: St. Stephen’s at Austin, Texas. Had you given any thought to going to the Raney High School here, where they had set up a private white school?

RB: Oh no. See there was a schism in this town.

ED: Yeah.

RB: You don’t do that.

ED: They might have taken it out on you at that school if you had gone there.

RB: I’ve got a lot of friends who went to the Raney School. Some. You know, it was considered to be something that was thwarting integration. That was my idea of it, rightly or wrongly.

ED: Yeah. So you graduated from...

RB: And I didn’t play football, by the way. I did not play football.

ED: How about down there?

RB: No, I played at St. Stephen’s. I’m talking about here. The football teams continued at Hall and Central.

ED: So your junior year you didn’t play?

RB: Junior year I did play but that senior year... They had two-a-days and all that going on for my senior year and I didn’t play football that year.

ED: So the football teams continued?

RB: Yeah, continued to play.

ED: I forgot. Yeah, that’s right. There’s no school but you still had football.

RB: And you had the teachers come into the classrooms but there were no students.

ED: And then your father wrote a book. Did he write it in ’58 or ’59? *Bigger Than Little Rock*.

RB: I remember reading it when I was at St. Stephen's, when I first got to St. Stephen's. So he must have written it '58. Maybe the spring of '58.

ED: Tell me about the book. I tried to find it before I left this morning so I could riffle through it again because I read it in 1960, I guess, when I first came to the *Gazette*. But I wanted to kind of review it again.

RB: If you'll swear blood oath that you'll give it back to me I'll...

ED: It's there at my house someplace, I just couldn't find it. My books are not organized and I thought I had it on a shelf where I had all that stuff from that era but it's not there. But it's some place in my books.

RB: As I recall...It's been some time since I read it, too. It starts off by Dad's impressions of Arkansas, you know, before everything exploded. The type of state it was and the people and was basically favorable about Arkansans being warm and friendly, et cetera. And not wide open spaces but a rural state. Then he gives kind of a chronology of what happened with regard to Faubus and '57-'58 and the explosion. He talks about the fact that he didn't have a choice, he had to do this. He emphasizes the ministry of reconciliation and, you know, that's really the last half of the book, talking about "all men are brothers." That this is the only hope for this particular type of society. That we have to learn to live with one another and respect, if not cherish, one another. So that was the takeoff. He was urged not to write it by some of his close friends. They said it is just too controversial. But he was a writer and he thought it was the thing to do, so he went ahead and did it.

ED: Any repercussions from it?

RB: Well, yeah. He was considered to be...Again, my friends they tease me but they were not...It was not malicious, talking about the integrationist bishop and that sort of thing. But he went up to talk to [President] Eisenhower at one point about what could be done about working out the situation with Faubus. So he was an emissary. And Eisenhower had come to St. Paul's in Richmond in '54 just to worship there. So Dad and Eisenhower kind of knew each other.

ED: So he went to Washington?

RB: That's right.

ED: About the time that [U. S. Representative] Brooks Hays...

RB: This would be after that because Brooks...

ED: That would have been back in September or so.

RB: Yeah.

ED: That would have been early fall when Brooks Hays tried to intercede and be a moderator to get Eisenhower and [U.S. Attorney General] Herbert Brownell and Faubus to work things out.

RB: And Betsy Jacoway [Elizabeth Jacoway, *Turn Away Thy Son*] said he was over his head. I don't know if that was the case or not. He was by all reports—and I didn't know Brooks Hays, I may have heard him speak once or twice—by all reports he was a really sweet guy, nice guy.

ED: Yeah, Betsy...For some reason, Brooks Hays was one of the bad guys in the whole crisis. In her book, the bad guys are Brooks and Harry Ashmore and Hugh Patterson [executive editor and publisher of the *Arkansas Gazette*] and I guess...

RB: The good guys are Jim Johnson.

ED: Yeah, the good guys are Jim Johnson and another of the bad guys was Superintendent Virgil Blossom.

RB: Betsy is related to Virgil Blossom as a matter of fact.

ED: Well, her daddy...They were close. Her daddy...She spent a lot of time and Virgil Blossom was always in their home. I don't know.

RB: Well, that's why she stopped writing the book. There's a hiatus there, if you look at the interviews, of about twenty-five years. She did a lot of work on this back in the '70's and then picked it back up again. The reason she waited was because of her connection with Virgil Blossom because he doesn't fare very well in the book at all, as I recall.

ED: Waited until he was dead and everybody connected with him was dead, I guess, before she got back into it.

RB: That's my understanding. I read it before she published it. She had a chapter on my dad that wasn't too favorable but...

ED: Strange book. Good in a lot of ways but all of a sudden you get to this phase and you wonder where is she going with this thing? Kind of strange.

RB: This is probably something we'll have to leave out.

ED: Yeah, we'll delete all of that.

RB: We're all, I think, products of our families and what not.

ED: Yeah. Well, let's pick up. You graduated at St. Mary's...

RB: St. Stephen's.

ED: St. Stephen's in Austin. Got your diploma and then what?

RB: I went to Sewanee, the University of the South.

ED: Why did you pick the University of the South?

RB: Well, my dad. It's an Episcopal school.

ED: Yes.

RB: My dad, if he had an impact on anything, he kind of directed me there. When I moved to Little Rock, candidly, I was ahead like my sister was academically. I had already had two years of Latin and a year of algebra and this, that and the other. And while I was in Little Rock I kind of regressed. You know, the three years I was in public schools in Little Rock. I was a pretty accomplished student at Richmond. In defense of the public schools, Hall and Central at that time—Hall in particular—were excellent schools. But I got to St. Stephen's and I found myself having to catch up. So my grades were not stellar. They were more or less a "B" across the board. Sewanee was a safe bet and I had some friends from St. Stephen's going to Sewanee and it was a great education, as it turned out.

ED: Well, it was a good school. Sewanee. So you went four years there?

RB: Four years there.

ED: And your degree was literature, I guess. Literature?

RB: Right. English literature.

ED: You always wanted to be a writer so that was part of your career and probably why you decided to run for the Supreme Court. We'll get to that much later.

RB: Obviously my dad was a writer. My mother was kind of...She loved poetry and she was a little bit mystical.

ED: Did she write poetry?

RB: If she did, she did it in...

ED: Privately.

RB: Very privately. Yeah. I think she would share poems with friends but she was very shy about that sort of thing.

ED: Did she have a career of her own?

RB: School teacher.

ED: She taught school.

RB: She had a great voice in college. She was an excellent singer. She worked for the *Washington Star* (I think) for a brief period before she began teaching, in the Alexandria area.

ED: She was a reporter?

RB: Yeah, she wrote stories. But, you know, she became a wife. So she raised the kids. Didn't have a career as such.

ED: I was offered a job as a reporter for the *Washington Star* once when I was in the Army and probably should have taken it. I don't know whether I should have or not.

RB: [Laughing.]

ED: But I didn't. So she taught some but not as a career?

RB: That's right. And she loved to read. She read all her life.

ED: So you...

RB: Her dad, by the way, was a state senator in Fairfax and was part of the Harry Byrd machine.

ED: The Democratic machine.

RB: The old Democratic machine.

ED: 'Cause they were all Democrats those days in Virginia.

RB: Oh yeah. But reading L.B.J., the most recent book, the Caro book on L.B.J. [Robert Caro, *The Passage of Power*] and how...

ED: Harry Byrd?

RB: Yeah, Harry Byrd! [Laughing.]

ED: Yeah, I loved that part about how he manipulated Harry Byrd.

RB: That's right. And Richard Russell. Russell was not as hard but Byrd was. I still don't know how he did that.

ED: Well, it was a wonderful chapter. I don't know whether it's all true or not but he seemed to have it all documented. So, when you were going to school what did you intend to do? Or were you like me and had no idea?

RB: Yeah. First year, when I got to Sewanee, St. Stephen's had been so arduous that I kind of flew through my freshman year and I got straight A's (or close to it). And then as a sophomore I kind of fell into a slump a bit and was still partying a little bit. My junior and senior year I really, really worked. You know, I decided I really liked literature and enjoyed the professors and I really worked hard those two years. So I did very well. I knew I was going to go to graduate school and I applied to (I guess) four graduate schools and, you know, had my choice, and decided to go to Columbia. Now, it was a scholarship where you were supposed to consider being a professor. I mean, that was the only stipulation. They gave you a free ride but you had to consider going into academe. So I took the scholarship and was in New York for two years and considered it and went to law school. So...

ED: So you went to New York to get a...It's not a M.F.A. I guess...

RB: It was a Masters of Arts. I could have continued on for a Ph.D.

ED: In what, English literature?

RB: English and comparative literature.

ED: English and comparative literature. And you said you...You signed up and said you would consider being an academic. But were you thinking about writing as a career?

RB: Yeah, that was always in the back of my mind. I love literature. I've been an OK lawyer and judge but I was pretty damn good at English literature, I'm here to tell you! I knew that stuff.

ED: Had you done any writing?

RB: Creative writing?

ED: Well, other than writing the papers and that stuff for classes. Obviously, if you're in literature you had to obviously write a lot of papers. But did you do any journalism or anything like that?

RB: I would do editorials.

ED: For the college papers and so forth?

RB: Yeah, for the college paper.

ED: This was in Sewanee?

RB: Yeah. Why the students are leaving, the benefits of the honor system, and that sort of thing.

ED: Review the food in the cafeteria?

RB: Huh?

ED: Improve the food in the cafeteria. Did you ever write about that?

RB: I wouldn't have been above doing that, but I didn't write that one. But, yeah, that was standard stuff and every now and then I'd write a poem. But we had one of the Southern Agrarians teaching a literature course my senior year so I would write some stuff for him.

ED: Who was that? Do you remember?

RB: Andrew Lytle.

ED: OK.

RB: He was not a Fugitive but he was one of the Agrarians. You know, *I'll Take My Stand* with Robert Penn Warren and all that.

ED: Yeah.

RB: And John Gould Fletcher. Fletcher was one of the Agrarians.

ED: L-i-g-h-t-l-e?

RB: Lytle.

ED: Lytle.

RB: He wrote a book called *The Velvet Horn*.

ED: Had he been in Nashville in Tennessee or...?

RB: Yeah. He was in the theater for a while. Went to the Yale drama school and did some acting. And, as I say, he wasn't a poet, he wasn't a Fugitive. The Fugitives were centered around Vanderbilt. He was not one of those. He just aligned himself more with Allen Tate than any of the others. They were friends at Yale maybe and somehow they had a relationship. I had forgotten Donald Davidson. I don't know who put together the *I'll Take My Stand* group of Agrarians. But he ran with them and wrote one of the essays. But he was excellent. Robert Penn Warren did a play version of *All the Kings Men* and my senior year we performed it. He was instrumental in that. He was quite an interesting fellow. I am trying to think of this guy's name because Roger Hodge, who is the new editor of the *Oxford American*, went to Sewanee, and Jeremiah Johnson (I think is his name) wrote an essay on Lytle for the *Paris Review*, which is interesting. Tells you a lot about the man. But Andrew Lytle was a real influence on me because he taught me how to read short stories and what the writers were doing in the short stories and the points.

James Joyce or Stephen Crane. You know, the point they were trying to make in these short stories and he really opened my eyes. A wonderful, wonderful teacher.

ED: So did you think about fiction? Writing fiction?

RB: Yeah.

ED: Did you ever try your hand at writing fiction?

RB: I wrote the Great American Novel. You've heard this story. I sent it up to New York about twenty years ago and the response I got was (and it had to be earlier than that because it was really before Grisham)...The response back was, "Everybody in your book is despicable. If you were William Faulkner you could get away with that but you're not William Faulkner." So I went back to the drawing board and I wrote a revision of it and fairly recently sent it up to an agent. She said, "You've got three books here. You've written three books and you've got to decide which one you want to write." She urged me to do it in the first person. I had written it in the third person. She kind of intimated that it might be good to make it a little sexier. But, anyway, at that point I decided that no, the second book was always going to be the defining moments, you know, of the Arkansas governors. At first, it was just going to be on the major political figures, not necessarily limited to governors. So I decided to do that and, as you can imagine, it wasn't that hard to write the defining moments. Fiction was a lot harder.

ED: So you gave up fiction?

RB: No, it's back there in my room.

ED: It's still waiting...

RB: Yeah, it's still percolating. I'll tell you what, I went to see [the movie] *Mud*, which I asked you about, and I thought, "That guy did something on Arkansas. Why can't I just blow the dust off this thing and take another crack at it?" I mean, hell, it's over four hundred pages.

ED: Well, maybe you can go ahead and do that. But if nothing else, maybe you can try to get Larry Malley [director of the University of Arkansas Press]...

RB: Larry Malley...

ED: I tried to get him to publish a couple of novels by Leland Duvall. He says he's going to do it but I can never get him to commit to it.

RB: He's hard to nail.

ED: I told Letty a couple of days before she died...Letty Duvall...She had a stroke and I went to see her at the hospital and she couldn't speak, but I told her that we're going to publish Leland's novels. She had told me that Leland had always wanted to publish a novel. So I found these old manuscripts up in Bella Vista in his nephew's closet and worked on them. They're pretty good short novels.

RB: You're the Maxwell Perkins for all these guys.

ED: So Larry indicated that he's going to publish both of them. I said, "Larry, you could do it in a single volume because there are two novels by Leland Duvall." One of them is called *Sister Dolly* and the other one *The Sea Is Not Full*. Both have some historical significance...

RB: Fred [Ursery] has invited me to your presentation on the fifteenth. It's coming up.

ED: Oh yeah. That's right. Jack Lavey asked if I'd come talk to them. What the hell would I come talk to them about?

RB: That's that group that meets over...

ED: Yeah, the history group. So I said, "Well, all right. I'll just talk about Leland again."

RB: Charlotte and I may be there. They serve wine. I've heard your Leland Duvall.

ED: Well, there's no reason to go then if you've heard the whole Leland Duvall thing.

RB: It's a good group. I like John Kirk and Bobby Roberts and David Stricklin. It's a good group.

ED: Well, that's all I'm going to do, I guess. I don't know what I'm going to say. Well, we're getting off the topic.

RB: Seriously, that's what I was supposed to do the first three months of this year, was to reread and start to work on it. I mean, you'll do anything other than write if you have the option.

ED: Exactly. I go through that every week. So New York City. What did you do in those two years in New York besides study?

RB: Uh...

ED: Where did you live?

RB: Well, all right. I had gone to Sewanee. You know Sewanee.

ED: Yeah.

RB: Insulated community. It's a little bit like the character in *Sophie's Choice*. The guy from the South goes up to New York.

ED: Yeah.

RB: Knows next to nothing. So I go up there and, fortunately, that summer I had done the Grand Tour to Europe with a knapsack and hitchhiking and all that. If I hadn't done that I would have been eaten up and spit out in New York City. I was just a very introverted Southern boy confronting the city and shy and all that. I had to do something in Europe to survive. So by the time I got to New York in September of...what was that? Had to have been '59. Excuse me, '63... I had a bit of courage. That's a prelude to the fact that I show up at Columbia. I go to John Jay Dormitory and say, "I'm here! Where's my room?" and they say, "You don't have a room." I said, "I've always had a room when I went to college or graduate school." They said, "You never completed the form or sent it in." I said, "I never completed a form. I always showed up and there's my room." So I didn't have a room the first night in New York. I had to ask somebody how to ride the subways. You know, you had the express train and the local train. Is this my stop for Columbia University? I mean, I was really...So I wandered down the street, literally, with a suitcase and check into something called the Harmony Hotel. I'll never forget it.

ED: Where? About 112th Street or something along there?

RB: Yeah. Yeah. St. John the Divine is 110th so it was probably 112th or thereabouts.

ED: Yeah.

RB: 'Cause 116th was John Jay.

ED: Chris, my son, went up there for a couple of years...He got an M.F.A. from Columbia. So I remember going up there with him and checking him into some old flophouse.

RB: Well, you know how intimidating it can be.

ED: Somewhere around 112th or 113th, somewhere up there.

RB: Yeah, it was probably the Harmony Hotel.

ED: No. They gave him...He had gotten an apartment. Columbia had owned all these apartments so he had gotten a little second-floor apartment there and we moved him into it, which was just right off the street, raucous every night, people screaming all night and fighting outside the window.

RB: At this hotel, I remember I was in my room and was dutifully reading a Thomas Hardy novel or something and there's this fight down the hall. This man and this woman just screaming at each other and obviously black.

ED: You are only three or four blocks from Harlem.

RB: Oh yeah. Morningside Heights overlooks it. So I screw up my courage and say, "I'm going to go out..." This is unfair. I hate it when people make noise and disturb. So I said, "I'm going to go down there and ask them to be quiet." So I say to myself, "Whatever you do, don't say 'you all.'" It was 1963. So I wander down and peek in the door and here's this woman in a slip. I mean it's something out of Tennessee Williams except they're black. There's a guy in a t-shirt and I say, "Will you all please be quiet?" [Laughs.] And they looked at me. I think I shocked them. And I turned around and went back to my room and didn't hear anything more after that. But I was really a babe in the woods. Finally, I bump into a couple of guys who didn't have roommates either, or whatever, and we found an apartment. The first one was on 87th Street. I roomed with a guy and that's where I found out about Kennedy's assassination, from my landlady down there. And we went up to the West End bar, which I am sure you remember, and that's where we watched television, you know, about the aftermath of it. From there I moved up to 99th street. You'll like this: Paul Goodman, who wrote a book called *Growing Up Absurd*, was a freelance anarchist and he ran with all of the left, I mean anarchists in New York, and he was going to teach at Wisconsin for a semester so we rented his apartment. So I slept under a Wilhelm Dekooning painting—you know, just fascinating—and eventually went up to Riverside Drive...Off Riverside Drive to Claremont Avenue and lived there for a year. But, after a year working on my masters, the scholarship ran out, and I went to work for the Equitable Life Assurance Society, wrote my thesis and took my comps, finally passed the language exam and got my masters. And, at that time, I decided this wasn't working out. I had been involved with literature for about six years and I decided to apply to law school and I applied to two law schools.

ED: Law school at...where?

RB: I applied to Harvard and U.Va. [University of Virginia].

ED: So you went to U.Va.

RB: Went to U.Va. They gave me more money.

ED: OK. Now, are we skipping something? When did you meet Charlotte? Much later when you came back to Little Rock?

RB: Charlotte. No. I knew she was going to be in New York and we laughingly tell the story that I read about her in the newspaper. She had been Miss Everything at Briarcliff College in Briarcliff, New York. She impressed me just as a person. She was beautiful and she, again, had been...

ED: But you didn't know her, though? Had you had met her?

RB: I met her double-dating my senior year during spring break and she was having a date with a friend of mine and I was having a date with one of her friends.

ED: Your senior year. You mean when you were at Sewanee?

RB: Yeah. At Sewanee. So this was spring vacation and I was home and this fellow, T.L. Stebbins—you may remember Howard Stebbins—had a date with Charlotte and I had a date with somebody else. So I said, "You're going to be in New York. I'm going to be in New York. You're going to Katherine Gibbs (which was to learn how to be a lady and secretary). I'm going to be at Columbia and I want you to type my thesis." So, you know,

that was kind of a joke. But I got up there and I called her and so we started to date. It wasn't working out that first year. It was just too different. She was on the east side. I was on the west side. Just different worlds. But then the next year, the second year I was in New York, we started to date and she became engaged to somebody else. She was engaged to a New Yorker, to marry. And that was when her house burned down. It was December of 1964.

ED: Her house in Fordyce?

RB: In Fordyce. Burned to the ground. She was flown home and all that. Her roommate called me up and told me about it. So, anyway, I really felt sorry about the whole situation. It was terrible. It's a real tragedy.

ED: Her house burned down and her father was killed in the fire.

RB: In the fire.

ED: What about her mother?

RB: Her mother...It was, as I say, one of the Georgian mansions. We got a picture of it somewhere in the house. I never saw it.

ED: Right in downtown Fordyce on the main drag there?

RB: If you were down there...Yeah, you were down there in the old days. You remember that brick wall all around this huge white mansion? That was her house.

ED: All right. I vaguely remember it. I vaguely remember it. It's on the main drag as you're going through Fordyce on the highway.

RB: Yeah and the public school is across the street from it.

ED: Yeah.

RB: The brick wall is still there. It's not really that high of a wall.

ED: It's a few blocks from the [Dallas County] Courthouse.

RB: Yeah. Sure. But that was her house and it caught fire and her mother said she remembered the radiator caps (it was December) popping off the radiators and there was some flaw. I hope nobody set the fire. But who knows? But, anyway, it was one of those wooden structures and it just burned down to the ground and her mother rolled down the stairs and rescued her grandmother, who was on the first floor, and carried her out of the house. The father called out, "I can't make it!" He apparently was seen at the window. The fire department tried to get into the grounds and they couldn't get through the gate and they panicked and the thing was just a total loss. Anyway, grandmother was saved by her [Charlotte's] mother. Charlotte and her mother lived together in Fordyce for about two or three months after that and then she came back to New York.

ED: And broke off the engagement with the New York...the Yankee up there.

RB: Yeah, and we got engaged.

ED: And when did you get married?

RB: We got engaged '65 and married '66. The engagement picture that we used was the engagement picture she took for the other guy.

ED: Did we cover this—what her name was?

RB: Charlotte Banks. Aloysius Burton Banks. A.B. Banks if you remember that name, was her grandfather.

ED: A.B. Banks. Well, yeah, there was an A.B. Banks...No, I'm thinking of A.B. Bonds I guess. There was an A.B. Bonds who was a state education director somewhere. A.B. Banks at Fordyce, was he the banker there?

RB: Before the Depression he had an empire. He had about sixty banks around the South and went broke during the Depression and was prosecuted for securities fraud and that sort of thing. Before he went to prison he was pardoned, came back and made another fortune. Obviously, he had a lot of tentacles like E.W. Railway in El Dorado. That was one of his babies. Anyways, came back. He ran with Lee Wilson and Harvey Couch and that crowd. Joe T. Robinson. But, I mean, that was kind of a tragedy in and of itself, you know? The securities fraud and all that. Wasn't fraud but he was accused of shenanigans.

ED: All right, so you get married in '66.

RB: '66.

ED: '66. But this time you graduate, you get your M.A. at Columbia in '65.

RB: '65.

ED: And by '65 you are enrolled in U.Va. (Virginia) law school.

RB: Right.

ED: And so you and Charlotte...So you're there as you're finishing law school.

RB: The first year I was there solo.

ED: The first year and then the second year she joined you.

RB: Right. Last two years we were married.

ED: OK. And you graduated from law school...

RB: In '68.

ED: '68.

RB: And Charlottesville missed the '60s while I was there. Or the '60s missed Charlottesville. It was still coat-and-tie and kind of an "old boy" situation. Probably two hundred women in a university of five thousand. Of course, that has changed considerably since then.

ED: Well, what was that like at the University of Virginia? I've been there a few times and it seems like it is a different kind of school. You've got Thomas Jefferson and all that. Kind of reeks of history.

RB: It did. I played squash. I learned how to play squash in law school and I think I played squash in Sally Hemings' place with a...She had her house or whatever.

ED: You played squash with Sally Hemings?

RB: No, in the house where she apparently was kept. [Laughs.]

ED: Oh, where she slept? OK. I thought there might have been Sally Hemings' great-great-granddaughter or something. All right.

RB: But U.Va. was culture shock, too, because I was really a street New York type of guy. You know, after two years, I thought I was really cool and hot stuff. Had been down to the Village and all that. So I got thumped back into U.Va. at the dormitory, for the first year anyway. So it was different with some old Richmond friends.

ED: Yeah. Did you have to wear a coat and tie there at Virginia?

RB: Yeah.

ED: Did undergraduates as well?

RB: Mmm hmm.

ED: Everybody had to wear a coat and tie?

RB: Yeah. Yeah.

ED: Could you wear blue jeans with it?

RB: No.

ED: No? Just had to wear coat and tie. Had to dress up. Proper Virginian.

RB: I wore a coat and tie at Sewanee.

ED: Did you?

RB: Yeah. The first time I got away from it...I'm thinking probably at Columbia I wore a coat and tie.

ED: Oh, did you? You think you wore it up there, too?

RB: I think so.

ED: Yeah.

RB: And that, by the way, was the first integrated school I went to. Out of all my education—Columbia.

ED: Sewanee wouldn't have been integrated either, I guess.

RB: No. We were making pilgrimages down to Atlanta. Do good stuff. Julian Bond and all that. As far as it being integrated—no. I remember Louis Armstrong came to Sewanee and stayed with one of the English professors and that was... I don't know how much you know about Sewanee. Monteagle is about six miles away from it and that's an old labor union, far left...

ED: Marxist kind of place.

RB: Marxist. Exactly. Pete Seeger and all that.

ED: Well, Orval Faubus went over there. You know Monteagle is where they had all the meetings... Leftists from around the country would come to Monteagle, and when Orval Faubus was at Commonwealth College he goes over to Monteagle, Tennessee, as a delegate from Commonwealth College for a student conference.

RB: I didn't know that.

ED: Yeah, he was over there.

RB: Well, you know...

ED: That's how he got caught up in all that because somebody had an article in the paper over there about it. Here's Orval Faubus showing up over there and he had to own up to it in 1954. OK, yes, he went to Monteagle.

RB: I had no idea. But, yeah, it was far left. So you've got that here then, and you've got this conservative Episcopal university with...I remember when I was at Sewanee we had a straw vote on Kennedy-Nixon and the students went something like ninety percent for Nixon and the faculty went ninety percent for Kennedy. You know, typical type thing. But, you had those two strains impacting on Sewanee. But that leftist strain was definitely there. But, anyway...

ED: Did you have any political leanings in those days? I don't remember that I did when I went off to college. I was kind of apolitical most of the time, until right at the end. It just wasn't on my radar.

RB: I never was interested in being president of this, president of that or whatever. I joined a fraternity and partied and I was more interested in being the number one English student, you know? So I guess that's kind of politics.

ED: So you finish law school in 1968-'69.

RB: '68 and during the summers I came back and clerked for Will Mitchell. The same Will Mitchell that we talked about.

ED: At Spitzberg, Bonner, Mitchell and Hays it was in those days.

RB: No, that's Maurice Mitchell.

ED: That's Maurice Mitchell. All right.

RB: I was with Channing, Mitchell, Hamilton and Burrow. And that's Larry Burrow and Will Mitchell and Dub Hamilton and the guy before that was a guy named Moral (???) I think.

But, anyway, it was an old firm that has now fallen out of existence. But I clerked for them, and Will Mitchell was kind of my mentor and Dub Hamilton, too. So that's how I got started and I worked for them for about three years.

ED: So had you...Did you do any clerking while you were in law school?

RB: Yeah, after the first year and after the second year.

ED: So in the summers you would clerk there?

RB: Yeah. Yeah.

ED: And so when you graduated did you go back to that firm?

RB: After I passed the bar and took the grand tour again with Charlotte. We went over to Europe for about six weeks, then came back, and I started practicing with that firm and did for about three years.

ED: So what kind of law did you practice there? A little bit of everything?

RB: I worked primarily with Will Mitchell and Dub Hamilton and it was like property work. Not much litigation. Contract work, reading abstracts, land, homes, good titles, that sort of thing. Some financial work. That's when Harlan Lane came and took over Union Bank. So this firm represented Union Bank. Frank Chowning. So...I mean, boy!

ED: So did you get involved in representing Harlan Lane?

RB: What was the name of the young Couch who was Harvey's grandson? [Don] But he was the one...Gosh, I can see him right now. He's dead now. I think Harvey, his brother, still teaches down at New Orleans at Tulane at the law school. But, anyway, he was the Couch and he sold the bank to Harlan Lane. The Chowning firm never liked Harlan Lane, and Harlan Lane never liked Frank Chowning. It was a battle about to happen and did happen, and Harlan Lane eventually sued a bunch of people, as you know—sued Dub Hamilton and Frank Chowning for something like twenty million dollars, which back then was a lot of money.

ED: I forget what happened but he didn't win that case.

RB: He didn't win that. It was in [U.S. District Judge] Elsie Jane Roy's court and I think it went to a jury. Defendant's verdict.

ED: So three years there and you didn't make a lot of money, I guess. I guess an adequate amount.

RB: No. Back then you made six hundred dollars a month, something like that.

ED: Yeah.

RB: It was nothing. But I did that and got bored with it. I had been involved in politics, to some extent, when I came back. Brownie Ledbetter would kind of tell me what I had to do.

ED: How did you get hooked up with Brownie? Through the '59 stuff and the Women's Emergency Committee probably?

RB: She thought I was a liberal, I think, because of Dad. And, yeah, I was considered to be progressive and had gone out of state and all that, and knew the Ledbetter family. But she had me work for Win Rockefeller against Marion Crank, do my precinct.

ED: 1968. [State Rep. Marion Crank of Little River County was the Democratic nominee for governor and was defeated by Gov. Winthrop Rockefeller.]

RB: '68.

ED: So that would have been your first political campaign?

RB: I'm thinking so.

ED: Democrats for Rockefeller.

RB: Yeah, I guess you could call it that.

ED: They had that kind of organization where people like...

RB: Frank Lambright.

ED: Frank Lambright and lots of others. Elaine, my wife, went over and ran an office—Democrats for Rockefeller office—on the east side down from the Quapaw Quarter across the Interstate. She had a little house over there with a big banner that said, “Democrats for Rockefeller.” She probably wasn’t supposed to do that because I was covering...

RB: You were supposed to be objective, disinterested.

ED: I was covering the campaigns in 1964 and ’66 and ’68 for the *Gazette*.

RB: I’m going to back up briefly. I did work one summer for Joe Hardin.

ED: 1960.

RB: Yeah.

ED: Joe Hardin from Grady, Arkansas, ran for governor in the Democratic primaries in 1960. [He was beaten by Gov. Orval E. Faubus.]

RB: And Irene Samuel was...I think she was director of the campaign.

ED: She ran the campaign. Yes.

RB: And I was in Dottie Morris’ office here in the Heights. I don’t know if you remember. It used to be a rug store. It’s right there on Van Buren. Club Road, that building there. That was the Joe Hardin campaign west and I worked there that summer. Sacrificial lamb.

ED: I went up to that office a time or two.

RB: With Irene you mean? Or with Dottie?

ED: Well, I came to work at the *Gazette* at the end of May 1960 and, of course, I was the fledgling reporter. I was the kid and most of the time was on the police beat and would write obits and stuff. But occasionally I would be thrown into political stuff, as everybody was, and I remember being sent up to the Joe Hardin headquarters.

RB: Yeah, that was in the Lafayette Hotel.

ED: Lafayette Hotel to see Irene about something. So I covered a few little things during that campaign in 1960. But, Irene was running it and later she ran the Sid McMath campaign [for governor] in 1964. [Actually, it was in 1962.]

RB: Gosh, Irene. I remember the day after the election, I don’t know why I went by the main headquarters but I was there and she said, “The next time we find a candidate to run against Faubus the women are going to be making the decisions and we’re going to check out the candidate’s wife.” I didn’t realize this, but apparently Joe Hardin’s wife had a drinking problem and was not much of an asset on the campaign trail. Now, this is...

ED: I don’t remember. I went down once to Joe Hardin’s house in Grady and, I guess, during that campaign to interview him about something. So I was at their house there, at this little...Not little, it was fairly nice frame house—the best home there in Grady. I met his wife but I don’t remember anything about her. She may have been sauced. But I don’t remember.

RB: Well, the only thing I remember besides the old mimeograph machine was sneaking over to the Women’s Emergency Committee because they were not supposed to be involved with politics. Who was the lady...

ED: Pat House?

RB: No, it wasn’t Pat. It was the lady with the bad throat, bad voice.

ED: Yeah.

RB: She was really the head of it.

ED: Yeah, I can't think.

RB: Vivion...

ED: Vivion Brewer. Vivion with an "o."

RB: They had all gone to Smith and Vassar and that sort of thing. Anyway, I snuck up there and they gave me a list. I didn't realize why it was so secretive at that time. In later years I realized the committee was not supposed to be operating any more for politics, you know. It was organized to open the schools.

ED: Yeah. So you were involved with Joe Hardin and that losing campaign.

RB: Right.

ED: Although, he did finish second. Did he finish ahead of Bruce Bennett? I've forgotten. I think he did.

RB: Oh yeah.

ED: [Attorney General] Bruce Bennett was running in that campaign. Faubus, Joe Hardin and Bruce Bennett.

RB: This must have been the runoff. It seemed like it was a two-man race at that point.

ED: No, he didn't make the runoff. He never got Faubus into a runoff.

RB: OK.

ED: So it would have been Joe Hardin and Bruce and seemed like maybe somebody else.

RB: Maybe Dale. Dale Alford could have been in it.

ED: Dale... Well, 1960, he may well have... No, he ran in '62.

RB: OK.

ED: Because they reapportioned. He was elected to Congress in '58 and beat [U. S. Rep. Brooks Hays in a write-in campaign in the fall of '58. Then Alford ran as a Democrat in '60 and got re-elected. In '61, the legislature reapportioned after Arkansas lost a congressional seat or two. Or maybe they lost it over twenty years. But, anyway, whittled the delegation down to four members and he [Alford] was thrown in with Wilbur Mills and decided not to run against Wilbur... Wilbur's district was expanded to include Pulaski. So he [Alford] ran for governor in '62. It was Joe Hardin and Bruce Bennett and somebody else maybe in 1960. [H. E. Williams and Hal Millsap also ran.] But I think Joe Hardin finished second and Bruce third.

RB: We had Jimmy Driftwood [the folk singer]. I remember that. We almost filled up Robinson Auditorium.

ED: Yeah, that's right. Jimmy Driftwood. About the only asset poor old Joe Hardin had.

RB: What's that?

ED: I said probably the only asset that Joe Hardin had, I guess.

RB: [Laughs.] I remember some post-mortem editorial about it and all that he had left is "a little piece of Driftwood." [Laughs.] It was probably an editorial for the *Democrat*.

ED: Yeah. So 1968 you worked some for Winthrop Rockefeller.

RB: I did.

ED: And probably for the Democrats for Rockefeller.

RB: Right. Did my precinct. Went door to door.

ED: Door to door for Winthrop Rockefeller.

RB: She dropped off the materials and I dutifully did what Brownie said to do.

ED: So Brownie was running that operation? Although I'm sure Irene Samuel was probably involved too.

RB: Oh, I'm sure. Yeah.

ED: She and Pat kind of worked in tandem but there was sometimes a little friction between the two of them.

RB: They had egos. Yeah. But they really did that voter registration campaign, didn't they? I know SNCC [the Student Nonviolent Coordinating Committee] was involved, too, as far as registering the blacks in the Delta. But Pat and Irene were over there big time.

RB: Pat was a good-looking woman.

ED: She was a beautiful woman and I think still. I haven't seen Pat in some years.

RB: She still around?

ED: She's still around. She's getting up in years now. Any rate, so you worked there three years at Will Mitchell's firm.

RB: Yeah, '68 to '71 and I worked for [Dale] Bumpers. I did the same precinct against Rockefeller.

ED: In 1970.

RB: In 1970.

ED: Because Irene, by that time, had switched over and was working for Dale Bumpers [in the Democratic primaries for governor].

RB: So was Brownie.

ED: And Brownie, too.

RB: Brownie called me and said, "Do your precinct," and I said I would do it.

ED: Now, was this in the primaries?

RB: No.

ED: Because who would have...The liberals were kind of split up. In 1970 [Attorney General] Joe Purcell was running.

RB: Mmm hmm.

ED: And they were probably for Joe Purcell. No! Pat House was still for Rockefeller.

RB: She never went for Bumpers?

ED: After '68 she never went with Bumpers. She was with Rockefeller in 1970.

RB: I just don't remember. Of course, I was for Bumpers in the runoff. I don't remember being involved in the primary initially—the preferential primary.

ED: Well, nobody gave him a chance to win. You had Joe Purcell. Hayes McClerkin was the speaker of the House and they would have been the two somewhat liberal candidates and people split between those two, and then Bumpers came out of nowhere to get into the runoff. I mean, right at the end of the election.

RB: It was amazing.

ED: Did you meet Bumpers in that campaign?

RB: I saw him election night. I'm trying to think if I...I don't recall meeting him. I don't.

ED: Were you surprised by Bumpers?

RB: I must have met him because I went down for a...There was a big rally and this was the runoff against Faubus. There was a big breakfast rally down at the—could have been at the Lafayette Hotel. Could have been the Marion Hotel. The whole place was just packed with lawyers, and of which I was one. He just told joke after joke after joke. Did a Bill Wilson-type routine. No meat there. A lot of humor. A lot of good times. It was just like Jesus coming to Jerusalem. I mean, it really was. He was so effective. I could have shaken his hand but I don't remember specifically.

ED: Well, he was truly an amazing candidate. We'd never seen anything like that before. I don't think he had any sense about what he was doing. It was just a very natural thing to him.

RB: Well, I remember the five-minute interviews on the radio. I was doing something out in the state and going from town to town and I kept hearing the same tape. "What do you think about discrimination?" "Well, I'm against discrimination in whatever form it takes." [Laughs.] "Well, what do you think about busing?" I don't know. He just had these smooth answers.

ED: "Let us all come reason together" and "We don't have to hate each other" and "We're all going to get together and work things out."

RB: "My father always told me you had to have someone to tie to." All that.

ED: Father talk. His father had always told him, he said, that "politics is a noble profession."

RB: Yeah. He was beautiful.

ED: He was all of that. He was always genuine. It was not a contrived thing with him and that's still Dale Bumpers today. Pretty much the same guy.

RB: Right.

ED: And there's a naiveté about him that's amazing—that he could have had such a marvelously successful career being so naïve. Just...People bought it.

RB: He captured the imagination of Arkansas and he did it, really, without any major hitters like the corporate people in the state and whatnot. He did it on personal appeal for the most part. I mean, he had some people like Ed Lester and Henry Woods working for him but very few.

ED: They came in...Henry came in toward the end. I think Ed might have been with him pretty early on but I don't know.

RB: Right. And then Ben Allen afterward.

ED: Ben Allen.

RB: After Faubus got beat.

ED: Yeah. So did you go to work for Bumpers in the governor's office?

RB: Yes, I did. But I first got started with Jim Guy Tucker.

ED: Jim Guy Tucker was elected...

RB: Prosecutor.

ED: Prosecutor in 1960, right? I mean 1970?

RB: 1970.

ED: How did you get hooked up with Jim Guy? Had you met him?

RB: Yeah. We went to Hall together. I was two years older but I knew him slightly and I had supported him in his campaign. I probably did a precinct or something. But we were supporters of his. I was still with the Chowning firm and he called up and said, "I need a special prosecutor because I am bringing in all these special judges to clean out the county jail. I need an additional prosecutor. Will you come over and do it?" I thought about it and decided I would. Charlotte went to bed over it. She said, "What in the world are you doing?" So I quit the firm and afterwards she, of course, realized it was a great decision to make. But I joined Jim Guy and that would have been, I guess...

ED: Early in 1971?

RB: Yeah.

ED: He was elected the prosecutor for the Sixth Judicial District in 1970.

RB: Right.

ED: And he was there two years. No. Two years?

RB: He was there two years then ran for attorney general. That's right.

ED: So you were a deputy prosecutor. There was also Robert R. Brown who was there.

RB: Robert R. Brown was the chief deputy prosecutor. Sandy McMath signed on later. Ralph Hamner was there. Perlesta Hollingsworth was there. John Jacobs was there. A guy named Art Anderson was there.

ED: I remember Art. Yes.

RB: Mark Vehik was there.

ED: OK.

RB: I mean, we were the hippies. Bob Cearley was there. It was a great group of guys. I felt like I was a bird out of a cage. It was just so different. They were just so with it. All of them. We just had a blast. We were too young for the job, frankly. We were all too young.

ED: Well, everybody was too young. Nobody had any experience. Jim Guy didn't have any experience. Jim Guy had never really practiced much law at all, had he?

RB: Well, he sat at the feet of John Haley and that was about it.

ED: Yeah. What else do you need?

RB: Tried to slip into Cummins as I recall.

ED: Yeah, that's right. I guess that preceded his prosecutor race when Haley was chairman of the state Board of Corrections. Haley sneaked him down there and got him committed as a criminal inmate at the penitentiary so he could investigate prisoner conditions until Rockefeller heard about it and said, "Get him out of there!"

RB: Oh boy! It was one of the dumbest things Tucker's ever done.

ED: That's the kind of thing that Jim Guy would do.

RB: That's Jim Guy. Yeah, pushing the envelope.

ED: Just doing things nobody else would think about doing. There he was as a prosecutor kicking down doors and going on police raids, going in and firing at the ceilings and so forth, making criminals crawl down out of the attic and kicking doors down. Did you go on any of those things with Jim Guy?

RB: No, I didn't. I think by the time I got there... You know, that was like the first five or six months. I probably joined him in May or June of that first year. And John Butt... You remember John Butt, who died falling off a mountain?

ED: Fell off the mountain up at...

RB: Close to Berryville, Carroll County.

ED: Well, it's actually... Was it up on White Rock Mountain or someplace over there?

RB: I just remember flying up for the funeral. It's terrible. But John was a piece of work. These guys...

ED: John drank a little bit. Did John drink a little?

RB: I don't remember that. I just remember him being kind of wild. He was back from Vietnam.

ED: I thought he was up there camping or something and had a little bit to drink and fell off a cliff.

RB: Well, yeah. He backed off a cliff. That's right.

ED: I remember going to that cliff and seeing where he fell.

RB: He could have been drinking that night. I don't know.

ED: I'm thinking it was right around White Rock Mountain or else up around Devil's Den or someplace up there. Any rate, those were wild and wooly days. Apparently, Tucker got the Supreme Court to send in a bunch of judges from elsewhere around the state to go through the huge backlog of cases and...

RB: Half the people in there were under "s." "What's the charge?" "S." Jim Guy says, "What does 's' stand for?" and someone says, "Suspicion." [Laughs.] Suspicion!

ED: The suspicion of having done something.

RB: [Laughs.] I hate to say "fun" but it was. It was just a lot of fun and that's how I learned to try cases. You know, you go into district court and municipal court and I mean that's huge. You either sink or swim. You don't have a choice.

ED: So you hadn't done any criminal work, had you? At Chowning and Will Mitchell?

RB: I may have. I know I got appointed...I may have had some appointments in federal court. But nothing big time. I tried one personal injury case at the Chowning firm but, for the most part no...I had not done jury trials for sure, and municipal court was a little bit like a jury trial. Of course, you had a hundred people out there and most of them were not very pleasant. And you had big cases. You had the sandbar rape case. You remember that?

ED: Yeah. Were you prosecuting the sandbar rape case?

RB: I did the third time.

ED: That was in the circuit court 'cause that would not have been in municipal court.

RB: That's right. It was the third time it was tried.

ED: I don't remember much about it. I just remember the sandbar rape case was a famous case back there.

RB: Of course, they asked for the death penalty the first time and it hung up five to two, and I think David Hale prosecuted it. And Wiley Branton and John Walker defended it. Then the second time...

ED: Now that would have been before Jim Guy was prosecutor.

RB: Yeah. That was Dickie Adkisson [Richard B. Adkisson].

ED: Dickie Adkisson was the prosecutor and Dickie, by that time, had become a circuit judge.

RB: Right. And Dickie and Jim Guy just had this huge feud going on and Dickie would mistrial a case at the drop of a hat. It was all political. Anyway, the second time it was tried I think it was David Hale, who said something about John Walker (this was in front of a jury) arranging a demonstration out on the court grounds and there were a lot of African Americans surrounding the courthouse. So the judge (I think it was Kirby, but I'm not positive) mistried it. And I tried it and it hung up ten to two when I tried it. So it was a mistrial.

ED: So no one really ever got convicted for the sandbar rape?

RB: That's right. They were let out on time served basically. There were three guys. But that was an interesting experience.

ED: So Jim Guy, in 1972, runs for attorney general. Ray Thornton had been the attorney general for two years and he runs for Congress for the Fourth Congressional District and gets elected and so Jim Guy runs for attorney general.

RB: Right.

ED: Whom did he beat?

RB: Bill Thompson.

ED: Bill Thompson of Poinsett County, later with the Friday Firm.

RB: Fort Smith.

ED: Fort Smith. That's right. He was from Fort Smith. But he was the son of..

RB: Billy Thompson.

ED: Uncle Billy Thompson, the state representative from Poinsett County, and then he was with the Friday firm and may still be. I don't know. Is he still alive?

RB: Bill Thompson, I think, is still in Fort Smith. Now Nick Thompson...Oh, you're thinking about the other brother who married the clerk from the federal court system. It's not Bill. Mike! You're thinking about Mike Thompson.

ED: That's right. Mike Thompson. So Bill, I guess, was never with the Friday Firm but he was from Fort Smith and I guess he's still over there.

RB: And Nick Thompson was with the Mitchell firm.

ED: So Tucker beat Bill Thompson for attorney general.

RB: Seven thousand votes.

ED: And did you...I don't recall. I don't think he had a Republican opponent that year probably. Typically didn't have Republicans for those offices in those days very often.

RB: I don't think he did.

ED: Later on, I think Jerry K. Thomasson ran for attorney general.

RB: But after we won...

ED: Jerry Thomason ran as a Republican for attorney general but I think that was in about '66. But anyway...So when he gets elected did you go to the attorney general's office with him?

RB: No, no. When he got elected I decided I wanted to go with Bumpers.

ED: So you went over to Dale Bumpers as his...

RB: Immediately. Yeah.

ED: In his second term as governor, in '73-'74.

RB: That's right. I went over that summer and he was running against the Republican.

ED: Len Blaylock.

RB: Thank you. Yeah. I had a hard time remembering his name the other day. We were trying to think of his name.

ED: In the Democratic primaries in 1972 Bumpers beat [state Senator] Q. Byrum Hurst [of Hot Springs] and this kind of promoter-type guy up at...A hospital administrator at Paragould. [The hospital administrator was Mack Harbour. Other candidates were Lester Gibbs and state Rep. George W. Davis.]

RB: You're doing better than I.

ED: Looked like an advanced man for a roller derby or something. Had this beautiful hair and zootsuits with a kind of roping around the collar and so forth. That guy.

RB: [Laughs.] Dale was wearing the same suits, though.

ED: [Laughs.] Yeah. So, any rate, so he's running against Len Blaylock. Did you work for him in the campaign.

RB: Not really. It was kind of a slam dunk. I was the legal aide and it's before I was writing speeches, but I did some speeches for Bumpers in '73 when he was gearing up for the Senate race.

ED: You joined his office soon after. You left the prosecutor's office and went over to Dale's office.

RB: Yeah. That's right. I actually left the prosecutor's office to run the attorney general's campaign. So Clarence Cash and I ran the attorney general's campaign [for Tucker].

ED: Oh. OK.

RB: And after Jim Guy won, which would have been what? In May, I guess. Maybe it was July.

ED: I don't remember when they changed over from...It used to be in July and August.

RB: It could have been in July.

ED: So I guess it was '72 when they moved up the primaries to the spring to accommodate Wilbur Mills running for president.

RB: Wilbur Mills. That's right.

ED: So maybe '72 was the year they moved it up into May.

RB: But, I had talked to Tom McRae [Bumpers' chief of staff] and talked to Dale, of course, and I was going to be one of the...McRae was putting together this team and McRae and Archie were so different. So different. But I was there to be kind of the prison guy. Do the pardons, paroles, extraditions and legal aide as far as any kind of legal problems that came up. So that was my task. But I was very much enamored of Dale Bumpers at that time. And I didn't want to go to the A.G.'s office, so this just seemed like a natural thing to do.

ED: So you did that for his last two years. Although, did you break lose and work in...He began, in May or April, I guess, of 1974, to run for the Senate.

RB: No, I was there full-time for the summer of '72 to the end of '74. So two and half years.

ED: OK.

RB: So I had nothing to do with the A.G.'s office or Jim Guy other than professional situations.

ED: Did you write speeches, did you say, for Bumpers?

RB: Mmm hmm.

ED: Did he ever use any of them?

RB: Not really. [Laughs.]

ED: You got all these people writing speeches and I remember he'd get in the car, he'd be going someplace to deliver the speech, and he'd look at it and he'd kind of flip the pages real quick and flip it over on back and write about six words on there. That's what he'd do.

RB: Archie was telling me this story (and I wasn't there at the time) and he was reading this speech. Archie and Tom McRae were in the car and Jim Lamonica was driving, or the state policeman was driving. Anyway, Bumpers scrunches up the papers and says, "Who wrote this piece of shit?"

ED: It was Lamonica.

RB: It was Tom McRae. [Laughs.]

ED: Oh, was it?

RB: Tom said, "I did."

ED: He's still doing that. He's still doing that. He never learns. This has nothing to do with this but a few weeks ago the College of Agriculture at Fayetteville was going to have what's his name, the secretary of agriculture, come up there and they also wanted to use Dale more. So they had this idea of doing these videos of Dale standing there promoting the College of Agriculture. Somebody had written about a half-dozen scripts for him. They sent this big crew down from Fayetteville. They were going to use them on the college's website and on the big screen when the Secretary of Agriculture made his talk.

Of course, Dale felt obligated to do it and Rssi Smith was supposed to take care of it all but she was wrapped up out there and fighting all the...

RB: You took him, didn't you?

ED: I took him over there.

RB: Because she had asked me to do it and I called her back and she said, "No, Ernie's going to do it."

ED: I said, "All right, I'll do it." Took him out there. So they sent the scripts to me and, of course, they were too long and too wordy.

RB: Did he have to read them? Was that part of it?

ED: Yeah, had to put it on the TelePrompTer. The guy they had hired up there as their new director of something came down with the big film crew at the U.A. Extension Center. I had worked over the scripts a bit to try to smooth them out and to make them make a little sense. He was going through them and we'd have to do each one four or five times. Finally, he said, "Who wrote all this shit?"

RB: [Laughs.]

ED: "This is the worst shit I've ever read in my life!" There's a guy blushing over there, the new director. So I went over, said, "Dale, it's the guy over there." He said, "Oh." Then he felt terrible about it. He always feels terrible about it.

RB: He did get a take eventually, I assume.

ED: Yeah. He did. We finally got something passable from him.

RB: Well, I heard U.A.M.S. is going to do something for him. I think Charlotte told me that.

ED: Also, he doesn't know it, but I think they're going to rename the White River Wildlife Refuge after him—Dale Bumpers—because he had (sometime in the '90s) worked out this deal with Potlatch for a massive exchange of wilderness lands over there in White River and then they get some land then they give the Audubon Society or Nature Conservancy. This is what the lady at the Audubon Society told me.

RB: Well, don't mention it but I was going to ask him Thursday about U.A.M.S. because when Charlotte was there we were trying to get a program named for Roger Bost based on AHECs [area health education centers] because they [Bost and Bumpers] set up AHECs, for God's sake, and Roger never got any credit for it.

ED: No, they sure didn't.

RB: And that was really Roger's baby but Dale went to bat for it and got it passed with the General Assembly.

ED: Got it done. Big development.

RB: Big deal.

ED: All right. Where are we? We've lost track of Bob Brown now.

RB: [Laughs.] We covered Dale pretty well.

ED: Yeah, we've covered Dale Bumpers and Roger Bost. So you worked there that two years and he decides to run for the Senate. Did you think he was going to run for the Senate all along?

RB: I was like everybody else.

ED: Up to the last...He kept everybody hanging until the last minute.

RB: That's right. I think if it were today and I was trying to decide I would have said it was a no-brainer. He's going to run for the senate. But then I didn't know. It was just interesting to me the aftermath. You know, the people who said, "I just can't support you,

Dale.” The friendships that were broken because of that. Just a shame. Anyway, that was an exciting campaign. It was a lot of fun.

ED: Well, did you have the sense from the outset that the race was over?

RB: No.

ED: You thought it was going to be a tough race?

RB: I think Deloss and Archie knew it was sixty-five to thirty-five or whatever it was. But the guys down in the trenches...I did the Second District. That was my bailiwick—do the Second District. We had a coordinator for each one of the four districts. But, no, we ran scared the whole time.

ED: Thought Fulbright would really pull it off. Well, there were a lot of people who did. Bill Walmsley told me the other day that he and John Norman Harkey won twenty thousand dollars betting on that race.

RB: John Norman.

ED: That there were a rich banker or something up in Batesville who was talking a few days or weeks after Dale announced that he was running for the Senate...This guy said, “That’s the stupidest son of a bitch I’ve ever heard! Bill Fulbright will mop up with him.” So Harkey said, “Would you like to bet on that?” He said, “You bet I would!” So he bet twenty thousand dollars and so Harkey and Bill Walmsley each put up ten thousand and this guy put up twenty thousand and gave it to some local bookie to keep all that money. Walmsley said that ten thousand dollars he won from the bet was invested and made a lot of money over time. He eventually got rich from that ten thousand dollars that he won from that banker. I frankly thought it was over with the day he announced.

RB: You were prescient then, but I didn’t realize it. And I was in the trenches. It’s good I didn’t realize it. Now, again, Archie may have known.

ED: Of course, Dale says now that they did this poll and it showed that it was overwhelming that he would win by a landslide—two to one—and perhaps anybody else might win, too, though not by a big margin. That if Jim Johnson or somebody else got in the race they might have won, so he just decided that if somebody’s going to beat Bill Fulbright it could be somebody real bad so why not it be me?

RB: Well, that’s his rationale and I think it’s a fair one. They certainly took a poll before the race. I heard about that after the fact but not before the fact. It turned out exactly as they thought it would turn out.

ED: I don’t think a vote was ever changed. Fulbright spent maybe ten million. Rockefeller had maybe spent ten million, I think, in 1970 and never changed a vote and I think Fulbright spent several million dollars and never changed a vote.

RB: I think [Don] Tyson bet against Bumpers, surprisingly, and Jim Blair, of course, ran Fulbright’s campaign. I never could understand why...This seemed out of character, but Dale to put Blair on the National Democratic Committee after that race. I never understood that. That’s not showing any McClellan in ‘ya.

ED: Well, he didn’t have any.

RB: [Laughs.] He never spoke to Tommy Sparks again.

ED: Did he not? Oh, that’s right. That’s too bad. Because Tommy Sparks was a good man.

RB: Now, I think...I could have this wrong. But I think Brad initially said, “Dale, let me think about it.” Because Brad was torn but then saw the light and got right and came over and worked hard for Bumpers. There were some people who were really kind of staggered by it.

ED: Well, they were and I think Irene [Samuel] was. Of course, she had been a Fulbright supporter and I think Irene...She indicated the day before he announced to me (I was trying to get out of her what she thought and I wanted to kind of break the story that he was going to run for the Senate)...She implied to me that she expected him to do the right thing and the right thing was not to run against Bill Fulbright. The next day she was a Bumpers supporter all the way.

RB: I never thought that Irene and Dale had that close of a relationship. I don't think Dale ever used Irene as much as he could have.

ED: Probably not.

RB: She was doing correspondence and that sort of thing and she had a lot of talents. It seems like in the Fulbright race, I don't recall her being around. Maybe she was holding down the fort over at the Capitol. But I don't think she was directly involved.

ED: I don't think she really wanted to be directly involved. But she was loyal. She had implied to me that if he ran against Fulbright she might be the next day over at Fulbright's headquarters. So when he announced I looked over and Irene's standing in the doorway. I looked at her and she put a smile on her face. I went up to her and asked her and she said, "I'm a Dale Bumpers woman all the way."

RB: It was hard for her.

ED: Yeah it was. As it was for a lot of other people.

RB: But I never felt like she was the player she might have been in another administration. Like a McMath administration or something like that.

ED: Yeah. Yeah.

RB: Because I think she and Dale had a little bit of tension.

ED: Yeah. So Dale wins that Senate race handily and you decide to go to Washington with him.

RB: Right. Right.

ED: You and...

RB: Archie and Richard Arnold.

ED: The three of you and Ark Monroe.

RB: No.

ED: Ark didn't go?

RB: No, Ark came later.

ED: What about Pat Moran?

RB: No.

ED: He didn't go?

RB: Nope.

ED: He never went?

RB: Nope. You named the three principals.

ED: The three of you went.

RB: The three of us went and Polly Ragon, who was Heartsill Ragon's widow from Fort Smith. Then he hired Jo (I've forgotten Jo's last name) as his secretary. So we were the staff.

ED: Well, you took a few like Martha Perry.

RB: Martha Perry went and I am trying to remember the name of the woman...She's on the Lottery Commission from Batesville. Lamberth? Something Lamberth? She was my secretary for about four months. She was Mary White's daughter. Dianne Lamberth.

ED: OK.

RB: And she was up there and she was pregnant and she had to go home.

ED: I didn't know she had that relationship. OK.

RB: Mary White I think was co-chair of the campaign.

ED: [Talking to someone else.] Hi Charlotte!

RB: Charlotte, we've talked mainly about you.

ED: Oh yes.

RB: What you got there?

Charlotte: I got you all some cookies. I thought you maybe you needed some sugar, a sugar hit.

RB: Would you like some water? You said you wanted some water. We pretty much solved it with Dale Bumpers.

ED: Yeah, we've talked about everything but Bob Brown. We're getting in a little bit of history.

RB: We talked about New York some.

Charlotte: Perrier or plain?

ED: Just plain water will be fine. Thank you.

RB: Plain's fine, too.

[Chit chat continues then Ernie brings it back to the interview.]

ED: OK, let's see. So you go to Washington. And what's your role?

RB: Legislative assistant.

ED: You're legislative assistant. What committees does he [Bumpers] start off with?

RB: He had two committees. Of course, you've got to realize the culture that we were put into. I mean, virtually everyone in the Senate was a Fulbright person.

ED: Yes. You may have some insights about that...I remember he was crossways with [Senator] Robert Byrd [of West Virginia].

RB: [Laughs.] Yeah.

ED: At the outset. Later they became good pals. They're sort of pals.

RB: Robert Byrd said...This is the way I remember the story: Robert Byrd said, "Dale, I've got the votes. I've got the votes." And I think Fritz Hollings [of South Carolina] was running against him, maybe. This was for...Maybe [Mike] Mansfield had...

ED: Was majority leader?

RB: When we first got there. But this is when Byrd wanted to be leader.

ED: Wasn't he already the leader?

RB: There was some major election that was coming up.

ED: Had Mansfield stepped down as the leader?

RB: Yeah, because he was going to Japan as maybe the ambassador or something like that. But Byrd was in contention. I think Fritz Hollings was one of the people and Fritz and Dale were friends, and I think Fritz maybe had five votes and Dale was one of them. So that's one of the reasons they got crossways.

ED: But before that, you may remember that the first political event after the filing period in April of 1974 was the Pope County Democratic Women's Rally.

RB: Big rally.

ED: Everybody comes up there.

RB: Right, right.

ED: So Fulbright arranges for Robert Byrd to be the keynote speaker, which they normally don't have. So he comes down as the keynote speaker for all this big rally where everybody gets up to speak. So they're all up on the stage—Robert Byrd and Dale Bumpers and Bill Fulbright. And Robert Byrd gets up and makes this speech in which he basically endorses Fulbright. Here's Dale sitting there on the stage in front of this sea of people out there and Robert Byrd endorses Fulbright and tells how awful it would be if Arkansas abandoned all of the seniority and leadership for somebody...

RB: I had forgotten about that.

ED: And Dale was furious about that.

RB: Should have been.

ED: And the story I got. I don't know whether you can confirm it. It seems like I later tried to talk to somebody about it. The story was that you had to go pay homage to Bobby Byrd when you got there. All the new senators. You went down and paid homage and Dale wouldn't do it.

RB: There's no question about that.

ED: And Bobby Byrd had to come to Dale's office to talk to him.

RB: About the committees.

ED: About whatever. So did that happen?

RB: They were at cross-purposes from the get go and I had forgotten about the Russellville event, Pope County Democratic Rally. But Dale got appointed to the Interior Committee, which he wanted, and Aeronautical and Space Sciences, which he thought was a slap in the face. He thought that was Byrd and the leadership were getting even for the Fulbright campaign. And Hubert Humphrey came to him and said, "Look, Dale! Look at all the things you can do with Aeronautical and Space Sciences: satellites, N.A.S.A., the space shuttles, agriculture—you can see the nutrients from whatever is in the atmosphere. There is so much you can do with that committee." And Dale would have none of it. He thought it was a real slap in the face so he attributed that to Bobby Byrd.

ED: And also to Henry "Scoop" Jackson, did he not? Scoop Jackson was a big friend of Fulbright...Byrd and Fulbright might have been seatmates. I don't remember. But they were close. Dale told me years later he thought Scoop Jackson had something to do with...

RB: The committee assignments?

ED: With his committee assignments, too. I don't know.

RB: Could be. It seemed like to me that there was never the deep-seated animosity with Scoop that there was with Byrd. But that could well be.

ED: But later Byrd became kind of a friend of Dale's.

RB: Well, yeah. Dale became part of the leadership. Although he never chaired a major committee he certainly had the seniority. Dale was somebody who people listened to.

ED: So did you work with any particular one of those committees?

RB: Well, I had Aeronautical and Space Sciences and Richard [Arnold] had Interior, which he had a lot more fun with. Where I had fun was on committees like Armed Services, for example, and some of the foreign affairs...The Foreign Relations Committee. So you know, that was just trying to fathom what in the world was going on. You had these bills that were so intricate and whatnot and trying to brief Dale in thirty seconds, which is impossible. But the truth of the matter is, he got most of his intelligence from the other senators, about how to vote and where to vote. At that time, the C.I.A. had a bad odor.

You know, we're talking about Gerald Ford and post-Vietnam and all that. So the C.I.A. was being dismantled. And that happened during that two-year period that I was with Dale. And, in retrospect, it probably wasn't a good thing for that to have happened. But it was a reaction to what had happened in Vietnam.

ED: Yeah.

RB: But he had to struggle, I think. To his credit, he held his head up high and earned everybody's respect. His running mates were [Senators] Gary Hart [of Colorado] and John Culver from Iowa.

ED: Iowa.

RB: Yeah, and those were his... They had a lot of fun. They really did.

ED: Yeah, they're still kind of buddies I think.

RB: I don't know about Gary Hart. Are they still...

ED: No, but I think Culver continued as long as he was in Washington after he left the Senate. I think they continued to have lunch from time to time. [Senator] George Mitchell [of Maine] and [Senator] Jim Sasser [of Tennessee].

RB: Sasser is one. And that was really after my time that he and Sasser got to be so close. And [Senator Christopher] Dodd. You know? Those relationships developed later.

ED: And what's his name from Louisiana? The other guy.

RB: Oh, Bennett Johnston?

ED: Bennett Johnston, I guess.

RB: He was a player. Yeah. He was a player. Who was the guy from Kentucky? [Senator] Wendell Ford.

ED: Wendell Ford. Yeah.

RB: He was a running mate in the early days and I remember him coming into the office one day and saying, "Dale, we got the ticket." This was when Gerald Ford, of course, was president and Nelson Rockefeller was the vice president. He said, "We got a ticket for the Democrats—the Ford/Rockefeller ticket." [Laughs.] Wendell Ford and Jay Rockefeller.

ED: Yeah.

RB: Anyway.

ED: But that would have been a good ticket, wouldn't it? Two Fords and two Rockefellers running.

RB: Yeah. That's right. But Dale... He did not play the game. He would not play the game.

ED: How do you mean?

RB: Well, sucking up to people, basically, to put it crudely and just kowtowing to the power structure and whatnot. He was his own man, to his credit. I think the populist streak (and I am falling into psychoanalysis here)... the rugged individualist from the hills of Arkansas. I think that kind of takes hold and dominates in Dale Bumpers. I think that's a great trait to have and he showed it in Washington.

ED: Only on maybe two or three occasions did he seem to cast a real political vote. In other words, against what he thought ought to be done, a vote to placate popular interests. He was telling me once about a gun bill, that he always voted for anything to restrict and control guns and one day he was on the floor and somebody had introduced a bill to regulate guns in some fashion and they had the roll call and he voted for it.

[Break to stop noise going on outside of the house.]

ED: All right. We're back and I might as well finish that little anecdote I was telling about Dale. He said that there was a gun bill and so it sounded reasonable to him so he voted

for it. He went down and cast his vote and as he was walking back to his seat, Sasser called him over. Said, "Dale, come here. You just voted for that damn gun bill! You've cut your own throat!" He said, "Why?" "That bill is going down to defeat and maybe you're going to be among about fifteen people to vote for it and you're going to go back home and it's going to beat you. Nobody's for that thing. Only people going to vote for that are people up east that don't have any worries. But you've got to go back down there and vote against that thing. It's going to be defeated anyway. So what's the point?" So he goes back and changed his vote. But he didn't do that very often, you know? I think he voted on some labor bill—*common-situs* picketing or one of those labor reform bills or something.

RB: Labor Reform Act. Yeah. That was a big deal.

ED: Labor Reform Act. So he voted against that, although he wanted to vote for it. He felt like he had to. But he didn't do that very often. He'd cast an unpopular vote and come back and explain it to people and it would go away.

RB: Certainly did that on...I thought he really stood tall on the Panama Canal.

ED: Panama Canal was the one that really came close to doing him some grievous harm.

RB: But he should have been sensitive to the gun-control thing because in the Fulbright campaign... You know Fulbright accused him of being...

ED: Soft on...

RB: Soft on guns.

ED: And hunting. That he was opposed to hunting or something.

RB: That's right. He disseminated that picture of Dale with ducks.

ED: [State Representative] Frank Henslee had come out with this thing about hunting... There had been some proclamation about "Be Kind to Animals Week" or something and it was promoted by an anti-hunting outfit or something and Dale didn't know it. They said it proved that Dale was against hunting and gun rights.

RB: But Archie got it done. It probably was signed by the signature machine.

ED: Yeah.

RB: I can just hear Dale now—"Spike!"

ED: They hammered Dale over that. Fulbright went after him on that, too. I was disappointed in Fulbright for using that ridiculous thing. But he was desperate.

RB: The Panama Canal was a stand tall. The labor reform thing...I was with Jim Guy by the time that thing came up. It was voted down and it was supposed to be very close.

ED: Yeah. Well, anything else stand out about the period with Dale Bumpers? Two years roughly you were with him?

RB: I was with him in Washington two years and then the governor's office. So total two and a half in Arkansas and two years in Washington. But just the fact that he was being bruited about initially as presidential timber—he and Jimmy Carter and Gary Hart and a couple of other people. But, you know, by the time we had gotten to Washington it was clear it was going to be Jimmy Carter and Dale was not really in contention.

ED: At the 1976 convention.

RB: That's right.

ED: You think he seriously thought about it?

RB: I think he thought about it.

ED: He always wanted to be president.

RB: Yeah, I think by the time '88 came around it was just too late. That was the next time he was really running...

ED: Well, '84 was when he briefly ran...In '84 when Mondale won the nomination...He went out and did a few of the cattle shows out in Sacramento and elsewhere.

RB: Then in '86 he ran against Asa. He had his hands full. Asa Hutchinson. Then '88 he was one of the seven, gang of seven, and he was bruited about as the best speaker and I am sure he was. But he dropped out of that.

ED: Well, I think in '84 when it was John [Senator] Glenn and Mondale and maybe [Senator] Alan Cranston [of California] and I've forgotten who else...Maybe [Senator Henry M.] "Scoop" Jackson was still thinking about the presidency then. I went out to this cattle show in Sacramento and he was clearly the star there. I think it was the California mid-term convention.

RB: Well, in that group he would have been.

ED: He was. Of course, Mondale eventually won.

RB: But he was so lackluster.

ED: He was. But Dale was clearly the star of the show and Mary McGrory wrote a column on him after that and said he was head and shoulders the best candidate out of that group, which wound up being the field of candidates—John Glenn, Gary Hart and, of course, Mondale wound up winning pretty handily.

RB: Then Gary Hart, of course.

ED: Gary Hart in '88. So '84 probably would have been...'88 would have been the chance. If he had run in '88 he probably would have won.

RB: Mmm hmm. But I hearken back to right after he was elected to the Senate. That's when he was really in his prime. Of course, Jimmy Carter had been campaigning for two years. So he had quite a head start on Dale. But those were the two guys that were being talked about the most.

ED: Well, in 1978 there's a Senate race. John McClellan dies and Governor Pryor appointed Kaneaster Hodges to fill out his term. No, I guess we have to go back to two years before that to '76.

RB: To '76.

ED: '76. Wilbur Mills steps down and Jim Guy [Tucker] runs for Congress. There is a five-man race. Did you come back and work in Jim Guy's campaign for that?

RB: No, I was with Dale.

ED: You stayed with Dale?

RB: Yeah. I was not involved in that campaign at all. And Jim Guy came to Washington and he asked me to be his administrative assistant, which would be the staff director, and I said I'd do it. That would have been after the election. As you say, the latter part of '76.

ED: He won that five-man race for the Democratic nomination. He won that handily.

RB: That's right, without a runoff.

ED: Without a runoff. I've forgotten...I'm sure...Somebody ran...[Ed] Bethune...There was a Republican candidate in the fall and I don't remember who it was.

RB: I think Bethune ran for his congressional seat. No, no, no, no, no. I'm getting confused now.

ED: Bethune ran when Jim Guy ran for the Senate in '78. Ran and got elected. So I don't remember who. [It was James J. Kelly.]

RB: That's right.

ED: So he asked you to be administrative...

RB: This would have been the fall of '76 and my son was born in November of '76. He was born on election day, when Jimmy Carter was elected. So anyway...

ED: Do you have just one son?

RB: Yes.

ED: OK. What is his name?

RB: Stuart. And he's married. Has two children and lives in Dallas. He married Drew Kumpuris' daughter. All incestuous here in Little Rock.

ED: Sure. That's the description that's always applied to Arkansas. It's incestuous.

RB: [Laughs.] First cousins.

ED: In 1993-'94 during all that Whitewater stuff they came down and wrote about this incestuous state.

RB: But it was an exciting time. Of course, all of this had happened really before I came on board. Jim Guy had talked to Mills (and, of course, he was succeeding Mills in Congress) about Ways and Means.

ED: He got on Ways and Means Committee.

RB: He got on Ways and Means.

ED: Did Wilbur Mills pull that off for him, you think?

RB: I assume he did. He certainly had something to say. Of course, Wilbur Mills was out after that fall, but I'm sure he had something to do with it. The story was (and I don't know if this is true or not) that Jim Guy would serve on Ways and Means and would not run for the Senate. Some people believe that. That by getting on Ways and Means he would not run for the Senate.

ED: Now Tim Griffin has gotten on Ways and Means and he says he's not going to run for the Senate.

RB: The question is whether he would do it. But I guess people are talking more now about Tom Cotton running against Mark Pryor. But, back then, that at least was the suspicion. That when Jim Guy did determine to run for Senate he bumped up against the people. "Well, you said you weren't going to do this if you got on Ways and Means Committee."

ED: Did he make such a statement, you think?

RB: I don't know. I don't know. It happened before...

ED: You were there?

RB: On board. But I did go by and talk to the chairman [Mills] and that was a very interesting conversation because by then he was in Alcoholics Anonymous, admitting his problem, and he was very forthright about it. Like the ancient mariner telling everybody a story. He was very forthright, I thought, about his problem. But he was very helpful in our getting situated. By the way, the Fulbright people... Lee Williams gets a star in his crown for the way he helped Bumpers get adjusted in Washington. And some of the Fulbright people didn't. But Lee Williams did. He's a standup guy, I thought. But anyway, Jim Guy gets situated, gets on Ways and Means and for that, I guess for about a year and half, he was crackerjack. He was just great on Ways and Means.

ED: Well, he was. He helped write the reform of Social Security.

RB: Yeah. Exactly.

ED: It was facing I guess not bankruptcy but it had big problems and they worked out this solution, and he was one of the authors. My recollection is he was one of the authors of the Social Security Reform Bill that revived it financially for some period of time.

RB: And Dick Morris used that against him. You remember that? Dick Morris helped David Pryor. Do you remember all that?

ED: Oh yes.

RB: You remember the two ads that were run?

ED: I do.

RB: One was Jim Guy raised your taxes for Social Security. The second was absenteeism because he was down here campaigning and he's missed so many days in Washington. And that was the first negative campaigning because Dale Bumpers had supposedly rewritten the book on how to campaign and you didn't go negative.

ED: Well, Bill Clinton told David Pryor (because Bill had just gotten elected in '78 in the first primary and so he talks to David)...Of course, he wants to stop Jim Guy. He sees Jim Guy as a rival. So he tells David, "I've got the man for you: Dick Morris. He's a genius and you need to get him on board and show you how to win this thing." And Pryor does and he runs those ads. And the great story that Bill Wilson later told me and David confirmed (and Barbara confirmed, too)... I don't know if you've heard that story. Dick Morris and Bill Wilson were out at the Governor's Mansion when those ads ran and one of those ads says that he voted such a percentage of the time with the eastern liberals and he's with big labor and it tied him in with the labor bosses. That Jim Guy voted with all the liberals. At any rate, Barbara Pryor was in the Mansion. She comes storming into the living room at the Governor's Mansion. Here's Bill Wilson and Dick Morris sitting there and she said, "I've just heard these outrageous things on the television that has David attacking Jim Guy Tucker as voting with the liberals and the eastern liberal establishment and big labor and all of that stuff. I want to know who is responsible for that!" Then Dick Morris says, "Well, I guess I am." Then she says, "Get out of my house tonight and don't ever set foot here again!" And he did.

RB: I heard she despised him.

ED: And he left and Bill Wilson goes back down to the hotel with him and he's packing up to leave and they get a hold of David and David calls him and says, "No, hang around. Just don't go to the Mansion any more."

RB: [Laughs.] Well, I heard she despised him.

ED: Yeah.

RB: They didn't pull those ads.

ED: No, they didn't. They didn't pull them.

RB: Well, I don't know if that changed a vote, but what I did find out in that campaign is that people vote for who they like, who they feel comfortable with, and it's not who's the better person, who would be a better senator or a more talented, smarter...It's who they like and they liked David. Always have liked David.

ED: There's a story you and I share in that campaign. You remember?

RB: What's that?

ED: Well, this is the campaign for the Senate in '78 and we're maybe jumping ahead a bit. But we'll go back if there's anything else to talk about for the two years that you're on his staff in the Congress. We're in the Democratic primary for the Senate in 1978 and Jim Guy and David Pryor are in the runoff. It's a very tight, almost three-way tie between Ray Thornton, and Governor Pryor and Jim Guy. But those two get in a runoff and so we're about three or four days into the runoff when about three o'clock in the morning I get a telephone call from Bob Brown.

RB: Oh, I think I know where you're going. I'm not going to go...

ED: You're not going to go there?

RB: I'm not going to go there.

ED: All right. We won't discuss that. But, any rate, we'll go back to that campaign there in a little bit. Anything else to say about that two years on Jim Guy's staff?

RB: Dale had kind of...I won't say flattened out but it wasn't as exciting as it was working with Tucker on Ways and Means. I mean, I think primarily because of the Tucker personality and because of the Ways and Means Committee. Archie had left Dale's office. Ark Monroe came on about the time I left to go with Jim Guy. So things perked up a bit, I think, after Ark got on staff. But it wasn't that way. It was just getting to be a bit...not that exciting. So going with Tucker was very exciting and when you throw in the Senate race, which began to develop the longer I was there, that made it kind of entrancing. He was doing things...I don't know if you remember what he would do on Sundays. He would interview a member of Jimmy Carter's cabinet and do an hour-long interview for...I've forgotten which channel—N.B.C., C.B.S...

ED: Yes.

RB: So he was doing Ernest Green [of the Little Rock Nine, by then at the U.S. Labor Department], [Secretary of State] Cyrus Vance, [Secretary of Defense James] Schlesinger... and that was a lot of fun because...You know it's because of his sister—Jim Guy's sister, who was like the assistant secretary of labor]...

ED: Carole Foreman?

RB: Yeah! Yeah. Yeah. So she was able to...

ED: So she was setting all those things up.

RB: Well, she was just a player with the Carter administration and she didn't set them up, per se, but it was known that Jim Guy had an "in" with the Carter administration so that helped. But that was a lot of fun. So we were really kicking around in the deep water for a while. But then the campaign started...I don't know what to say about the campaign other than it was interesting as far as the three-way split. I've told Ray Thornton this. I don't know if he believes it. I said, "Ray, you have done so much more being the president of two universities and a congressman from two districts and a Supreme Court justice. You've done every bit as much as you could have done as a United States senator as far as being a public servant." I think he has. I think he really did a lot. But, you know, when Jim Guy got into the runoff with David, conventional wisdom was David was the favorite, so Jim Guy gets in the runoff and he should win it. But, then, of course, you had the component you already referred to, and that's Bill Clinton and a lot of the Clinton people went for Pryor because they perceived Jim Guy as somebody who would be a rival in the future. I think, frankly, Pryor would have won anyway because, for the reason I've already said, people liked Pryor better.

ED: Well, yeah. To support that point, that Pryor is someone who people like, have grown to like...In the runoff, it developed that Pryor's campaign treasurer, Jack Williams...

RB: He was the campaign director, wasn't he?

ED: Campaign director or treasurer. I guess director.

RB: Yeah, he had to have been.

ED: At any rate, he had approached his old, long-time friend (and I think one of them was in the other one's wedding), John Pickett, whom Pryor had appointed to the Public Service Commission. So Jack Williams approached John Pickett about supporting a rate increase

for Arkansas Oklahoma Gas Company, which belonged to Witt and Jack Stephens, the uncles of Ray Thornton, who had been defeated in the first primary. That seemed to be highly improper. And Pickett went down to the prosecuting attorney's office and that blew up. The next day we wrote about it. It led the paper and we wrote about nothing else the next five, or six, or seven or eight days of the campaign. And it looked terrible. They had a press conference and Jack was...

RB: He looked like he was about to die. I remember.

ED: I sat there. We had an hour-long press conference, just grilling Jack and David. And when it was over, Jack Williams's shirt was drenched. He did not have a dry spot on his shirt. Just drenched. Because he really had not a good answer for all of that.

RB: Wasn't Scott Stafford also on that...

ED: Scott Stafford...David had also appointed Scott Stafford, who was a friend of Jim Guy Tucker, to the Public Service Commission as well. Any rate, it looked like everything in the runoff was going Tucker's way because that's all they talked about. They took it to the prosecuting attorney, Lee Munson, and, of course, he whitewashed it all and said, "Oh! There's nothing to it."

RB: Lee came out and said it's just politics. I'm not touching it.

ED: Just politics and he's not going to touch it. But it never changed a vote.

RB: It never changed one vote. I agree.

ED: Because no one's going to believe that David Pryor would do anything wrong and, if he did, no one was going to blame David Pryor because by that time people had a firm image of David Pryor. They knew who he was and they weren't going to spoil that. That's right. I think David Pryor was unbeatable in that election.

RB: I remember Jim McDougal, who was working with Jim Guy during this campaign.

ED: Yeah?

RB: Jim McDougal said he had gone over to Forrest City...He made the quip, "When someone brings wrongdoing to light you don't kill the messenger." Or words to that effect. A famous quotation. It got blown up and Jim Guy just wanted to slap McDougal for saying it. It just didn't help at all. But that was Jim McDougal's take on it.

ED: Well, did you all have the sense that things were going your way in the runoff? Because of that.

RB: You want to know my sense? What was the runoff? Two weeks?

ED: Two weeks at that time.

RB: For the first week—hey! Exciting! We got this thing. We're going to win it. The last week the phone didn't ring and when the phone doesn't ring you know you're dead in the water. And that was my sense of it. It didn't ring. It was being turned around. I think that's when Clinton got involved and a lot of people were turning the tap against Jim Guy. And that's politics. And Lee Munson, as you say, came out and said, "This is just politics. There's nothing to this." So a lot of things were happening.

ED: And I think the Stephenses, the Ray Thornton group got involved.

RB: Yes. They had supported Pryor.

ED: They had gotten a third of it so they switched over and went with Pryor.

RB: And I'm sure the whole idea of the utility situation didn't sit well. So, yeah, I am sure they were very much involved.

ED: Because as attorney general Jim Guy had been aggressive on utility regulation and so forth. So all of that, too.

RB: Jim Guy, even more than Dale, would never cotton to special interest back then. Just really eschewed it. I think the only so-called “heavy hitter” he had behind him was Buddy Benafield. [Laughs.]

ED: That’s right. He did have Buddy. Yeah. OK. At any rate, in the ’78 senate race Jim Guy is defeated and so you’re thinking, “my life’s over now” since you’d been wrapped up with Dale and then with Jim Guy.

RB: No. I had a two-year-old son. The way I figured, the only thing I could do in Washington if I left the Senate, left the Hill, would be with reciprocity as a lawyer. I could get involved in family practice, divorces or criminal work, neither of which I wanted to do. At that point, I didn’t feel like I was positioned to go to Covington and Burling or one the major firms in Washington. So I had always thought I would be coming back to Little Rock, win or lose. So I decided to come back to Little Rock and Charlotte was all for this. We had a going-away party my last night in Washington. We had Kaneaster [Hodges] there and the furniture had been hauled away and we got into the car. Charlotte had cried when we left Little Rock and cried when we left Washington because we had some really good friends there. Not necessarily on the Hill but just throughout the city. So it was a sad deal. This is actually before I came back for the campaign that we had this going-away party. We moved back and Anne Bartley had rented our house and she vacated.

ED: So you moved back before you left Washington and so you were not going to go back to Washington?

RB: That’s right.

ED: You were coming home anyway.

RB: I was coming home.

ED: So you were not going to be joining the Senate staff of Jim Guy Tucker.

RB: That’s right and the other component of all this was that we had bought Johnswood. Charlie May Simon Fletcher died in ’77 and we had bought this house. This was the home of John Gould Fletcher, who was a Pulitzer Prize winner for his poetry and one of the Southern Agrarians. He and Charlie May lived there until his death in 1950. So we had two houses. We had the Centerwood house where Anne Bartley was living, and we had this house. So, you know, we came back. Then I had to decide what I was going to do after the campaign after we lost. That was a terrible experience—to go through a hard-hitting campaign like that and lose, especially in a runoff and all that.

ED: Yeah. You had never been in a losing campaign before, had you?

RB: No.

ED: You had been with Rockefeller and then Dale Bumpers...

RB: Jim Guy, Bumpers and then Tucker for the Senate. Yeah.

ED: So you come back and you start practicing law again.

RB: Well, I talked to Tom Eisele and I said, “I’m back in Little Rock and I need some work to do,” so he appointed me to a couple of criminal cases, which I tried. You know you get reimbursed for that. Then I talked to Fred Harrison... You know Fred.

ED: Yes.

RB: Fred’s father-in-law had just died—Tom Downie—and they had represented a lot of the Rockefeller interests. Of course, Fred was a big Fulbright person but he supported Jim Guy so we had a lot of commonality. And I said, “Fred, why don’t we practice law

together?" So we formed a partnership—Harrison and Brown—and started practicing law.

ED: Where did you practice? Where was your office?

RB: Center Place, which is just right across... Well, it's right next to Dave's place. It's part of that building.

ED: OK. All right. The old Union Life Building.

RB: That's right.

ED: You were up there with Jim Johnson probably. Was he still there in that building?

RB: Justice Jim?

ED: Justice Jim was there for a while.

RB: He had vamoosed by the time I got there.

ED: He had a little office up there for many years. He never practiced law, of course. But he had a little office up there on some floor.

RB: Somebody told me the other day that he shot himself. Is that right?

ED: Yeah, he shot himself.

RB: I didn't realize that. You know, I talked to him about three months before he died. But I thought cancer got him. I didn't know...

ED: Well, he had cancer but finally it was so bad and I think he just didn't want to go through the ordeal and the humiliation. You know, he couldn't control his bowels and it was just awful. They had to go over there. Virginia was dead and so he put a shotgun in his mouth and blew his head off.

RB: Anyway, that's what I heard.

ED: Yeah. So, he had... And I wrote a column about Jim the next week.

RB: You got it for this next week?

ED: No, the next week after he shot himself I wrote a column about him. It was kind of a personalized column about Jim and a little bit about our relationship. Because I was writing a column today, early this morning, and I went back and resurrected that column from one little sentence that I included in my column today about Jim from 1954.

RB: I interviewed him for my book and he was very forthcoming

ED: In a lot of ways I loved Justice Jim. He was forthcoming. He didn't hold anything back.

RB: He didn't hold back. And this was by telephone, it wasn't in person, and about halfway through the interview he was talking about the legislation they passed in '57. You know, Faubus and all that? I guess it was early '57, that session, and he came to one bill and he said, "Now, Justice, even your father would have liked this bill." I said, "That son of a gun knows who I am." [Laughs.]

ED: Oh yes.

RB: He'd done his homework.

ED: Yeah. Yeah. He did.

RB: I said, "You're a wise man." He had no use for Faubus.

ED: No he didn't. He didn't like Faubus.

RB: He said, "Faubus was just following what I started."

ED: Yep. That was basically what the column was I wrote back there—that his timing was off his whole life. He never was right on the moment.

RB: I would say "thank goodness." But, anyway, go ahead.

ED: Yeah, thank goodness for that. I think that's what my column said too. Where were we? OK, you and Fred Harrison...

RB: I think Simmons was kind of caught in the Jim Johnson web, to some extent. Bill Simmons.

ED: Yeah.

RB: He really thought he had some good qualities to him.

ED: Well, Jim would call me a lot over the years. He wrote me a lot of letters over the years. Beautiful handwriting. He had a beautiful hand.

RB: Yeah. Yeah.

ED: One of the last things he told me was that I had destroyed his political career. And I said, "Well, how did I destroy it?" He said, "That thing in 1968..."

RB: Rockefeller?

ED: I guess when he was running against Fulbright for the Senate.

RB: Oh, Fulbright.

ED: I guess against Fulbright for Senate in '68 and he... Or maybe when he was running for governor in '66. I've forgotten which. Anyway, Jerol Garrison was covering him for the *Gazette* and he wrote that Jim would cross the street rather than shake hands with a black person. He would go around the square and cross the street rather than shake hands with a black person.

RB: Mmm hmm.

ED: And Jerol asked him about it (and this was all down in Jerol's story) and he said, "I'm not campaigning in the black community. I don't campaign in the black community." So I would cite that over the years whenever he'd run for something and I'd recall that and suggested that he wouldn't shake hands with black people. So Jim said that ruined his political career.

RB: Well, that was the case in the governor's race against Rockefeller. That was used against him.

ED: Yes.

RB: I think initially he wouldn't and then it became such a heated issue that toward the end of the campaign he would.

ED: Well, and he always maintained that I kept resurrecting that thing over the years and it always made it appear that he felt like he was too good to touch the hand of a black person. But that all he really meant was that Rockefeller was going to get all the votes anyway so there was no point in him doing seeking their votes. Although, as Jerol pointed out in his story, he'd be shaking hands with people and black people he would skip.

RB: Yeah.

ED: And that if he confronted a whole bunch of black people he would just cross the street so he wouldn't have to shake hands with them.

RB: That's Johnson balderdash is what that is.

ED: Yes, but any rate, he said I ruined his political career and he said I brought it up when he ran for the Supreme Court twice. I said, "Jerol Garrison wrote the article in the first place," and he said: "I know that! I know who wrote it. But you're the one that kept perpetuating it over the years." He still sent me a necktie every Christmas.

RB: Did he really?

ED: Sometimes they were soiled. You could find the tie tack holes in them and a little bit of gravy here and there.

RB: [Laughs.]

ED: I wrote about it once and made some reference to his sending me “a serviceable necktie,” I guess implied that it was a used necktie. So he turned around and sent me a second necktie and this was a new one, this Christmas about six years ago. But we’re off the track here. We need to move along here. So you and Fred practiced law and for how long?

RB: Gosh! This was like...

ED: This would have been...

RB: ’78.

ED: ’78.

RB: And I think we practiced together until ’85 when he became general counsel for the University of Arkansas. But he maintained his office at Centre Place and I became Robert L. Brown, P.A., solo practitioner for the next five years. And I went “of counsel” with Mark Grobmyer of Arnold, Grobmyer and Haley. I would do work for them and do work for some of their clients and have my own clients. But I stayed where I was at Centre Place and that’s when I started writing the novel and was contributing editor of the *Arkansas Times*. I worked with Bill Terry and wrote profiles. [The *Arkansas Times* was then a monthly magazine.]

ED: Wrote quite a few things for them. It seemed like you always had this divided loyalty... You wanted to write and the law...

RB: I wanted to be more than a lawyer. I wanted to have other aspects to my career. That was always tantalizing. This conversation is a lot of fun and doing interviews for profiles was a lot of fun. You could ask questions that you ordinarily couldn’t raise at cocktail parties, you know? But, anyway. I enjoyed it. Working with Bill Terry, I mean... Piece of work.

ED: Yes. Yes. So you were contributing editor and wrote quite a lot of stuff as I recall.

RB: Mmm hmm.

ED: For the...

RB: *Arkansas Times*.

ED: *Arkansas Times*. In those days it was a magazine. It was a monthly magazine.

RB: That’s right.

ED: They switched over and became a little tabloid in 1993 after the *Gazette* closed.

RB: And I wrote for the *Arkansas Lawyer* and for *Arkansas Business*. “Four for the Future.” I also wrote “The Second Crisis of Little Rock” for the Rockefeller Foundation in 1988, which examined the state of public education in Little Rock.

ED: Yes. What kind of law did you practice? Any cases that you remember?

RB: I did...

ED: A little bit of everything?

RB: Yeah, I did primarily financial work as far as litigation involving financing, whether it was bankruptcy or creditors’ rights or that sort of thing. So I was in bankruptcy court a lot. I did some foreclosure work but it was really financial... All my litigation was financially based. So it brought me into court. But, by the same token, it was not criminal practice as such. I didn’t do criminal defense work even though... I take that back. In federal court (this was an appointment), Jack Lassiter, Bill Wilson and I represented the three principals that were charged with, I guess, first-degree murder. They had had a nightclub down here [The Wine Cellar]—the quonset hut, down here at the bottom of Cantrell Hill. But they had been accused of setting up a murder for insurance, to recoup on an insurance policy. So sometimes I did do some criminal work but it was very rare.

ED: Did those guys beat the rap?

RB: No, they didn't.

ED: They got convicted, huh?

RB: As I recall it was kind of a stand in. My client supposedly was diabetic but had switched his urine to show that he was not diabetic and that was one of the key pieces of evidence that the feds had against him. It was that type of trial.

ED: OK. So after how many years you decided to run for Supreme Court?

RB: I did this from '78 until close to 1990. I had written this article on George Rose Smith, and that got me thinking about the court because I really enjoyed interviewing him and getting to know him. That was a lot of fun. Of course, he was a difficult personality but it was interesting seeing his point of view on the Supreme Court. So I started thinking about it. And he makes the point, and I quote him in this article, that there was no groundswell of support for him to run for the Supreme Court. I think he was an attorney over at the Rose Firm. He said, "The total number of people who wanted me to run was three," or something like that. Of course, he never would have won without Peg [his wife]. I mean, Peg was the one who knew how to campaign.

ED: Yes. Peg elected him for sure.

RB: He was just completely introverted.

ED: No one would have voted for George Rose Smith if they knew him...probably.

RB: [Laughs.] He just had zero personality, in a sense. Apparently he was not very good in front of a microphone, talking to the crowds and all that. But she got him elected. I raise that because I think the total number of people who suggested I run for the Supreme Court was one and that was Steele Hays. We were at some cocktail party and we were talking about this, that and the other and I said, "Well, three seats are going to come up for the Supreme Court," and he said, "Well, why don't you run?" So that's the only kind of suggestion I got to run. But I decided that if I was ever going to do something like that then why don't I do it. So I talked to Charlotte and we started to plan.

ED: So you had three seats open that year, right?

RB: Well, as it turned out it wasn't three. It was just two. I thought that maybe Steele was not going to run. But he decided to run. So it was the seat that Darrell Hickman or...I guess it was Hickman's seat but Dale Price had been appointed to fill out the term for Hickman [who retired in midterm]. So it was that seat.

ED: That's right. He retired sometime in 1990 then, didn't he?

RB: That's right.

ED: And you ran to fill out his term.

RB: Well, actually, it was a new term. He had been appointed to fill out maybe...I've forgotten whose term it was. Gosh!

ED: Darrell?

RB: Could have been Darrell's term and then Otis Turner was filling out somebody's term and I think that's the seat that Judith Rogers...No, Judith Rogers and I ran for the Hickman seat. Corbin ran for the Otis Turner seat. Steele ran for...

ED: Reelection.

RB: Yeah. Yeah.

ED: So Corbin got elected the same time you did the first time? I thought he had...That's right.

RB: It was the first time for Corbin.

ED: Yes, because Tom Glaze was elected to the Supreme Court in '86.

RB: That's right.

ED: And Corbin and you in 1990.

RB: That's right.

ED: So you faced Judy Rogers?

RB: Judith Rogers. That's right.

ED: In that primary. Kind of a tough primary.

RB: Tough. Yeah. I never thought I was going to lose, you know? I was probably the only one in the state that never thought I was going to lose. [Laughs.] I think everybody thought I was going to lose.

ED: Well, she was pretty well-known.

RB: She was well-known and she had done some things with juvenile practice.

ED: Big in the Democratic Party.

RB: Leader in the Democratic Party. She had "Judge" in front her name and that was the key thing. She could run that way and I couldn't. So she ran as Judge Judy Rogers and I ran as Robert L. "Bob" Brown.

ED: So she was...I've forgotten now. Was she a circuit judge?

RB: She was on the Court of Appeals.

ED: On the state Court of Appeals.

RB: She had been a chancery judge.

ED: Chancery judge and then did she get appointed to the Court of Appeals or had she gotten elected?

RB: I think she ran unopposed for that.

ED: OK.

RB: And she got it and she decided to make the leap from the Court of Appeals to the Supreme Court.

ED: Had she already announced when you ran?

RB: I remember sitting down with my kitchen cabinet (and there were about ten to fifteen people there) and we went around the room and I said, "Who would it be better for me to run against? Judy Rogers or Don Corbin?" And to a person they said, "Judy Rogers," which surprised me. But that was kind of the conventional wisdom because Donnie, as you know, has all the personality in the world and he had kicked around the state—General Assembly and all that.

ED: Yeah. Well, that's who I would have...I mean, I think I would have said the same thing; that she was more beatable than Donnie because Donnie had his own south Arkansas constituency.

RB: Well that's right. Lafayette County and all that. And he had been on the Court of Appeals...Gosh! For about six years anyway.

ED: Yeah.

RB: But yeah, that was a hard-hitting campaign.

ED: I remember she had kind of redone her office.

RB: That's right.

ED: Spent a lot of money redecorating her office and so forth. You kind of hammered her a bit for that.

RB: I don't know how much you like political ads or what you think of political ads but that's one of the best political ads that was ever made. Truth of the matter—it really was,

irrespective of the merits of it, one way or the other. I mean, the way this guy who came up with the idea wove in the fact that Judy had spent (I don't know what it was) fifteen thousand on her office and then she said, "Well, I spent that much money because it's going to last forever," and then the next line was, "The way she uses the office it will last forever." Then it tied in with her absenteeism and you open the door and there are all the cobwebs, you know, because she's never there. [Laughs.]

ED: I had forgotten about that ad.

RB: Yes, the "cobweb" ad is the way it's known. But it was a tremendously successful ad. Quite frankly, that's the reason why I won. I just barely won, as you remember. But I go out on the campaign trail and people would quote to me the number of days in that ad that she had missed work. We had done the research. She had been out in Reno or wherever. She was just never there. So it was very effective.

ED: Well, I'll get the numbers but it was a pretty close race.

RB: At one point...

ED: Cause you all had to split up Pulaski County and I've forgotten who...

RB: No, strangely enough I won Pulaski County heavily.

ED: Did you?

RB: I won Central Arkansas heavily. I lost out in the state, which surprised me. I would have thought she would have done very well in Central Arkansas.

ED: Well, I would have to. I would have thought that would have been her natural constituency and she wouldn't have done well out in the state.

RB: But the reason I won... Well, the ad. But when we got into that four or five days when I hadn't won, nobody had won, I remember talking to Hezekiah Stewart down at his church in College Station. He said, "Bob, you need to go out and claim the victory." And at that time I think I was a hundred and twenty-eight votes ahead. So I held a press conference and said I won. You know, people saw that on the news and thought, "Well, he must have won." [Laughs.] And as it turned out I won by about eleven hundred votes. Something like that. Out of three hundred thousand.

ED: That's right. Had to wait until it was certified or something like that.

RB: Right. Right. And Judy was going to do a recount. That's all very interesting but I'm not going to go into that.

ED: Yeah. All right. OK.

RB: But it was a tight, tight race. We worked in the same building after that and we'd see each other occasionally and we went out to lunch once and talked about it. You know, it was tough. It was tough on her. It really was.

ED: Because she stayed on the Court of Appeals for a while after that.

RB: She did. That's right.

ED: For some time after that.

RB: Seemed like she was there for a couple of years maybe.

ED: Did she remain bitter about it?

RB: Not where it was obvious. But I'm no fool. I'm sure she felt some...

ED: Sure, it had to be bruising.

RB: Residual. But, to her credit, she was always very courteous. It was not one of these things where she'd come up to me and just start saying this, that, and the other. Disparaging remarks. She never did that.

ED: All right. So you go on the court. The court at that time would have been...Hickman had just gone off and was out on his motorcycle going around the country, going to Wyoming. I think his plan was to spend the rest of his life motoring up and down from the Canadian Rockies down into Mexico and back, but that lasted about three or four months I think.

RB: [Laughs.] That's about right.

ED: I'll tell another story. Hickman and I had known each other for years and I was in my office (this was before the *Gazette* closed) and the secretary back in the editorial office came back and said, "There's an old man up there who wants to see you." I said, "Well, who is it?" She says, "I don't know. Just an old bearded man." So I got out there and look down the hall and say, "That's Darrell Hickman! Send him on back!" Of course, he'd grown a beard by that time. He comes back and he said, "Dumas, I quit this morning!" I said, "What?" He said, "I quit!" I said, "Quit what?" He said, "I quit the Supreme Court!" I said, "You just can't quit," and he said, "Yes, I did! I quit the Supreme Court." He said he decided the night before, "I'm through. I'm sick of this." So he just walks in and tells them, "I'm retiring today."

RB: Yeah.

ED: He said he was going to sell his house and get a motor home or something and he and his wife were going to just take off and go up to Canada and spend the rest of his life traveling up and down and camping and traveling north and south with the seasons and so forth. That lasted about three months and they both got sick of it.

RB: [Laughs.]

ED: So, anyway, you and Corbin are on court together. Jack Holt is the chief justice.

RB: Yeah. chief justice. Dudley and Newbern.

ED: Bob Dudley and David Newbern were there. They had been very close.

RB: I always remember them being close.

ED: It seemed like there was a point where they started voting against each frequently.

RB: Well, they may not have been as stomp down on "I'm going to vote the way you vote" all the time. But, for the most part, they were together. And for the most part, at least on criminal matters, Steele and Tom were together. Steele was very much pro-prosecution and whatnot on everything but the death cases. He would never vote in favor of the death penalty, in any form or fashion. Tom was very pro-prosecution but Tom would vote for the death penalty on occasion.

ED: Was that usually an issue? You had death cases. But, where the death penalty itself was an issue? You were usually actually voting whether to affirm or whether there was an error at that trial or not.

RB: Yeah. That's what I mean. Voting on whether there was an error. There was never sufficient error or there was sufficient error to overturn a death case. He would never affirm a case where the death penalty was involved.

ED: Oh, really?

RB: I say that with a lot of conviction and if you do some research maybe you'll find one. But I don't remember one.

ED: But if the death penalty was involved he would find some flaw at the trial to reverse the conviction.

RB: That's right.

ED: But Tom typically voted...

RB: To affirm.

ED: Yeah, although he told me later, after he left the court, that he would favor a law that would wipe out the death penalty.

RB: Mmm hmm.

ED: If there were a provision that said they could never be free in the case of horrendous crimes.

RB: Mmm hmm. Life without parole.

ED: The governor couldn't come later and...

RB: Commute.

ED: Commute the sentence. He said he was against the death penalty as well but he did not want these dangerous people out on the streets again, with any possibility of going free. So, OK. You and Corbin; Steele and Tom; Jack Holt; Newbern. That was the court.

RB: That was the court. Talk about Hickman. I remember David telling me one time that Darrell Hickman had gotten him involved in some of the riskiest votes he ever made on the court. [Laughs.] I never was on the court with Darrell but he was so anti-big government and so much for the little guy and all that. He could just weave a web around you apparently.

ED: Yes, he turned George Rose Smith around on things.

RB: Yeah. Yeah. He was impassioned, I'm sure, with his arguments.

ED: Yeah, well, he hated bonds. He thought most government bonds weren't legal under the Constitution—all these revenue bonds...

RB: He hated debt.

ED: Yeah, he hated debt, bonds. He wanted to interpret the Constitution and by golly that's what it says. He finally won on that. The other thing was, I remember the case that Bill Clinton was involved in 1980. He's running for reelection, trying to get his seat back against Jim Guy and Joe Purcell, and Scott Trotter and Wally Nixon came up with this Rate Payers Amendment.

RB: Oh yeah.

ED: And it was ten thousand words long and they were going to install the whole utility code, the regulatory code, in the Constitution (along with some other changes they wanted changes such as popularly elected Public Service Commissioners) in this mammoth thing. They wanted to put it all in the Constitution. Hillary was behind it. Bill was going to run on it. So Scott and Wally were out front on the thing and getting ready to put it on the ballot and Bill was going to endorse it in the fall. Anyway, there was a challenge to it in the Supreme Court and I remember one Monday morning, real early in the morning, very early I get this call at home and it's Hickman and he said, "Dumas, you ought to be out there this morning because we're going to kick that goddamn ratepayers' amendment off the ballot!" He was so proud of it. He had gotten George Rose Smith to go along with him so swept everyone along with him.

RB: Well, ten thousand words or whatever it was, that's hard for people to vote on.

ED: That's basically what was said. Nobody knows what this thing does and there's no way to describe it on the ballot in any way that people can know what they vote on. But that was kind of a precedent. The court had never said anything quite like that before. You've got to meet some kind of standard on this thing.

RB: Well, when I was on the court it was either too short or too long. It was hard to get right there in the middle, you know?

ED: Yeah. Yes, well, that was Hickman. He did all those kinds of things. Remember the one he wrote about Amendment 59, which he called “the Godzilla of constitutional amendments.”

RB: Yeah, we quoted him forever about that and he was right.

ED: Yeah.

RB: Newbern said it got him into trouble.

ED: Well, I think when I interviewed Newbern he told me about a couple of those cases that Hickman got him involved in.

RB: Well, David really loved the wit and mental acuity.

ED: Well, and apparently there would be these little confrontations there with [Justice John I.] Purtle. Was David on there when Purtle was on there?

RB: He was there with Purtle. Yeah.

ED: Hickman was, in my interview with him, was in some ways kind of complimentary of Purtle.

RB: Well, he would have liked the populist streak.

ED: Yeah, although he disagreed with him when he thought he was unprofessional and unethical in some ways.

RB: Corrupt and all that. But still...

ED: Hickman talked about Purtle coming into conference with his...

RB: Gold chain.

ED: Gold chain and open neck, and George Rose Smith would have a suit on as always and he said that George Rose would just see purple. He would just get enraged when Purtle would come in with all his jewelry hanging around his neck. Then there was something Hickman said. Newbern told me about something that Hickman... When Purtle came in that morning and George Rose was steaming and said something about Purtle’s get-up and then Hickman made some funny remark about it. I wish I could remember it. Anyway, that would have been nice to have those characters on the court.

RB: Boy, I don’t know.

ED: George Rose Smith and Hickman and Purtle.

RB: The way I understood it, there was a lot of tension in the air the whole time. I mean after Purtle, of course, got indicted and went to trial there was a lot of tension.

ED: Jack Holt talked a lot about that. Jack got involved. He was the chief.

RB: I think that Tom was not offended by it, but it just lent additional stress to the whole situation.

ED: Apparently a very stressful time for the court during that whole period.

RB: You know, Purtle had a heart of gold. I took his office, you know, when I took over. People would come to my office because it was right there at the entrance of the courthouse. I was the first office on the left. They’d come in for money because John Purtle would lend people money, just off the street. You know, he really had a good heart in that regard. And Jim Powell Jr. worked for him.

ED: Yeah.

RB: And James O. Powell would always endorse Purtle, as I recall, because of Jim and all that.

ED: He did. And Purtle came to Jim’s funeral. I think he did. Purtle only died last year, didn’t he?

RB: Which one? James O. or...?

ED: James O. The older. The old man. When he died about...

RB: Yeah, I was at that funeral.

ED: About four years ago.

RB: I don't remember Purtle being there.

ED: Well, I may be mistaken about that.

RB: I didn't scan the crowd.

ED: He would have been there with his open neck and a necklace around his neck if he did. Any rate, anybody else? What about Jack Holt's command of the court?

RB: I loved Jack Holt. I think he's just a lot of fun. But Jack didn't have control of the court and the reason he didn't, to my way of thinking, was that Bob Dudley (this is my subjective opinion) didn't respect Jack and so there wasn't a willingness to go along with what Jack was trying to do on various issues. So, Jack did not have the votes on the court to do what he was trying to do. It's a strange thing about chief justices, and I served with five of them. But they all seem to fall into the trap, the political trap, with the exception of Brad Jesson. And by political trap I mean wanting to work with the General Assembly and wanting to work with the governor and try to get things done legislatively and this, that and the other, and I think Jack just really fell victim to that. I think he really enjoyed going over when the General Assembly was in session and...I think when you do that you kind of lose respect from the General Assembly, to some extent, and maybe from the court itself. Jack had a lot of strong attributes but the word I heard was that he was probably over there too much. I know that probably offended David Newbern because David was the counter opposite of that as far as doing anything to curry favor with the General Assembly, and I suspect Bob Dudley was, too. But Jack certainly conducted a good conference. You know, that's what chief justices do—they open court and run point guard in conference. Otherwise, they're just like everybody else. I never felt like he controlled the show and I don't think any of the chief justices really have. Jim Hannah does a good job, in my experience, as far as legislation, trying to form legislation. Again, they all seem to fall into the trap of wanting to be over there at the Capitol more than they probably should. [Laughs.]

ED: They really should just turn it over to Donnie Corbin. Let Donnie be the liaison.

RB: Donnie—he's a story in himself. Donnie has more personality than anybody I ever served with. He has absolutely no filter. You never know what he's going to say. I think Paul Danielson was the one who said that it's the most horrifying thing in the world to go into oral argument for forty minutes not knowing what Donnie Corbin is going to say during oral argument.

ED: Yes. That was pretty clear. He didn't get quoted too much on it because the press was probably not there most of the time for oral arguments.

RB: That's good for Donnie. Now, of course, everything is recorded and videotaped or live-streamed. When Donnie made that comment about "we're going to sink the hook into the legislature as deeply as we can on *Lake View*," I mean that's something nobody's forgotten. I mean, even though the General Assembly has turned over several times.

ED: Yes. Well, I don't know if the General Assembly ever forgot that.

RB: That's what I'm saying. Yeah. Anyway, he is a character. No question about it. He's got good instincts. Donnie Corbin's got good instincts.

ED: Yeah. I have a lot more respect for him than I did when he first went on the court because I had covered him in the legislature and so I just thought he was a legislator...

RB: Well, I think he is.

ED: ...And not a justice. I think that's always been something of a problem for him. He's overcome...He's got to where he's willing to make decisions based on the law and not as much on politics.

RB: He and Ray Thornton had the same problem.

ED: They did.

RB: Ray still refers to himself as a congressman—Congressman Ray Thornton. Not Justice Ray Thornton.

ED: Yeah.

RB: But Betty Dickey had the best thing about Donnie when she was on the court. Donnie has a tendency, as we all do, to tell the same story about every other week. Betty finally got to the point where, when Donnie was telling a story for the fourth time that she'd heard it, she'd raise her hand like this and flag everybody. "Fourth time." Or "second time" or "third time." [Laughs.]

ED: Well, did Donnie see that?

RB: Donnie would see it and nobody does it now. Betty would just laugh. It didn't really shut him up.

ED: Well, let's talk about some of the cases that came down...Some of them that you wrote. The term-limits case, which was about the constitutional amendment. I guess it was 1992 when we adopted the first constitutional amendment that term-limited both members of the state legislature and governor and also members of Congress.

RB: Right. And constitutional officers.

ED: And constitutional officers. It was appealed to the Supreme Court and you all struck down the part of it that dealt with Congress by saying that the state cannot amend the U.S. Constitution.

RB: That's right. The qualifications clause.

ED: That the state of Arkansas can't add to the qualifications of members of Congress as described in the U.S. Constitution.

RB: But could do the state...

ED: Yeah.

RB: ...Qualifications. That was a plurality...Was it plurality? I know we split all over the place but it seems like it was a majority on both those points. But we had dissenters on the state term limits. I know Bob Dudley was one of the dissenters.

ED: Did he want to strike down the whole thing?

RB: He would have struck down the whole thing and I think there was another Brown on the court. Gerald Brown? He was sitting as a special judge maybe.

ED: Could have.

RB: I think he would have struck down the whole thing.

ED: On what grounds? That it violated the state Constitution?

RB: Yeah. I don't know. I think it was just...

ED: Bad law.

RB: Bad law, but I can't tell you now what the rationale was.

ED: That's all right. That's all on the record anyway at the end.

RB: But that's the way it came down. That was a hard decision to write. There was a guy named Carl McSpadden who sat as a special judge on that and he was from Heber

Springs. I think he was just practicing law at the time but he was very helpful to me in that opinion. I remember that.

ED: He had been a trial judge, too.

RB: That's right.

ED: I don't know whether he was at that time.

RB: I don't think he was at that time.

ED: You didn't appoint sitting trial judges to special judges, did you?

RB: Not at that point. It changed later.

ED: Did it?

RB: Changed later but not then. But that was a tricky decision to write as I recall.

ED: Of course, the biggest case of all—not only in your period on the court but the last thirty or forty years—is the *Lake View* case. Of course, there is a whole lineage of cases on that point.

RB: Right.

ED: Starting back in '83 or so. I've forgotten how that was styled. *Alma vs. Dupree*, I guess.

RB: *Dupree* case. Yeah.

ED: So you had that precedent, in which the court said the system of financing public education in Arkansas was unconstitutional.

RB: They couldn't be based on the local property values.

ED: The wealth of a school district...You couldn't...Every child was entitled to the same education regardless of their local circumstances.

RB: Right. And Steele [Hays] wrote that opinion.

ED: Steele wrote that one. Then, of course, the legislature reacted to it and did a bunch of things, which obviously did not solve the problem.

RB: Well, they tried to equalize.

ED: They tried this complicated formula to try to equalize and it didn't do it.

RB: Didn't do it.

ED: Then in about '92 there was a second case...I guess it could be called the first *Lake View*. Was it *Lake View I*? That was decided in Annabelle's [Pulaski Chancery Judge Annabelle Clinton Imber] court.

RB: In Annabelle's court and that was when she was chancellor. It could have been Clinton. Like *Lake View vs. Clinton* or something like that. But that was in the trial court and that's the first time that adequacy came to light as an issue. She had an equality component, but it was really that the whole educational system is inadequate. So it doesn't pass constitutional muster for that reason.

ED: So that's the first time that part of the Constitution came into play...The original Constitution that said that the state must provide a suitable education for all the kids.

RB: For public education. That's right.

ED: So it wasn't just equality but it had to be not only equal but suitable or adequate.

RB: So *Dupree* had relied on the equal-protection clause of the state Constitution and she relied on the educational amendment. The feds wouldn't touch it because there's no educational amendment in the federal Constitution. And one other state at least—Kentucky—had done something comparable and that's what she relied on. The Kentucky decision.

ED: So that goes up the Supreme Court and you're sitting on the Supreme Court by that time. And you all kicked it back, right?

RB: I think what happened is, after the decision, [Mike] Beebe and [Morrill] Harriman and some of the other senators proposed a constitutional amendment.

ED: And Jim Guy Tucker.

RB: And Jim Guy Tucker. And I think he was governor at the time.

ED: He was governor at the time.

RB: And that's the twenty-five mills.

ED: Every school district had to levy twenty-five mills. [Amendment 74, ratified in 1996, requires each school district to levy at least 25 mills of ad-valorem taxes, and that money is transferred to the state for redistribution statewide.]

RB: For maintenance and operation.

ED: And that was to be considered... The state would take that money and redistribute it.

RB: All right. Then the issue went to [Pulaski Chancery Judge] Collins Kilgore, who had replaced Annabelle. The issue before Collins was, "OK, has this constitutional amendment mooted out the whole issue now? Is it adequate and equal based on this constitutional amendment?" And Collins first said it was. That came up to our court and we said in an opinion that I wrote: "No. Hold hearings on it to determine adequacy." Like remediation rates and facilities, *etcetera, etcetera*. So we kicked it back to Collins and said, "No, we really want full-blown hearings on all of this." And the court was divided on that but a majority said do it. Collins did it and that was his landmark decision. He really laid it out after all the hearings and testimony and remediation rates and he explained how we were really deficient. That's the first one that came up to us and that was November of 2002 and that's when we said, "No, the system is unconstitutional for two reasons. It's unequal because it's still based on property values. And number two: It's inadequate." So we kicked it back on that basis. Or at least said it was unconstitutional and that was in November and the General Assembly met in January two months later.

ED: By this time, of course Annabelle—she was elected in '94, or was it '96?—had been elected to the Supreme Court?

RB: No, it was maybe... I think she was still a chancery judge. I think she was elected a little bit later than that.

ED: Maybe it was '96 when she goes on. But anyway...

RB: '96 or '98. Something like that.

ED: She recuses. She recuses all the way through and the governor has to appoint a special justice in her place. Betty Dickey is on the court part of that time, right?

RB: Yes she is.

ED: She's filling out somebody's term as I recall.

RB: Or somebody whose recused. Yes! That's right. She's filling out somebody's term. [Betty Dickey was appointed by Gov. Mike Huckabee in 2004 to finish the term of Justice William H. "Dub" Arnold, who retired, and appointed again by Governor Huckabee in 2006 to finish the term of Justice Jim Hannah, who ran for and was elected chief justice that year.]

ED: Huckabee put some woman from Texarkana on the Supreme Court as a special justice for the *Lakeview* case...

RB: Carol...

ED: Carol something or other.

RB: Dalby or something like that. [Carol Dalby]

ED: As a special justice to fill in for Annabelle.

RB: She was great by the way.

ED: Well, I was surprised because Huckabee, at that time, was condemning the decision. He was opposed.

RB: He went back and forth.

ED: Carol Dalby. That was it.

RB: Carol Dalby.

ED: Dalby of Texarkana. So I assumed she was going to vote like Huckabee wanted her to vote, which clearly was to say that this is none of the state's business. But she didn't. It was a majority...

RB: She made the majority. I think it was probably four-three. Because I think Hannah was against it initially. That was the first major decision, in November 2002. The court ruled that the funding formula for public education was unconstitutional under the state Constitution. I wrote that opinion and five other majority opinions in *Lake View* until we finally found the system constitutional in 2007.

ED: Hannah was against it. I don't know whether Thornton was or not. Was he?

RB: I'm not sure. Tom [Glaze] was against it early on.

ED: Well, he was against it early on and I think when you all kicked it back to...

RB: To Collins?

ED: To Collins he seemed to be, at that point, "no, it's none of the state's business" and then by the time it comes back later he's a hundred eighty degrees on the other side and just chomping at the bit.

RB: Appoint masters and all that.

ED: Yeah, do the whole thing. And I got the impression he was willing to judicially decree higher taxes if it came to that, if the legislature refused to follow the mandate to provide a suitable and equal education.

RB: That's right. Or certainly to...What was it? Take control of the state Treasury. I mean, he would have done some pretty radical stuff.

ED: Yeah. I was astonished when he turned around on the thing and said, "No, by God! This is what the Constitution says and you're going to do it and we're going to make you do it!"

RB: Yeah. It seems like...I'll have to check November 2002 to see if Tom was with us. But I know at least after 2002 he was with us, but he was a big proponent for the masters. You know, for David [Newbern] and for Bradley [Jesson]. [Newbern and Jesson were appointed by the court as special masters to investigate and determine the extent to which the legislature and governor had complied with the mandate to provide an equal and suitable education for all.]

ED: I think he was with you in 2002 and I don't recall whether...I know Hannah was against it.

RB: Hannah was against it.

ED: And I don't remember about Thornton.

RB: Thornton could have been.

ED: Donnie came around and was stronger for it, too.

RB: Yeah, and I think Donnie initially was not for it. Maybe Dub Arnold was against it. Dub was on the court then.

ED: OK, so yeah. Dub was still the chief.

RB: He was the chief.

ED: And Hannah was just, at that time, an associate justice.

RB: Associate justice. That's right.

ED: Yeah. So I think that might have been the case.

RB: Maybe Thornton. Maybe they were the three that were opposed to it because I know Dalby was the fourth vote. And you're right. It was a gutsy decision on her part. She voted for the kids. She made no bones about it. She wrote a concurrence that I thought was a beautiful concurrence at one point.

ED: Well, so that was the big surprise to me and I think it had some effect on Huckabee because Huckabee then became a champion of it all.

RB: Well, he was a champion in that State of the State address in 2003. So he was a champion but he thought the court was going too far, I think.

ED: Yeah, he was willing... Yeah, we're going to do taxes and...

RB: He called the special session and increased the sales tax.

ED: He wanted to consolidate all those schools below fifteen hundred.

RB: But Carol Dalby voted against him and so did Betty Dickey.

ED: Betty Dickey. That's right. Those two. It would have been you, Betty Dickey and Carol Dalby and Donnie Corbin.

RB: Probably Donnie.

ED: No, I think Glaze was with you at that point because I was following Glaze's votes pretty closely.

RB: I think certainly after the masters got involved he was in. From that point forward he was in favor.

ED: Donnie might have. He might have been for it and Donnie was against it at that point. But I don't remember. Eventually both he and Donnie both...

RB: Got on board.

ED: Firmly for taking the tough steps. But, anyway, that was a dramatic series of cases over that period of time.

RB: Right.

ED: Did you all get any pressure? Did you hear from people? Because the legislators were obviously sore. "The Supreme Court is making us raise taxes." They were trying to hammer that point: "The Supreme Court is taking over the legislative branch."

RB: Trying to do away with our way of life and local school districts.

ED: Yeah. Local school districts.

RB: Which was a valid point. I mean, you know, the way of life and Friday night football and mom and pop stores and all that.

ED: Killing local communities. Killing these little crossroads communities.

RB: Frankly, I think everybody on the court thought about that. It was a legitimate point. But it didn't override the fact that, I won't say consolidation, but a better curriculum, better facilities, equipment, supplies, better teacher pay, equality from the Delta to Rogers and Bentonville. That was all important. That's what the Constitution required. But the way-of-life argument was something that I thought you had to think about.

ED: Anything come up when you were discussing the case about the legislature and Huckabee and the political dynamite that this case has involved? Do you recall any kind of political considerations? Did political considerations ever come into play in conference?

RB: No, I remember we were very careful. I remember one of the opinions there had been a suggestion in one of the master's reports that there was something disparaging about Huckabee. Even though we were not doing what Huckabee wanted us to do, I didn't feel it was appropriate to say something disparaging about the governor because I thought he was being purely motivated in what he was trying to do. So I mean a few things like that but as far as somebody saying, "Oh, we're going to lose the election if we vote this way,"...The truth of the matter is Donnie drew an opponent. I thought I was going to get an opponent. Let's see, I was up in...Obviously I ran in '90, I was up in '98 and I was up in...

ED: 2004. No, 2006.

RB: I was up then and I thought I was going to get an opponent because of this. As it happened, the guy ran against Donnie. But they had their sights on me. But I had a strong committee. Frankly, I think the committee had raised some money and that was all reported. So the person who wanted to run, who was the municipal judge over in Maumelle, ran against Donnie instead.

ED: Yeah.

RB: Donnie, as we've already talked about, is a good campaigner and he's got doors into every constituency and every part of the state. And he has, what, four children? [Laughs.] He's just very effective out there. Even though he tends to wreck his car about once a week.

ED: He lives kind of a reckless life. Amazing he's survived. I don't know how many heart bypasses and...

RB: He's gotten stronger. That's my way of thinking.

ED: He's had every surgery imaginable. Every time I see him now he looks better than he was the time before.

RB: Charlotte thinks he doesn't look good. But I don't know. I think he's...

ED: I saw him out there at the swearing in when Jo Hart [Justice Josephine Linker Hart] and...

RB: Karen Baker and...

ED: Karen Baker and what's his name?

RB: Cliff Hoofman.

ED: Cliff. I went out there for that investiture or whatever you call it.

RB: Well, the court has changed.

ED: Yeah, it has. Well, what else before we move along here and begin to wrap up? Well, a couple of cases came down...Seems to me they were political hot potatoes because they dealt with deeply divisive social issues like sodomy and banning gay foster parenting or adoptions.

RB: The *Cole* case. [*Arkansas Department of Human Services v. Cole*, 2011]

ED: That was a couple of years ago. But I think the early one (was it 1999 or 2000 or 2001 or somewhere along in there?) was when there was a challenge to the state sodomy law.

RB: Mmm hmm.

ED: I think it went to Judge [Byron] Bogard in North Little Rock, who struck the law down. And it goes to the Arkansas Supreme Court. That same issue had gone to the U.S. Supreme Court.

RB: That's right.

ED: Where the justices have lifetime appointments.

RB: Right.

ED: And 1987 or '88...

RB: Georgia case.

ED: It was a Georgia case, right?

RB: *Hardwick* or something like that.

ED: Yeah, *Hardwick* from Georgia. And the U.S. Supreme Court said, "No, the states are perfectly within their rights in outlawing homosexual acts." [It was *Bowers v. Hardwick*, 1986.]

RB: Right.

ED: And here this case goes to the Arkansas Supreme Court, a conservative state with elected judges, and the Arkansas Supreme Court strikes down the law before the U.S. Supreme Court does the same thing nationally [in *Lawrence v. Texas*, 2003]. The Arkansas Supreme Court came along a year or so earlier and Annabelle wrote the majority opinion and you wrote a concurring opinion. I thought both were really powerful opinions. I thought the whole thing spoke well of the Arkansas Supreme Court and the elected system of judges. I've cited that from time to time. I've always been for some type of merit system [of selecting judges], but it is kind of remarkable that the Arkansas Supreme Court does these kinds of things pretty consistently.

RB: I think that's exactly right. I didn't get an opponent. Annabelle didn't get an opponent. Didn't get an opponent on *Lake View*. Both of those were very divisive issues.

ED: Yes.

RB: The *Picado* case—that's the Annabelle case—I thought was a remarkable opinion. The real issue in that case was standing. If those persons engaged in sodomy hadn't been busted, did they have standing to challenge it?

ED: So a minority on the court said, as I recall, Ray Thornton...

RB: And Dub Arnold.

ED: And Dub Arnold. I don't know. Was Donnie with them on that?

RB: No, I don't think so.

ED: I think it was Dub Arnold and Ray Thornton said, "No. The state did not have standing because until somebody was prosecuted there wasn't a case."

RB: Right. Right.

ED: But, anyway. I thought, again, I thought those were remarkable decisions.

RB: Yeah.

ED: And Bill Clinton had it wrong in his book and I sent him a note about it.

RB: What did he say in his book?

ED: Well, in his book *My Life* he said we had that sodomy law. He goes into some history about how it was put on the books (I think) when he was attorney general. It had been previously struck down, or repealed. So the sodomy law was put back into the law when he was attorney general and he did something to try to stop it. Then he mentioned the U.S. Supreme Court decision, the '86 case (the *Hardwick* case). Then he said the U.S. Supreme Court came back along and struck it down in about 2003—reverses itself, in that Texas case. So I sent him a note in New York and said, "Well, if you revise the book you need to point out that, before the U.S. Supreme Court, the Arkansas Supreme Court struck the Arkansas statute down." I never got a response. I'm sure somebody tossed it in some wastebasket up there in New York. I just sent it to his office there in New York.

RB: Good for you.

ED: Along with three or four other small errors I saw in the book.

RB: Well, that foster and adoption case came later. The *Cole* case.

ED: Yes.

RB: I remember the oral argument. I was referring to the U.S. Supreme Court decision in the Texas case and I referred to it as *Lawrence v. Taylor* rather than *Lawrence v. Texas* and nobody snickered and nobody laughed. But, obviously, what I was thinking about was Lawrence Taylor. [Laughs.]

ED: Lawrence Taylor. The linebacker...

RB: The linebacker for the Giants.

Charlotte: I think you're going to need some wine!

ED: Well, we're going to be running into the wee hours of the night here if we don't watch.

RB: We're not too far away.

ED: We're getting close to the end here.

RB: [Asks of Charlotte] Has Renee called? She wants us to sign that petition. [Then back to ED] We're getting involved in local politics I want you to know.

ED: All right. OK. Good.

RB: Petition for a stoplight out here.

ED: Oh. OK.

RB: But I told her we would do it and I haven't checked my messages. She may have...Anyway. Well, as Ernie says, we're not that far away.

Charlotte: I didn't mean to interrupt. I just wanted to offer you all something to drink.

RB: This is serious stuff. You can't drink and do this stuff.

ED: I've been here about four hours and I have not broken a priceless heirloom yet, like the last time I was here.

RB: That was Elaine I thought.

ED: Well, he says it was Elaine but I absorb guilt so well. In my mind, I did it. But I don't remember.

Charlotte: No, Elaine did it.

ED: Elaine did it?

Charlotte: And she's been forgiven.

RB: [Laughs.]

ED: Good, she's been forgiven. All right. Well, I've been very careful. I almost knocked this lamp over here and crashed it a while ago. But I caught it.

Charlotte: You Dumases are dangerous.

RB: [Laughs.]

ED: Well, we grew up in the country.

Charlotte: I did too!

ED: Well, Fordyce. That's uptown. Fordyce is uptown.

Charlotte: It is kind of uptown. Where were you, Ernie?

ED: I was four miles from Calion.

Charlotte: [Laughs.]

RB: [Laughs.] Union County boy.

ED: Calion was a big city where I was. We had to go into Calion.

RB: Who is that mutual friend who wrote the Red something book? You were at the book signing. We tried to get up...

Charlotte: Richard Mason.

RB: Richard Mason.

ED: Richard Mason. Yeah. *The Red Scarf*.

Charlotte: We've got two copies back there. Yeah, he's written some other stuff.

RB: He wrote something about women recently.

Charlotte: Did he?

RB: Yep. He did.

Charlotte: Hope you all had fun in here.

ED: We're recording all this now on tape.

RB: [Laughs.]

ED: This is for posterity. We're going to be through here in another fifteen minutes.

Charlotte: Two hours?

ED: No. Fifteen minutes. We've got to close out his life here.

RB: Tell Renee we'll sign it, if you don't mind.

Charlotte: OK. I'll do it.

ED: All right.

RB: But you're right. You're citing the right cases for the fact that appointed judges, how would they have done any better...

ED: Yeah.

RB: ...Than elected judges? Nobody blinked.

ED: Yeah. And in your conference, nobody talked about, "This is a dynamite... This is going to torpedo us?"

RB: No. I mean, that never was said, in any conference. Now, people may have thought, "this is a dicey issue," but as far as this is going to be a political boomerang—nuh-uh. Frankly, it would have been bad form to do that.

ED: Yeah. Well, do you recall any instances that those kinds of conversations did occur? All those years on the court?

RB: Never in conference. No.

ED: The only thing I remember (and I think we put this in Tom Glaze's book) is when the attorney *ad litem* thing came down and you all had been on vacation or recess and he comes back from a cruise and Bobby Smith calls him and says, "What are you all going to do about this *ad litem* thing?" and he says, "What are you talking about?"

RB: I think Vann [Pulaski Circuit Judge Vann Smith] called him. Or maybe it was Bob.

ED: All the judges at the Pulaski Courthouse apparently were buzzing about it: Ellen Brantley and Vann Smith, and others. They were all talking about this thing there and Tom looked into it and said, "Yeah, this is pretty bad," and he sends a message around to all the court and said, "We need to meet on this." I've got a copy of his handwritten message. Anyway, after he got into talks about it, Donnie and Ray said, "Well, we're messing around with the legislature. This is not our thing." Tom kind of flipped his wig and said, "Well, I'll go down and do it myself then"—down to the prosecutor—and they said, "No, OK..." They did something on that. Anyway, that was Tom's account of it.

RB: I wasn't part of that conversation. It could have happened. I remember Tom coming down to my office and there was another justice in my office. Or it may have been J.D. [Gingerich, administrative office of the courts]. There were three people in the office and he laid out what had happened. He said we needed to do something about it. Of course, he was as upset as Tom...

ED: Always was.

RB: There was always a little bit of smoke around there about who was involved, and how did this come about, and was the court involved? But as far as my seeing Donnie or Ray do that... Seems like I read that in the book, too.

ED: I'm sure Donnie saw it and was a little sore about it probably.

RB: Yeah, Donnie was upset about that, I think. I think... I'm talking about the book.

ED: Yeah.

RB: Seems that that did come up.

ED: Probably... I've forgotten who else. Dub [Arnold]. Dub and Ray [Thornton], I guess, were the three he identified in that. Anyway, that was Tom's account and I put it in the book.

RB: Tom went apoplectic on it. I mean, he really did.

ED: He always went apoplectic.

RB: He viewed himself as a crusader and he made no bones about it. He said, "When I leave the court I want to be a crusader." But he was a crusader on the court.

ED: Yeah.

RB: I'm sure he thought his finest hour was back when he did Marlin Hawkins and all that.

ED: Yeah. He went to his death thinking that was his finest hour. He was a tough guy up there. That's what he thought he was—a tough guy. And he was going to do what was right.

RB: Mmm hmm.

ED: Any other cases? We talked about chiefs. You had Brad Jesson for while who... Jim Guy [Governor Tucker] appointed him when Jack Holt stepped down early.

RB: That's right.

ED: Brad Jesson...

RB: He was excellent. He could go over to the General Assembly when he had to and command all the respect in the world because of who he was. He didn't have to play the game. He was good on the court. Wrote good opinions and he associated naturally with David and Bob Dudley. And Andree Roaf was on the court then.

ED: That's right.

RB: So those four had a good relationship. That's another aspect about the court. It took a long time for a woman to get on the court. And Andree was the first and then Annabelle. But this last go-around Beebe could have made it a majority of females on the court and he appointed Cliff, obviously. But it would have been four-three female and that would have been a distinct change.

ED: That's right. I hadn't thought about that but you did have those two women.

RB: But the thing about the court when I first got on was that it was very much a George Rose Smith court. I mean, the disciples were still there in the form of... Well, not Jack [Jack Holt Jr.] so much. But I think, if anything, George Rose Smith was kind of amused by Jack. But certainly David and Newbern were disciples who carried the flame, and it was a good flame to carry.

ED: He had set up the system.

RB: He had set up the whole system.

ED: The whole system about how you assign cases...

RB: Which nobody understood.

ED: Getting rid of the case backlog so that everything was always current.

RB: Right. It was one of these mathematical things that he was so great at. Nobody understood the system and how cases were assigned. Now, Les Steen kind of understands it. But I always said, "It's a great system but why don't we just pick assignments out of a hat, or something like that, randomly, rather than going through this thing."

ED: Did that system maintain all the way through?

RB: It's still going on.

ED: It's still going on. The George Rose Smith system that he came up with in '49 or '50.

RB: Whatever he developed. It has four tracks the cases go on. The number one track is the death cases, then oral argument, then criminal, then civil. And it's by the numbers and it just rotates. It's fascinating.

ED: So you have no control over the case you're going to get assigned.

RB: No, nuh-uh.

ED: It's not maybe a case you'd like to get. It's just luck of the draw.

RB: Les follows the system and assigns the cases. When Les leaves, I don't know what's going to happen. But, you know, I always argued for having it assigned randomly like they do over at the Federal District Court. I think they've got ping pong balls or something like that. No system is foolproof, but you just want to make sure that no favoritism is involved in assigning the cases, and I thought that was a better way to do it. But George's system is just incredible—the longevity of it and the intricacy of it. I mean, you have to be a mathematical genius to figure it out.

ED: Somebody, maybe it was when Dick Adkisson went on the court or when Jack Holt went on the court, one or the other of them back there... forgotten who told me about it, but one of the justices in my interviews said the new chief justice comes on and says, "OK, we're going to do it this way," and George stopped him and said, "No! You're just a chief justice. You don't get to determine that. We're going to do it this way. This is the way it's been done so this is the way it's going to continue to be done. And you're just a chief justice and you don't control that." And that's the way it was.

RB: And George was right. The chief justice, aside from the title...

ED: Is just another justice.

RB: Yeah. Is just another justice.

ED: He gets a little more pay.

RB: Yeah, more pay. And that was Jack Holt. Jack Holt got that done. Truth of the matter is, Jim Hannah worked a whole lot harder than I did my last two years on the court, with all the political stuff that he did. So they do work hard, without question. But, as far as coming into conference and having sway over how the vote's going to go. Nuh-uh. Not at all. But it was interesting... George Rose Smith, his opinions (and you've read them, I know)—a page and a half maybe.

ED: They were wonderful opinions.

RB: They were wonderful opinions.

ED: I loved them as a reporter covering the Supreme Court for quite a number of years. It used to be that all the opinions would come down on Monday morning. They dump them all on Monday morning, early. On my first coverage of state government, about 1962, they sent me out to the Capitol on Monday mornings to get the Supreme Court opinions and Ernie Valachovic would cover the other stuff. So I'd come back with a big handful of opinions and spend the whole day writing stories. Because we'd write about every one of them.

RB: Yeah.

ED: All important.

RB: Yeah. It was covered very well back then.

ED: So we wrote all those things. You'd have a John Fogleman opinion, which would be thirty-eight pages.

RB: Absolutely.

ED: And then you'd have a George Rose Smith, which would be max four pages, five pages, on a really difficult issue. And, of course, the first sentence was your lead. You could almost just take a few excerpts from it and run it. Because he summarized the case for you and had it in proper order. It was just a news story itself. Left out all the citations...

RB: Extraneous stuff like the facts. [Laughs.]

ED: The facts and the adjectives and adverbs.

RB: Sometimes you were hard-pressed to find out what the facts were.

ED: Yeah.

RB: George had it all in his head.

ED: He had it all in his head. You know, his punctuation...He went with the King's English, so we took out all his commas. Of course, in the A.P. style, we took out all the commas, the serial commas and stuff. Other than that, it would have been a perfect news story. So we loved those things.

RB: Well, his influence is still hovering over the court, without question. Which is a good thing, by and large.

ED: Yeah. Yeah. You wrote a piece about George Rose Smith that you talked about and you wrote some other things. Let me mention a couple of these.

RB: There's the Smith article right there if you want it.

ED: I may take it and see whether they might want to put that in this...On the site as part of this project, since we are looking at the Supreme Court from a historical standpoint. I'll ask them about that. *From Earl Warren to Wendell Griffen: A Study of Judicial Intimidation and Judicial Self-Restraint*, which you did for the *U.A.L.R. Law Review* in 2005. What was the thesis of that?

RB: I think I was talking about the selection of judges, and it starts off historically talking about some of the U.S. Supreme Court justices who have been impeached and whether that had an intimidating aspect. Then I talk about Jacksonian democracy and election of judges versus the appointment. Then I go into the Missouri Plan and the weaknesses of the Missouri Plan and the strengths of it. Then I talk about some of the things we've been talking about.

ED: Well, did you deal with questions about the restraints on judges and their public pronouncements, which is what Wendell Griffen got into with the Judicial Discipline Commission and all that stuff?

RB: Absolutely. And I talk about the Wendell Griffen case, which, you remember, came before our court.

ED: Yes.

RB: And the fact...And that was a four-three decision. I wrote the majority opinion. But the issue was whether our rule gave him enough notice as to what was a matter of personal interest. Wendell interpreted it as saying, "Well, this is civil rights and I have a personal interest in civil rights." Some others interpreted it as being a personal interest or being an economic interest. [Phone rings.] Sorry. [Answers phone call briefly.] The propriety of a

- judge commenting on issues and there was a lot in there about intimidation by the John Birchers on impeaching Earl Warren [chief justice of the U.S. Supreme Court]. I think that's one of the riffs I start out on and how that's something we all grew up with and how you can't have that kind of intimidation. But, at the end of it, I talk about the fact that, being elected, you still have the ability to issue decisions like *Lake View* or *Jegley v. Picado* or the *Cole* case, which involved cultural issues, and that intimidation from the threat of being defeated by the polls is simply not there, at least in our experience on the Supreme Court. I talk at the end about recusals and the fact that that's really where the battle's going to be waged in the future. If somebody's made a pronouncement on a case or gone over to the General Assembly and done something over there then that person's going to be forced to recuse. So, really, it runs the gamut on a whole variety of issues.
- ED: Finally, the other thing that you have written about and caused some controversy with the local newspaper is the piece you wrote for the *Arkansas Lawyer* in 2009: *Toxic Judicial Election: A Proposed Remedy*, in which you talk about, I think, the vast expenditure of money on judicial races and the impact it has on an independent judiciary. [End of recording Part I. Part II picks up without any interruption.] ...and suggest what might be done about that, which talks about Texas and all of that.
- RB: Right. Task force. As far as the money, I think *Citizens United* pretty much closes the door on that. So, you know, trying to do something about how much money can be spent as far as third-person groups—the 511 groups. We can't do much about that. What we really concentrated on was just voter information in the form of telling voters who the candidates are, telling the voters if there is a false ad that's being run, and having the candidates pledge that they are not going to take money from, or benefit from, money from a third-party group that is raising a false ad. So that's where we were coming from. Paul Greenberg—you know I responded to his editorials and said that this is just false and misleading. It was because he was saying that public money was going to be involved, and that wasn't the case. But the truth of the matter is I think this is going to surface again because we've got—how many judicial races on the Supreme Court coming up in 2014? We have Donnie's seat. Donnie's out. We've got my seat.
- ED: Your seat will be coming up again.
- RB: Will be coming up. And I think Karen Baker's. I think she was just filling out a term. And she'll be the odds-on favorite, obviously. So that's three seats on the Supreme Court and, of course, the other judicial elections as well. Maybe all of the circuit judgeships or a large passel of them are coming up. H.T. Moore mentioned the other day that this is going to surface again in some form or fashion—some kind of reform effort—and I suspect it will. I don't see the state of Arkansas, even though the General Assembly can submit this to a vote of the people, going to a Missouri Plan appointment system. But it seems like the political party that's in power is more inclined to want the Missouri Plan for obvious reasons. [Laughs.]
- ED: Yes.
- RB: But I think appointment by the governor is just not the best way to go. We'll see what happens.
- ED: Finally, you decided last year, I guess, to retire.
- RB: Right.
- ED: And how old are you now?
- RB: I'll be seventy-two June thirtieth.

ED: Seventy-two. So you have the option to do more writing and even fiction, I guess. Last week you messaged that you were going to be affiliated with the Friday law firm.

RB: That's right.

ED: Of counsel. What do you anticipate doing there? Major cases or...who knows?

RB: I intend to do exactly what I want to do. That's the arrangement. I can work as much as I want to or as little as I want to. So, the beauty of it...I was over at the Stephens Building paying rent and the Friday Firm said "come over and you'll have an office and technical support and all that." I would imagine that, at the very least, I'll be consulting on certain issues. Obviously, anything that appeared on the Supreme Court when I was over there I couldn't get involved with, and I wouldn't be signing any briefs or appearing before the Supreme Court because I know that would work against my client. [Laughs.] You can imagine what Corbin would say if I showed up. But I suspect I'll do some consulting on appellate practice and federal court, state court, courts outside of Arkansas and that sort of thing. I suspect I'll also be working, to some extent, with the young associates and interns, giving them the benefit of my experience. So all of the above. But it's been brought home to me that if I don't want to work on anything I don't have to work on anything. So it kind of keeps my mind in the game to some extent, but not totally, and I can do other things as well. It is definitely part-time.

ED: Good. Well, unless there is anything else you think we need to cover about your career and life...

RB: In 2010, I wrote a book, *Defining Moments: Historic Decisions by Arkansas Governors from McMath Through Huckabee*. It was published by the University of Arkansas Press and discussed courageous and not-so-courageous decisions by our last ten Arkansas governors. It was modeled on John F. Kennedy's Pulitzer Prize-winning book, *Profiles in Courage*. It is a good primer for recent Arkansas history. I also wrote an article for the *Journal of Appellate Practice* taking the U. S. Supreme Court to task for not live-streaming and videotaping its oral arguments. That was in 2010, I think, and led directly to the Arkansas Supreme Court doing live videos of its oral arguments. If I think of something else, I'll call you.

ED: Yeah, we can amend.

RB: If you think of something...Obviously, I'm not averse to talking about it.

ED: Yeah. We can amend this thing later on if we need to. All right, we'll wrap it up then after this long time.

[End of recording.]