

Arkansas Supreme Court Project
Arkansas Supreme Court Historical Society

Interview with
Robert H. Dudley
Little Rock, Arkansas
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Interviewer: Ernest Dumas

Ernest Dumas: I am Ernie Dumas and I am interviewing Judge Robert H. Dudley. This interview is being held at his home at 1900 Country Club Lane in Little Rock, Arkansas, Pulaski County, on January 10, 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. Judge, 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 H. Dudley: Robert Hamilton Dudley and I do give permission.

ED: OK. Judge, where and when were you born, the dates?

RD: I was born in Jonesboro on November 18, 1933.

ED: Your daddy and your mama, their full names? Tell me a little about them, too, while you're at it.

RD: My father's name was Denver Layton Dudley.

ED: And your mother's name?

RD: Helen Paslay Dudley.

ED: So Paslay was her maiden name.

RD: Yes.

ED: And where was she from?

RD: She was from Forrest City and she first matriculated to the University of Arkansas and later got an advanced degree in psychology at Wayne State University in Detroit, which was unique back at that time.

ED: It was. So she was a clinical psychologist?

RD: Yes. During the war, when the public schools were short on teachers, she started teaching in the public schools and later taught some at Arkansas State, which is in Jonesboro. My father went to law school at the George Washington University and then came back to Jonesboro to practice law with his father.

ED: So his father was a lawyer as well?

RD: Yes, and he was a circuit judge who retired and then practiced law. The result was that when I was a little boy, I would ride my bicycle downtown and some of the older people would call me "Little Judge".

ED: Now, he had been a county treasurer, hadn't he?

RD: Yes.

ED: He'd been a county treasurer and state representative?

RD: Yes. His father lived in Kentucky when the civil war broke out and he went to Tennessee to join the Confederate Army. Kentucky did not go into the Confederacy but stayed in the Union. After the Civil War, former Confederate soldiers from Kentucky often were not welcomed home since their State had remained in the Union and on the other side. So, like a lot of others, he never went back to Kentucky and instead settled in Clay County. I know very little about him except he must have lived a hardscrabble existence since at first he raised tobacco in Northeast Arkansas. He had four sons, with my grandfather being the oldest. My grandfather was evidently a bright young man and attended the public schools in Clay County. At that time I think the public schools went through about the tenth or eleventh grade. After he finished the public school he rode a mule to Rogers, in Northwest Arkansas, to attend the Rogers Academy. It must have been a long, hard trip by mule from one side of the State to the other. He graduated from that academy and then rode a mule back to Clay County and taught school. Newspaper articles refer to him as "Professor Dudley." He was subsequently elected county treasurer and then he ran for the legislature in part because he wanted to attend the University of Arkansas Law School which was in Little Rock at that time.

ED: Oh, OK. Didn't he get elected at the age of twenty-one or something?

RD: It was early but I do not remember his exact age. So was dad.

ED: Maybe it was your dad who was elected...

RD: Well, both were very early. My grandfather went to the legislature and attended law school and then went back to Piggott to practice law. Later, he was elected circuit judge and moved to Jonesboro to be in the middle of the district. Jonesboro had better train connections and back then they rode trains around the judicial circuit. However, he had to retire from the bench because he had four boys and just couldn't support them on the salary of a circuit judge. Later, Dad was elected to the legislature and was a prosecuting attorney and later a practicing lawyer and it just all seemed normal to me.

ED: Did you have brothers and sisters?

RD: I had an older brother who died at a very early age and so I was probably an extremely pampered only child.

ED: What kind of folks were... Was your dad a stern daddy, stern disciplinarian?

RD: Not really. He just said he expected me to stay out of trouble. He was pretty much hands off compared with fathers of today. My mother was very kind and sweet.

ED: Did she continue to teach?

RD: She did.

ED: She taught for a number of years and then became a clinical psychologist?

RD: Yes.

ED: Did you grow up in Jonesboro?

RD: Yes.

ED: All the way through school in Jonesboro?

RD: Yes. I think I had a very normal life. Jonesboro was small, compared to today. I think it was somewhere around 15,000 people, maybe less. Everyone knew everyone. It's interesting; we were talking before the recording started about how sometimes we feel guilt about growing up in the segregated South and not realizing how some things were just wrong. It is embarrassing to admit that I attended segregated public schools, attended a segregated church, saw train and bus waiting rooms labeled "White" and

“Colored” and fountains labeled the same way, but just didn’t realize it was wrong. I went to...

ED: That’s my same experience, simultaneously in El Dorado on the other end of the state, the same thing.

RD: And it wasn’t until college that I began to have some understanding of it and came to understand the evil of it. Jonesboro was a wonderful town, but it was just like most of the South. I enjoyed my young years and felt fortunate to live there. My senior year in high school I only had to take one required course so I scheduled it in the afternoon and attended college at Arkansas State in the morning. I wanted to go to George Washington University after that. Let’s go back just a minute, after my grandfather retired from the bench, he and Senator Caraway formed a law partnership.

ED: That’s U.S. Senator Thaddeus Caraway. So they were law partners?

RD: Yes. Granddad told Senator Caraway about an outstanding young man from Clay County named Leslie Biffle. Senator Caraway took him to Washington and that is the same Les Biffle who later became Secretary of the Senate. The reason I tell that story is Mr. Biffle said that if I ever wanted to come to Washington he would see that I had a job that allowed me to go to college. Senator McClelland and Dad had been prosecutors at the same time and he had said the same.

ED: Senator McClelland ran in 1942, I guess. [He ran the first time in 1938 and was defeated by Hattie Caraway and ran again in 1942 for the seat vacated by John E. Miller and won.]

RD: I guess that’s right.

ED: When he beat Jack Holt Sr. [in a Democratic runoff primary].

RD: So I left Jonesboro and went to Washington and Mr. Biffle got me a job in the Senate stationary office. I worked there around my classes and thoroughly enjoyed keeping up with the Senate proceedings. I wasn’t there long when Senator [J. William] Fulbright offered me a job in his office. I took it and went to school.

ED: Let’s go back. You graduated from Jonesboro High School. Did you play football or anything like that in high school?

RD: I was a...

ED: Basketball, track, or any of that?

RD: I loved all sports but I was not a good athlete. I tried...

ED: OK. But you were a good student?

RD: Fairly good.

ED: Fairly good student. OK. When you were growing up, did your dad, you think, encourage you to be a lawyer? Or was that just kind of a natural path?

RD: I don’t think he encouraged it. He thought lawyering was a hard way to make a living and that bankers or finance people had a much better way to make more money.

ED: So he didn’t make a lot of money?

RD: No. No, he really didn’t. When I was a child I thought he did but as I look back I realize that he didn’t.

ED: Not much way to make a lot of money as a lawyer in small towns.

RD: No, it’s usually with business. They’ve got farms or that type of thing.

ED: Yeah.

RD: Although, some do. I have a son-in-law and daughter in Dallas who practice law and do extremely well. They’re generally plaintiff’s lawyers, but not always. They just won a case, which I think was a twenty-five-million-dollar judgment.

ED: Wow. When you got out of high school you went to A.S.U.? Did you go to four years at A.S.U.?

RD: No. I originally went there one year.

ED: One year at A.S.U.?

RD: Yes.

ED: We call it A.S.U. At that time it was Arkansas State College, before they changed the name [to Arkansas State University].

RD: Yes, thinking of that name reminds me I made a comment a few years back that a childhood friend found offensive. We were laughing about something that had happened in our childhood and I asked something about Aggie, which is what Arkansas State was called when we were children. But when I called it "Aggie" he said something like: "I haven't heard that in years and now we don't refer to Arkansas State as Aggie." It was just an unthinking thing on my part. Both the school and the town have grown amazingly since my childhood days.

ED: So you explained how you got to Washington and how there you enrolled in George Washington University and finished your baccalaureate degree at George Washington. What did you major in? What was your major? Do you remember?

RD: History. I enjoyed English, Geography, courses of that nature. I loved history, history courses. I found accounting courses hard and that's strange because I now enjoy accounting when I am investing. Back then I found foreign languages hard.

ED: Did you have to have a foreign language back then at George Washington?

RD: Yes.

ED: We didn't face that too much in Arkansas in those days.

RD: Yes, I just don't have the kind of memory it takes to be proficient in a foreign language. Although this has nothing to do with this interview really, I've since learned that having an ear for music helps a person in foreign languages and I have no ear for music and no sense of rhythm.

ED: Perhaps also mathematics. There's some type of relationship between music and mathematics. I've never understood that. Seems counterintuitive to me. Nevertheless, that's probably the case.

RD: You know, I admire musicians who can play the thousands of notes, say, in a symphony and they have all those notes memorized and it goes through their minds at such an incredibly fast speed. I admire that mental ability. I just don't have it. I'm not wired that way. And no rhythm at all.

ED: Yes. You graduated from George Washington University in... What year would that have been?

RD: I didn't graduate there. I came back down to the University of Arkansas before I graduated and started law school.

ED: In those days you could go to law school as part of your undergraduate studies.

RD: Yes. I was very close to graduating. I graduated from law school in '58.

ED: OK. So you went to Fayetteville and went to school '54 to '58, somewhere in there.

RD: Yes.

ED: And got your law degree and entered the bar in '58, you think?

RD: '58.

ED: OK. Any other jobs during that period of time?

RD: No.

ED: No military?

RD: I was in the Marine Corps Platoon Leaders Corps, but never served on active duty. So I just served a short term then.

ED: OK. So you get your law degree and passed the bar and did you return to Jonesboro or where did you practice law?

RD: No, Dad died in '57 and a man who had been a circuit judge in Pocahontas—he'd been a circuit judge for twenty-four years and then retired—offered me a fifty-fifty partnership.

ED: What was his name?

RD: John L. Bledsoe. It was a generous offer and I went there and I enjoyed it.

ED: Where was this? In Jonesboro?

RD: In Pocahontas.

ED: In Pocahontas. OK. So he stepped down from a judgeship and began to practice law again.

RD: Yes, and after two or three years he decided he didn't really want to work that hard. But he had a wonderful practice. He had a larger practice than he could handle and thought it would be nice to get a young man to help him. It was ideal for me.

ED: What kind of law did you practice? Everything, I guess.

RD: Yes.

ED: You had divorce cases, did probably a little criminal work, and a little bit of criminal defense work, a little bit of that?

RD: It seemed to me I was appointed frequently.

ED: The judge would appoint you to defend some indigent.

RD: Yes. Back then there were no public defenders. It was just a part of the practice of law to be appointed to defend poor people.

ED: That was lucrative work, wasn't it?

RD: Yes [laughing]. But there were some amusing things that happened during my first few months. I'll never forget, a lawyer in Walnut Ridge named Harry Ponder. I didn't know him at the time but he knew my father. Later he became a good friend.

ED: I knew Harry Ponder. He was later a judge. No...

RD: That's his brother.

ED: No, his brother Andy was a judge and Harry was on the Board of Trustees at the University of Arkansas for a while, I think. There might have been another brother, I don't remember.

RD: Anyway, some old codger went to Harry's office and he wanted to sue somebody because he thought that person had put a dead hog in his field. I really don't remember the details, but Harry told him he was too busy to handle his case and he needed a real expert in dead hog law and there was a new lawyer who lived in Pocahontas who was an expert in that field. You can imagine how I felt when the old man came in and told his story. Shortly after that, I met Harry and he fully enjoyed what he had done. Now, I enjoy it too.

ED: He was a funny guy. I remember on the Board of Trustees at the University of Arkansas, when I used to cover them, he was the funny guy on the board. He was kind of a jokester, a wry sense of humor. There wasn't much humor on those boards but Harry did have a sense of humor.

RD: And his brother, Andy, the one who was circuit judge, Andy, had been a F.B.I. agent in Jonesboro during the war. A fellow who was on the most wanted list asked Dad to

represent him in some criminal case and Dad said he must surrender first. So Dad called Andy and arranged for man to surrender in Dad's office. Dad asked if I wanted to see the man surrender to the F.B.I. and I said, "Yes." Andy, the F.B.I. agent, walked in and said, "How are you?" and the man on the most wanted list said, "Fine." Andy said, "Well, come on, let's go." And that was it. No drama. Nothing more. It was nothing like I had imagined.

ED: Clamp him in handcuffs and stand him against the wall or something.

RD: Incidentally, my father and J. Edgar Hoover had been at George Washington together and been in the same fraternity.

ED: So you practiced all kinds of law. Do you remember any particular defense cases? Did you defend any murderers? Do you remember your first case as a lawyer? You hear Dale Bumpers tell about his first case, probably apocryphal, probably never happened, but it was funny.

RD: My first case wasn't funny and it was very minor. It was a car-wreck case and I was representing a plaintiff. I remember that we got a small judgment. A couple of years later, in another case, I represented the plaintiff in a car-wreck case and we got a seventy-five thousand-dollar judgment. Back then, that was a whole lot of money.

ED: So did you get twenty-five percent or something? You remember?

RD: I got a third.

ED: OK.

ED: Well, that would have been big income back then.

RD: It was.

ED: Did you have a lot of personal-injury cases? Was that a big part of your practice?

RD: No, I represented plaintiffs but also defended insurance companies, drafted wills, handled estates, just did everything.

ED: OK, so you practiced law until... Was prosecuting attorney your first political...

RD: Yes.

ED: You didn't do city attorney or...

RD: No. I was a deputy prosecuting attorney when I first moved to Pocahontas. The county judge there was a good man who stopped me in the hall one day and said, "I know that the prosecuting attorney wants you to be his deputy and I think you're doing a good job, but the county really can't afford that fifty-dollar-a-month salary. Do you mind just taking the five-dollar fee for each conviction?" I don't recall the exact way it worked but I remember that when the defendant didn't pay the costs I didn't get paid. I did that for a couple of months more and retired.

ED: So the pay was... You got five dollars per conviction?

RD: Per conviction. Yes, if the county collected it from the defendant. Then when the county had business I would handle it.

ED: You were not the county attorney then, you would just kind of handle...

RD: They didn't make me a designated county attorney. The county judge would call and ask me to represent the county and he always reminded me how poor the county was.

ED: Yeah, little counties didn't have one. Many of them still don't.

RD: And they had some things they just needed some help on and it was... Most often the county could pay, sometimes it couldn't.

ED: You got married sometime along in here?

RD: I got married. Yes, Sally and I.

ED: Wentzel, was that her name?

RD: It was.

ED: She was from off some place, New York or...?

RD: Yes, she was from upstate New York, and we had four delightful children. We were divorced...in '85. She's a fine person and a wonderful mother.

ED: Yeah. This is a good point to talk about your children. Let's identify your children, I guess, by age.

RD: OK. My oldest is Debbie Branson.

ED: Branson is her married name?

RD: Married name. She lives in Dallas and is a lawyer. She and her husband are very successful. Frank, her husband, was named the outstanding lawyer in Dallas by their bar association and she practices law with him and is on numerous commissions and boards. In fact, she's chairman of the board of Parkland Hospital. It's a great responsibility. To give you some idea, they delivered thirty-three thousand babies in that hospital last year. Then, Kathy Helms, is the second daughter. She practices law in Columbia, South Carolina. She's primarily in labor law, representing management. I'm very proud of her. She's done an excellent job of practicing law under extremely hard circumstances. Her husband died when he was forty-three and her youngest daughter died when she was seven. She's managed to hang in there and make a living after both tragedies so I'm very proud of her. My third daughter was with *Texas Monthly* for years. She's now married to Spencer Longshore.

ED: What is her name?

RD: Cindy.

ED: Cindy.

ED: So she's with *Texas Monthly*?

RD: She was.

ED: What did she do with them?

RD: She was in sales and was in charge of the Dallas office. My fourth child is Bob, who lives here in Little Rock.

ED: Robert H. Is he a junior?

RD: Yes.

ED: Robert H. Dudley Jr.?

RD: Yes.

ED: He lives on Beechwood, I think, right over there?

RD: One block over. He's in investments and he's head of Wunderlich Securities local office. It's a lot easier to make a living in investments instead of practicing law. His wife's maiden name was Tedford. Marjorie Tedford.

ED: OK, so that's the four children. Where were we in your life? We jumped back to when you were practicing law and I guess we were where you decided to run for prosecuting attorney, right? Was that in 1964? I think that was the year.

RD: OK.

ED: 1964.

RD: OK.

ED: That's the Sixteenth Judicial District.

RD: Yes, the district was comprised of five counties. I just didn't know anything about campaigning or politics, when I ran.

ED: Did your dad ever have to campaign much? Or you don't remember much? You were probably pretty small when he was running for office?

RD: I was.

ED: Did you run against the existing prosecutor?

RD: No. He retired and there was another fellow who also ran. Looking back, I was not a very good campaigner. I'll never forget, I was given the name of two brothers who would help me in one town. I ran into one of the brothers and asked about the other brother. He replied "He died last week." I saw the living brother a few days later at a large event and didn't remember him. He reintroduced himself, and after getting over my embarrassment at not recognizing him, I recalled he was one of two brothers who I had been told would help me in that town. Without thinking I asked about his brother and he said, "He's still dead." I wondered if I would ever make it. I didn't understand politics in the hill counties. But I got a good percent of the votes so I was happy.

ED: So you had to campaign over five counties across northeast Arkansas. That would be Randolph County, Clay County...

RD: Over to Mountain Home.

ED: Oh, all the way over to Mountain Home?

RD: Where Tommy Dearmore lived. I thought the world of him.

ED: So Mountain Home, and Baxter County was in your district?

RD: Yes.

ED: So Tom Dearmore was the editor of the *Baxter Bulletin*.

RD: Yes, at that time he was.

ED: And I forgot the name of who the publisher was. Shiras?

RD: Pete Shiras.

ED: Pete Shiras was the publisher.

RD: And Tommy then went to San Francisco and was editor of the editorial page there.

ED: The *San Francisco Examiner*, I think.

RD: Yes.

ED: Then for a while he was with the *Arkansas Gazette* as an editorial writer and I think he might have gone to Chicago or some other place as an editorial writer from Mountain Home.

RD: He was a wonderful man, really enjoyed him.

ED: So did he endorse you over there?

RD: Yes, he did, but more than that he taught some things. I was privileged all through my career to have people teach me various things. I remember very well during Governor Rockefeller's campaign— this was before he was elected...He had handwriting experts and said that there were people voting who didn't validly cast their ballots and it could be proven by handwriting experts. A lot of people were asking about it and I told Tommy we were looking into it and he said, "Well, I don't think we'll run any stories yet." I asked him why and he said, "Well, if a prosecutor says he is investigating someone it can damage that person's reputation and yet the investigation might show there was no crime, so normally we don't run those stories." He added that a danger in this investigation might be in preventing people from voting. It turned out that Tommy was just as right as he could be and I never again mentioned something I was investigating.

ED: Now we should probably point out that in 1964, when you were running for prosecuting attorney and Rockefeller was running for governor the first time, a future colleague of

yours on the Supreme Court was Tom Glaze and he was one of the guys involved in that handwriting investigation. That was the formative stage in his career. Of course, he got wrapped up in that election-fraud notion and it consumed him off and on for the rest of his life, particularly toward the end of his life. Anyway, that's neither here nor there. It was kind of interesting, that juxtaposition...

RD: Well, there was some fraud but, in my experience, it was nominal, and not the kind of act deserving of criminal prosecution. In my experience it was usually something like a nursing home manager signing applications for ballots for all of patients who asked him to get them a ballot. At the time the law said that the patients themselves should sign the application for ballots. But after the ballots were requested they were mailed to the patients and they actually voted the ballot themselves and then they signed that they voted.

ED: Oh sure.

RD: But it happened in most nursing homes I looked at in North Arkansas. The patients wanted to vote and they asked the manager of the nursing home to get their absentee ballots and the manager signed the patients name to the application. I think all of the managers admitted it immediately. They didn't know they had done anything wrong. After that, deputy county clerks went to the nursing homes and let the patients sign the applications.

ED: Yeah, generally the rampant fraud, and there was some of it, was in a handful of counties and they were traditional counties. You probably identified them as Conway County, Philips County, and a few others like that. But for most counties, I think you're right. It's the nursing homes... There was some nursing-home fraud as well. Some nursing homes just voted everybody. But it's interesting that it's '64 and you were getting your start and Tom Glaze was getting his start.

RD: And I remember another time when a member of Governor Rockefeller's administration and I did not see an event in the same way: Do you remember that there was a superintendent of the penitentiary system named Murton?

ED: Thomas O. Murton.

RD: He made allegations that prisoners had been killed and buried at the penitentiary and he even gave out some names. The State Police captain under Governor Rockefeller was a fine man named Ralph Scott and Colonel Scott asked the criminal investigator in my district, who was helping me in my cases, to go out and find out about two of these names. The criminal investigator looked into both of them. Some relatives were still living in the northern part of the state and a brother of one of the deceased explained to the investigator, "Yes, my brother stole some stuff and got caught and was convicted. He was in the penitentiary in the late 20's and died down there. They asked us to come get him and the only way we had to get the body was to take a wagon and go so we just asked them to bury him down there." The other was a similar story.

ED: And they buried them there on premises, on the farm there.

RD: Yes, that's the way I understood it.

ED: Well, of course, the big incident was they went out there and dug up all those skeletons. Somebody pinpointed the cemetery and they went out and dug them up, and they sent the bones out to Kansas or Oklahoma or some place for carbon testing. They were folded up in boxes because it turned out there was an old pauper cemetery that preceded the prison.

The place was not even a state penitentiary when the cemetery started. So, of course, it was a year or so after when all that information came back...

RD: I had forgotten about that.

ED: Yeah, in Oklahoma I think. They sent off some of the remains and when the report came back it turned out that they had been dead many, many, many years before Cummins was down there.

RD: And while we're talking about those things that involved governors and their staffs. Another one occurred during one of the terms of Governor Faubus. At the time I was an officer in the Prosecuting Attorneys Association and I thought we needed an intermediate reformatory because when an eighteen year-old was sent to prison he came back tougher—and they all came back. The reform school back then was short-term and was for boys, and we just needed something between the reform school and prison—we needed an intermediate reformatory. I met with Governor Faubus and he seemed to appreciate the idea. It sailed through the legislature and I was thrilled.

ED: That would have been the 1965 session probably.

RD: Probably. However, there was no appropriation and, apparently, no appropriation was ever intended.

ED: So they just passed the enabling bill but didn't actually appropriate any more for it.

RD: Yes.

ED: Pyrrhic victory, I guess you call that. You got it passed, but that was it. So that was his last term and that was your... You were a first-term prosecutor then?

RD: No, actually I've got something wrong with the dates because he was in office still when I was first elected.

ED: Well, he was in office. He was elected to his last term the same time you were elected prosecutor. He was elected to his last term in '64 (he beat Rockefeller) and then in '66 he didn't run again and Rockefeller became governor in '67, January '67. So that probably would have been your first term or in your first term—or it could have been a special session. That legislation could have passed in '65 or '66, I don't know when.

RD: I just don't remember.

ED: OK.

RD: But it was a good lesson.

ED: Yes, in how it all works. You served three terms, right?

RD: Yes.

ED: Did you ever have another opponent?

RD: No.

ED: So the next two times you won straight away, without an opponent. You remember any big cases that you prosecuted?

RD: There were two big murder cases that come to mind. There were more murders than that, but two that got a lot of publicity. One, the sheriff of Baxter County was killed by a prisoner. Sheriff's name was Emmett Edmonds. A man in jail grabbed the sheriff's pistol and killed him. This was during the time the Supreme Court said that the death penalty was unconstitutional. I guess those decisions came out in '63 or so. So that turned out not to be a hard trial because it was going to be life without parole no matter what happened. It got a lot of publicity. The other one that got a lot of publicity, I did not actually try. But during my last term, a woman was found murdered in Mountain Home. It turned out a serial killer later confessed to it, just before Christmas of my last year and the case fell to

my successor, Terry Poynter. Terry was going to prosecute him but he pleaded guilty to two or three other murders in Illinois and he came here to plead guilty. There was no big trial. He had killed, I think, seventeen people in Germany (he was in the service) and came here and killed seven or eight. I don't remember all of the numbers.

ED: Did you ever get any threats from people who had been convicted or families or anything like that?

RD: Yeah. The funniest one that I recall was after I was on the bench. I committed a man to the state hospital and after they had treated him and released him, he came back and knocked on my front door and my wife answered. He said, "Is Judge Dudley here?" and she said, "No, not right now." He had an old rusty pistol, and said, "Well, I've got some business with him". My wife replied "He'll be home about five o'clock." But then she called me and I called the sheriff. He was a mental case, sad man. I suppose everybody who has been a prosecutor or a judge has had some instances like that, but you really don't know what to make of them. At least I didn't. One time I was told by officers that a fellow made some threats...I didn't hear the threats, I was told he did...The sheriff said he saw the man go into a bathroom in the courthouse and when the sheriff followed into the bathroom he found a hand grenade in there. So, you know, when somebody makes a threat, you're cautious but don't really expect them to follow through.

ED: You occasionally get those things just as a practicing attorney representing domestic disputes.

RD: Those threats are the most dangerous of all.

ED: Yes, angry husbands. I've heard several lawyers talk about that. Dale Bumpers talked about angry husbands. As a small-town lawyer, that was the bane of his existence, representing some woman in a divorce proceeding or child-custody case or some domestic dispute.

RD: And another one—it seems funny now, but it wasn't when it occurred. In Newport—I just don't remember all the details—some people were involved in a case and I was hearing it. People in the front left section of the courtroom seemed unusually uncomfortable and moving about so I asked the bailiff to come up and I quietly asked "What's going on?" and he said, "It has to do with 'voodoo,'"". He said a person was putting a hex on the witness. It was very serious to the witness and some of the people in one section of the courtroom. I didn't know what to do. I guess it worked out OK because we finished the case without incident.

ED: Do you remember how you handled it?

RD: I don't offhand. I just remember I was taken back by such a bizarre event.

ED: Did you issue a ruling—no hexes in this courtroom?

RD: I don't remember what I did. I just remember— but at the time it was very serious to some of the people and I remember not wanting to offend anyone in any way but to try to stop it.

ED: I guess you could kind of give the sign of the cross.

RD: I really didn't know what to think about it. I was just completely taken back.

ED: So you served three terms as prosecutor and that would have taken you up to 1970. Did you not run for reelection that year, in 1970?

RD: No, I ran for judge.

ED: Is that when you ran for chancery judge?

RD: Uh huh.

ED: In 1970. Oh, OK.

RD: That was nine counties, a big territory. That's from the state line all the way down to Pulaski County. The Missouri State line to wherever Cleburne County joins. It was a big territory.

ED: What judicial territory was that?

RD: Eighth.

ED: Eighth Judicial District. So was there a...who was the judge there then?

RD: Percy Cunningham was his name.

ED: Percy. Did you run against him?

RD: No, he retired.

ED: He retired.

RD: He retired.

ED: So did you have a race that time?

RD: No, I was very fortunate. I only had two races—when I first ran for prosecuting attorney and...

ED: When you ran for the Supreme Court.

RD: Uh huh.

ED: So you got a free ride there. You got elected chancery judge in 1970 and how many terms did you...?

RD: I was elected three terms. Three times I was elected but I only served ten years as chancery judge. I still had four years left on my term when I ran for Supreme Court. That's why the numbers are awkward.

ED: Yeah, I think you resigned from chancery judge when you got elected to the Supreme Court in 1980. What about chancery judge, what kind of experience was that? There you represented just equity and a large part of it family, domestic crises.

RD: Yes, yes.

ED: Is that frustrating or rewarding?

RD: For me it child custody cases were difficult. You would sit and listen to the two parents testify and you'd weigh the testimony. You knew that if you made a mistake the result would be terrible.

ED: It's not quite like being a circuit judge where you've got some law to rely on and you can fall back on the law. But in this case you just have to decide for yourself.

RD: You are...You worry about it and the bad thing about it is, you see your mistakes years later. They may not wholly be your mistakes; it may be that the children were headed for trouble anyway. But you see children in trouble and wonder if you had given custody to the other parent...

ED: You want to blame yourself.

RD: Yes. I thought it was very challenging. There were policy decisions also. Just for instance, just say if you award custody of the children to the mother, which is normal, and you look at the daddy's paycheck and you order him to pay so much child support, and if he doesn't pay, what do you do? Because on the one hand, if you put him in jail you've made a jailbird out of the children's daddy and you've embarrassed and humiliated them even worse than the divorce did.

ED: And there's still no money.

RD: That's right. And if you don't enforce your orders with jail sentences, many of them won't pay and the children will live in poverty. I decided that there were so many

women that were the sole supporter of the children, and it so deprived the children that it was best to punish the daddies who had the money and didn't pay or try to. The child-support payments went up substantially in each of the counties after I started strictly enforcing the orders. But it's hard. It's hard. The children cried. That used to be a hard job and I admire those who do it and do it for years.

ED: Well, I don't think I'd want to be a chancery judge and deal with that. At some point, the governor—I don't know if it was Clinton—put you on the Crime Commission. You did get appointed to the state Crime Commission?

RD: Uh huh.

ED: When was that? Was that while you were prosecutor?

RD: Yes, I think David Pryor did that but I don't remember for certain.

ED: He was governor in 1975 or it would have been Bumpers in 1971, '72.

RD: I can't remember. I think that appointment was from David Pryor and I enjoyed serving.

ED: What did that entail? What did the Crime Commission do?

RD: It was during the Nixon administration. Do you remember when he started the revenue sharing? His administration awarded millions of dollars to the state criminal justice system. I just don't remember the exact date or all of the details.

ED: Nixon passed this big crime act. I've forgotten the name of it.

RD: Yes. I don't remember the name of it either.

ED: The federal government, for the first time in a major way, was financing the war on crime. I guess that's when that term came along, "War on Crime." So the Crime Commission dispensed the money in Arkansas.

RD: I think that was Governor Pryor. We really worked on it and were able to get a lot of money and to give, not just police departments, but to supply some really needed things in a poor state. Another fellow who was appointed at the same time was Win Rockefeller.

ED: Young Win Paul Rockefeller?

RD: Yes. He was a very conscientious member. He took an interest in child advocacy and how these grants might go to helping juvenile delinquents' problems. He spent a lot of time working on it. I enjoyed watching him and working with him. In fact, we headed the...I don't remember what it was called...the juvenile section. It was rewarding, made us feel like we were doing something positive.

ED: Did you serve on it again later?

RD: Yes. I just don't remember when.

ED: That would have been Bill Clinton appointing you that time. I don't know. Clinton would have been...Let's see, '79-'80 was his first term and then from '83 on. Sometime along in the there. It would have been while you were...

RD: The second time, though, was not the same...We didn't have all the federal money and it was not nearly as rewarding. The first time I really felt like we improved the criminal justice system. There were a number of those boards and commissions. The only other one I especially enjoyed was the Judicial Retirement Commission. When I went on that board, judicial retirement was not funded; it was on what was called a "pay as you go" system. Each year, the legislature had to appropriate the money for judges to retire and it got to where the legislature had to appropriate about a dollar seventy-five for every dollar of judges' salaries. So they converted to a funded system. I happened to have been chairman of the board when it was started, and I asked an actuary what it meant and he said, "Well, you owe twenty-six million dollars." I think we had hundred thousand dollar

appropriation. But, anyway, before I retired, twenty-something years later, we were fully funded and had about a hundred million dollars and were fully funded.

ED: When you were on the Judicial Retirement Commission, was that after you went on the Supreme Court?

RD: Yes.

ED: That was after you got on the Supreme Court?

RD: Yes.

ED: OK.

RD: Then I stayed on for about five years after I retired.

ED: OK. All right. We talked about the difficulties of some of the domestic cases when you were chancery judge. Any other big equity cases that came along when you were there that appeared in chancery court?

RD: Yes, I hadn't thought of them in years. I think I told you that when I first went on the bench I had nine counties in the district. The legislature cut that in half. But to get it cut in half, I had to agree to take extra assignments from the chief justice, Carleton Harris. Judge Harris would assign me any time it was necessary. The first one I remember involved expense accounts for, I believe, thirty-two state senators. I found that they had abused their expense accounts and ordered—I think it was thirty-two of them—to pay it back.

ED: I vaguely remember that case. It made you popular with the state Senate.

RD: Yeah. Then, right after that, there was a group called A.C.O.R.N. that passed, by popular vote, a city ordinance called “Lifeline” electric rates, which is kind of a good idea, really. The chief justice appointed me to try that case and I came to Little Rock and I found it was unconstitutional. That was a big case. There was a Prosecutors expense account case, a tax collector's expense case, a water rights case. Right now, I can't remember, but there were quite a few of those that were headline-type cases. I remember... Oh, what was that reporter's name with the *Gazette*? George Bentley.

ED: George Bentley was the Pulaski courthouse reporter for the *Gazette*.

RD: George covered those.

ED: Yes.

RD: And Bob Sallee covered them for the...

ED: *Democrat*.

RD: For the *Democrat*. They were both nice, competent people.

ED: They were good guys. At some point, with one of the constitutional conventions, I don't remember whether it was '69 or '79... We had a constitutional convention in 1969 and '70 and another one in 1979 and '80. In each case, they had to draft a judicial article for the new constitution. Did the Supreme Court or somebody ask you when you were on a commission, to draft a proposed article?

RD: Yes.

ED: Was that '69-'70, before you became a judge or was that while you were prosecutor?

RD: I think I was a chancellor then.

ED: Then that probably would have been the 1979-'80 convention then, probably. That was after David Pryor became... I think actually Bill Clinton was the governor at that time.

RD: I don't remember. I'd forgotten that. There were two of those.

ED: The first was '69-'70 when Bob [Robert A.] Leflar was the president. Actually, he was president both times. The '69-'70 convention was when Rockefeller was governor so that wouldn't have been it.

RD: I think it was...

ED: '79-'80.

RD: I was not on the Constitution Convention but was on the judicial article section that had been asked to draft a judicial article. My recollection may be faulty, but the way I remember it was someone, perhaps the Supreme Court, I don't know... Somebody wanted a judicial article written and two or three of us contacted maybe Dale Bumpers, I don't remember, Maybe Mr. Mills [U. S. Representative Wilbur D. Mills] was still in office, but we got a federal appropriation of I think a hundred thousand dollars and we hired a fellow named Beau somebody who had been court administrator in Alabama. The state of Alabama had just adopted a new judicial article and he came here and helped us work on a similar one. A trial judge named Kayo Harris worked hard on it.

ED: He was a chancellor from Pine Bluff.

RD: Yes.

ED: Son of Carleton Harris, the chief justice.

RD: Yes. I just don't remember all of them right now, but we devoted a lot of weekends to drafting a judicial article.

ED: OK.

RD: I'm not sure, I just don't remember. It failed the ballot and George Campbell [of Rose, Meek, House, Barron, Nash and Williamson and later The Rose Law Firm] was in that group and then two years later, or four years later, it came back and it was passed.

ED: OK, so yeah, I guess the legislature then referred the article to the voters.

RD: I think so.

ED: That's right. Then it wasn't the convention because it was defeated. Do you remember what that article did? Did it provide any kind of merit-selection system?

RD: Yes.

ED: It provided a merit-selection system?

RD: Yes. Well, I say yes. Actually, it provided that judges shall be selected in the manner as provided by law.

ED: OK.

RD: And that meant the legislature could go to a merit-selection system. That's the year labor beat it substantially. That was the first one. That was taken out of the second one.

ED: Yes.

RD: And there was something else, I don't remember. Something else that was very unpopular. Ernie you're asking me questions about a long time ago and I don't remember.

ED: Yeah. I am trying to remember myself. I get it all confused because judicial reform and merit selection and all that was an issue at the constitutional convention in 1969-'70 and I think helped beat it then. Although, I've forgotten just what date. I think they might have had an option. Or maybe it was 1980 when they had an option: you could vote one way or another on the judicial selection and it was separate from voting on the new constitution. But it was an issue both times.

RD: Then another thing I had completely forgotten, but I remember this: There was a group of us trying to get a Court of Appeals created here. The Supreme Court came up to

Walnut Ridge for a dinner and George Rose Smith said was only the second time in history at that time that they had gathered outside of Little Rock. But the purpose was to do some radio interviews and TV interviews with the justices. This was before I was on the Supreme Court. Then those were taped and distributed statewide. Carleton Harris always said that helped get the Court of Appeals Amendment passed.

ED: Yeah, I think Conley Byrd was on the court at that time. Conley was the driver of that movement originally. I think when he first proposed it there was some resistance on the Supreme Court. I think the court was divided on it. Eventually, I think everybody kind of came around eventually the court embraced it and it was done. They created the Court of Appeals, what...in '76 or so? 1978 I guess is when it passed at the election.

RD: I believe so.

ED: Then Governor Clinton appointed the first Court of Appeals.

RD: He appointed Ernie...Oh, from Harrison.

ED: Judge Ernie Wright of Harrison.

RD: Ernie Wright and David Newbern and Mrs. Penix.

ED: Marian Penix.

RD: Marian Penix.

ED: Marion Penix from Jonesboro

RD: That was a good court.

ED: It was.

RD: But there was a lot of court improvement at that time. Later—I don't remember the exact date—the judicial discipline article was passed.

ED: That was while you were on the court. You all were involved in that.

RD: That's because...

ED: We'll get around to that when we get to the court years.

RD: OK.

ED: One of the things we might like to talk about is judicial discipline and how that came about. Do you want to take a break now? How do you feel?

RD: No, go ahead.

ED: You feel good to go? All right, anything else we need to talk about from the years as a chancellor, ten years as a chancery judge? We kind of covered that.

RD: I think so.

ED: Well, let's get around to the Supreme Court. I guess 1980 would have been when you decided to run for the Supreme Court. Well, Conley Byrd, whom we referred to previously, developed a severe back problem and was in great pain and decided sometime in 1980 to retire very suddenly. I guess they probably appointed somebody, briefly, to take his place for the interim. Maybe Richard Mays. Does that sound right?

RD: Richard Mays or John Stroud. I don't recall.

ED: One or the other. [It was Richard L. Mays.] Then in 1980 you run for that seat. Was it for a full term?

RD: Yes, there were three openings the year that I ran.

ED: John Harmon was one.

RD: No, I am talking about... I'm sorry. What I said was not clear. Carleton Harris had retired.

ED: OK, yeah, three seats.

RD: Yes.

ED: Three seats came up on the court at the same time. Carleton Harris retired.

RD: John Fogleman retired.

ED: John Fogleman retired.

RD: Conley.

ED: Conley Byrd retired.

RD: And Richard Mays was appointed to succeed one and John Stroud was appointed to succeed one. And, as I remember, Bill Clinton appointed John Fogleman to finish out...

ED: That's right, he did.

RD: the chief justice's.

ED: Chief's term.

RD: So there were three positions filled. The chief justice, that race was between Dick...

ED: Richard Adkisson.

RD: Richard Adkisson, [Pulaski Circuit Judge] Tom Digby and Kayo Harris [Chancery Judge Eugene S. Harris of Pine Bluff].

ED: Yes.

RD: The seat Steele Hays ran for was between Steele Hays and Brown. I can't remember his first name.

ED: Charlie Brown.

RD: Charlie Brown. How could I forget that?

ED: And John Harmon...

RD: The last day he announced against me.

ED: Yeah, the last day. John was part of the I guess you could call it the North Little Rock mafia. Casey Laman [William F. Laman] was the mayor over there, the political boss. John, I guess, had been city attorney over there, and he runs. I am trying to remember a little bit about that race. It wasn't a real nasty race, as I recall, was it? Did he attack you?

RD: A little bit. I didn't know him, but I knew who he was. I expected it.

ED: Oh really.

RD: So, actually, truth of the matter is, I thought I would win. I just laughed at some of the things.

ED: Well, you had to go out to...I guess there were rallies around, Mount Nebo Chicken Fry. Did you have to go out to Mount Nebo?

RD: Yes.

ED: Did John, when he was campaigning, want to talk about the death penalty or things like that? I remember, that would crop up from time to time. Did he try to make you take a stand on things like that?

RD: I think he did but I really don't remember what he talked about. I just don't remember it all. The fact is that I was fascinated with Bill Clinton and Frank White and enjoyed listening to them, watching them. They were everywhere and I liked both of them, had a lot of respect for both. But Frank would say, "Well, I put together South Arkansas today, and I'm going to win there." He might name two people who were going to win it for him...It reminded me of school elections, sort of. But, he won.

ED: He did. Nobody was more surprised than he was when he got elected that day.

RD: But we should have known that after Monroe Schwarzlose ran so strong in the [Democratic] primary. But I was impressed with Bill Clinton. I would sit and listen to him and I would think, "Golly! What a campaigner." And I would watch him. I might go into a restaurant and shake hands with people seated in the front but Bill Clinton would

shake hands in the front, go into the kitchen, and all around the parking lot. He never missed a person and he would remember their names. He was absolutely unbelievable.

ED: He was amazing. There's never been anybody like him, I think, in that respect.

RD: I didn't mean to get you off the subject, but I just really enjoyed listening to them a lot more than I enjoyed listening to John Harmon.

ED: I guess it was hard to find something to talk about at campaign rallies. As a judge, what do you talk about?

RD: Right.

ED: David Newbern, I remember, solved that by playing his guitar and singing a song.

RD: But I can't play a guitar or sing.

ED: Well, I remember, by that time, I had been at the Capitol for many years and covered the Supreme Court. By 1980 I was writing editorials and you and your wife came up to the *Gazette* (we were interviewing candidates, our little editorial board). You all came up and we interviewed you and we endorsed you. I wrote the editorial endorsing you. John was very upset and called and asked who wrote the editorial. I had to own up that I did. He was disappointed, thought I was a friend of his. He was a local boy and thought the *Gazette* was obliged to endorse a Pulaski County boy rather than some guy from way the hell up in the corner of the state somewhere, like you were. Anyway, the result was two hundred and forty-four thousand for you and one hundred fifty-three thousand for John Harmon, a pretty lop-sided victory. So you weren't surprised by the magnitude of the victory?

RD: No and I will tell you another story. The same night, Steele Hays was running very well. I was eating dinner in the Sam Peck [Hotel], and [Congressman] Brooks Hays and Mrs. Hays were there. We visited and Mr. Hays said something about Steele's vote (and Steele was going to win handsomely). He smiled and I don't remember how he said it, but it was clear that he was feeling a satisfying redemption from his defeat by Alford [Dr. Dale Alford] over the Little Rock High School fiasco. [Alford defeated Congressman Hays in the Democratic primary in 1958.] I remember sitting there looking at him just thinking, "Wouldn't it be great if Steele led the entire ticket." I don't remember exactly the words that were said.

ED: I don't remember how it came out. I didn't look up that figure. It was still decisive. Charlie might have got more votes than John because Charlie...He didn't have much money to campaign with but he had that wonderful name: Charlie Brown.

RD: He had a good name and he was a hard worker. He kept advertising that he was a former Razorback player. It depended on where you were, but in the northwest part of the state, I had a lot of people come up to me and say, "Are you Brooks Hays' boy?" They wanted to meet Steele. They loved Congressman Hays. He was a wonderful man.

ED: Yes, well, so you go on...in January 1981 you go onto the Supreme Court. Let's see, who would have been on there? Dick Adkisson was the new chief justice.

RD: Dick was the new chief justice.

ED: And so Fogleman was gone. Frank Holt was still on the Supreme Court?

RD: Yes. One of the finest men I ever met.

ED: Darrell Hickman had been elected two, three, four years earlier, maybe '76 or '78. George Rose Smith was still on; he was the senior judge, by far. And John Purtle.

RD: In fact, George had served more years by himself than all the rest of us put together.

ED: At that time.

RD: Yes.

ED: Because he had served probably, what, about thirty-eight years...?

RD: Thirty-six years I believe.

ED: When he retired.

RD: He served second only to Judge Frank G. Smith and wrote the second most opinions to Frank G. Smith. Remember, there were three Smiths on the court at one time and George never liked it because people kidded him by saying that his only qualification was his last name. But George was a sport about it. And his friends reminded him that he was an inept campaigner. Deacon Sharp from Brinkley told the story about the time that George and Peg went to Brinkley to campaign. Brinkley's main street has a railroad track on one side and businesses on the other. Deacon claims that he said, "George, you take the side over here by the railroad tracks and Peg, you and I will go over to the stores." George always pretended that he did not understand the story.

ED: I can't imagine George Rose Smith campaigning, shaking hands, glad-handing, smiling.

RD: No. He didn't enjoy going out among the great unwashed.

ED: Did he ever have more than one race?

RD: No.

ED: I guess his original race was his only one.

RD: George was the senior judge when I went on the court and he was brilliant. He was extraordinary. He had been on the court for about twenty-five percent of the court's total cases. He remembered every one of them and he was just an outstanding appellate judge. But he knew he had a shortcoming in temperament. He would tell you—he would be the first to tell you that he lacked judicial temperament to be a trial judge. He was honored nationwide for his judicial opinions. He taught opinion writing for the American Judicial Academy and in his modest way he would say, "I guess I'm all right as an appellate judge but I would have been terrible on the trial bench. I could never sit there and listen to all that."

ED: That's probably true. It's hard to imagine him as a trial judge. He would have been hated, wouldn't he?

RD: Yes.

ED: By litigants, probably, and attorneys, on both sides.

RD: But I'm complimenting him in saying that he recognized that.

ED: Yeah.

RD: Which was, I think, unusual.

ED: Did you try to pattern yourself after him? You know, he had this style of writing. I'll say this, as I've said in previous interviews when we've talked about George Rose Smith: As a reporter who covered the Supreme Court for a number of years, we loved George Rose Smith's opinions because he wrote your story for you. In news writing, the first paragraph you get to the essence of the case, you essentially tell what happened in a sentence. That's what he did in his opinions. His opinions were never more than five page opinions. A five-page opinion for George Rose Smith was a pretty lengthy opinion. You didn't have all the citations and stuff. Then you'd have an opinion by John Fogleman on the reverse side and John might write a forty-page opinion or twenty-page dissent to a five-page George Rose Smith majority opinion. So we loved him for that reason. He was just so crystal clear.

RD: I felt like he was one of the best in the nation.

ED: And I guess he's the one who devised the system. The way the Supreme Court operated internally was basically a product of the system that George Rose Smith devised.

RD: Well, yes, he and Bob Leflar worked on the internal operation of the court. Bob had taught at N.Y.U. [New York University] all those years and knew the workings of all the courts. George had taught opinion writing for the American Judicial Academy and had taught the Supreme Court justices. And so he would ask each of them in their schools how their court operated and why they did this and why they did that. And I think the two of them were responsible for ninety-percent of the court's operations.

ED: So effectively what happened when you all were on the court was that you were never behind.

RD: That's right.

ED: You were always current with your cases, or pretty much. It just flowed automatically. You got to the end of your term and you had cleared the docket of all the cases that had been submitted.

RD: The Supreme Court of Arkansas had been behind in about 1910, 1912. As George would explain to anybody who would listen, when you reached that stage you keep getting further behind, and you never get caught up. He designed a system...He gave Bob Leflar a lot of credit on it, too. Bob had served two years on the court...

ED: By appointment [from Governor Sid McMath].

RD: Yes. I think you're right. But, there were three or four things that go on in, say, civil cases. Just picture a wheel, sort of one, two, three, four, five, six, seven. There's a wheel going around with the number for each judge. Then the clerk gives assigns cases in order. There's an assigned judge and a backup judge on each case. The way it works is this: Let's say you're number two and I'm number five and you're the assigned judge and I'm the check judge. Then when it's your turn to recite on this case, you say, "I think the main issues are one, two, three, four. I think issue number one should be affirmed and here are the reasons, issue number two should be reversed and here are the reasons, and I don't think issue three matters." And if I'm the check judge I say, "I agree wholly with your recitation of facts, but I disagree with your result on number one and here are the reasons." Then the court votes and if you're in the majority you write the opinion but if I'm in the majority I write the opinion. And you write a dissent. Then maybe somebody changes his vote. Then we turn around and you write the majority opinion and I write the dissent. At the same time, there are criminal cases and a different wheel is going seven, six, five, four, three, two, one. It's the same procedure, just with different sets. Back then, there was another rotation for public service appeals because those records were so voluminous. I mean, those cases have voluminous records. It and death cases were about alike in terms of reading. Just hard to do. We were taking nine, ten cases a week to stay current. Going back to George, he would keep count of all the cases that were filed. Toward the end of the session he'd say, "I'm sorry, we're going to have to take thirteen cases next week." And we would do it and we would always be current. It's greatly different now. They have the Court of Appeals and the Supreme Court doesn't have to take as many.

ED: They don't have to take as many cases, but they still operate on basically the same system, I guess. I don't know. Who knows?

RD: Yes.

ED: They wouldn't dare change that system since it functions so well.

RD: Well, I don't know. You said George sort of ran it, and that's true. George and Frank because the other justices respected them so much. Arkansas has a weak chief justice system. It's not at all like the Supreme Court of the United States where the chief justice says who is going to write what opinion. Arkansas is among the weakest among the chief justice systems. But I think it's a good system. Here, four votes by four of the justices governs.

ED: Well, until you had got elected, Carleton Harris had been chief justice for a number of years and Carleton was kind of a paternalistic figure. He was very protective of the court's image and collegiality, and he'd get very upset about conflict within the court. I got the impression that he really didn't like dissents very much. They all revered him, the members of the court themselves. They loved Carleton and he was just kind of like a father to everybody. Then, what kind of justice was Dick Adkisson? He comes along and Dick has been a prosecutor but he also had been a circuit judge, I guess.

RD: Our careers were parallel. That reminds me of another legislative story and I'll tell it and then I'll come back to this... A reporter, I cannot remember her name right now, called and asked about a retirement bill that was pending in the legislature for me. I said, "I really don't know what you are talking about." She said, "Well you've got this bill passed for your retirement," and I said, "I just don't know what you are talking about." She said, "Well, Representative [Arlo] Tyer passed it." Sometime later, I saw Arlo Tyer, a friend, and asked "Did you pass a bill for me?" He said, "I did." I said, "What is it?" and he explained it to me. Dick Adkisson and I had parallel careers; we were prosecutors at the same time, trial judges at the same time, and supreme court justices at the same time. Dick wanted this bill for his retirement and he talked to Max Howell [state senator from Little Rock and later Jacksonville] and you know how that worked.

ED: OK. Yeah, exactly. So he talked to Max Howell, who took care of the court. Max didn't want to handle it himself so he finds Arlo Tyer from Pocahontas and he does it. All right, OK.

RD: Dick was different from Carleton Harris. Dick was an honorable man in every way but dissents or disagreements wouldn't bother him at all. He was interested in criminal cases and especially juvenile cases. I mean, he had a genuine interest in them. He would work on those cases so hard. Then he had some kind of difficulty or something that soured him with staying on the court. I never knew exactly what it was.

ED: I heard or maybe suspected that it had something to do with the usury case. You remember the usury case?

RD: I do.

ED: The financial industry as well as the retail industry all wanted to liberalize the part of the Constitution that had a very rigid ceiling, ten percent interest, and everything else was usury. George Rose Smith had interpreted it very strictly.

RD: Yes.

ED: So they wanted some relief from that and the legislature drafted a constitutional amendment—I think maybe Jim Guy Tucker might was involved in drafting it. It got changed at the last minute and got on the ballot and was adopted by the voters, ratified by the voters. Then there was a case brought challenging whether it did what the authors thought it said or what they intended, and it gets to the Supreme Court and the Court said, "No." I think Dick Adkisson might have written the opinion. I don't know. The court's decision was no, the amendment didn't liberalize the interest restrictions to the extent that

they thought, and then when you looked at the precise wording they were right, as I recall.

RD: I remember the case and your recollection is right.

ED: I don't remember how you voted on that but then it caused panic in the banking industry. They had to run around I think and...

RD: And Congress saved them by passing the federal act.

ED: That's right. They passed the federal act to at least give relief to the federally chartered banks, to national banks.

RD: I really never understood the reason Dick was picked out for the criticism.

ED: There were always rumors that he was with them or something and then when he gets down there and looks at the law it reads different than the way they thought they had worded it.

RD: Dick served four years on the court and quit when his time was up under that act. I knew he was not happy on the court but was still surprised.

ED: Yeah, shocked everybody. There are stories, rumors of the time, about why he retired. But clearly he was unhappy as chief justice.

RD: Dick was a good man. He just didn't like it. I think he had a misapprehension about the way the court worked. He thought the chief justice would just run things and then he had some incidents and just thought "To heck with it!"

ED: Let's talk a little bit about the dynamics of the court. Of course, it changes every time someone new comes on. But at that time you had three new justices. You had Purtle, and I think by all accounts George Rose Smith and John Purtle didn't get along very well. They were obviously poles apart, not necessarily philosophically, but just poles apart in their demeanor, everything down to the way they dressed. So was there much friction on the court, in conference? That's where it would be. Typically, that's the time when you really see each other, in conference, when you debate these issues.

RD: That's right. I also should say that so long as I was on the court, I never heard any two judges talking about cases anywhere outside the conference room. In other words, there was no swapping of votes like there is in the legislature. I don't believe that in all my time there that any judge ever talked to another judge about a case in their chambers ever. It all was in conference. Of course, you get different ones for different... Frank Holt was just the kindest, sweetest man. He was very bright. Very bright. He could disagree with George Rose or anybody else and there were no problems. Later, David Newbern came on and he has the same kind of temperament. He's so smart. He doesn't have to scream and shout. George was nearly always... I think you were right. He was a Type A personality.

ED: He wanted you to be with him.

RD: He did.

ED: He wanted you to agree with him. How did George and John Purtle get along.

RD: George thought that a judge should do his best to be fair to both sides but he thought John tended to "represent his people" like a legislator does.

ED: Well, John had been a legislator twice. I think he had served in the House of Representatives [from Faulkner County] back during the Sid McMath years. He was one of the G.I. guys who came along after the war. He served two or three or four terms then. [Actually, Purtle served one term from Faulkner County, 1951-53] Then in the sixties he

came and served in the House again, from Faulkner County. Or maybe rural Pulaski County. [Purtle served one term from Pulaski and Perry counties, 1969–71.]

RD: John was a good man and I don't want to say anything bad about a person that's gone. But I think it's fair to say that John did have a legislator's viewpoint in that he felt that he should represent his people and George did not feel that way at all. George felt like you should decide solely on the merits of the case and without regard who the parties were.

ED: John was for the little guy.

RD: Always.

ED: Always for the little guy. You know, the first time he was in the legislature in, I guess, '49, '50, '51, he introduced a bill to sharply graduate the personal income tax and take it up to twelve percent. Sharply graduated. That was his philosophy. Rich people ought to pay more and the little folks less. Society has its foot on their necks so they should get the breaks. I guess that kind of carried over to his views on the court.

RD: It did and it did in other ways. He seemed to favor the criminal defendant to the extent that I sometimes wondered if he could give the state a fair trial. That came into my mind—I don't know about others—and when John was charged with a felony for something. I don't remember what it was.

ED: I think it was insurance fraud, arson or something.

RD: Yeah, it was.

ED: Burning a house along with his secretary or his receptionist in his office. She was charged with him along with some other person.

RD: Linda Nooner.

ED: Linda Nooner. Yes.

RD: When John was charged with a felony, and with his voting record so often being against the state, there was discussion over whether he should be barred from participating in criminal cases while charges were pending against him. At first, I thought he probably should be barred because the state didn't think it could get a fair trial by him. I thought if he were a trial judge we would not let him hear criminal cases. The question was whether the court should say that he can't participate? I remember debating that myself.

ED: But was it talked about in conference? I think eventually he did recuse, didn't he?

RD: He did.

ED: He agreed to recuse for a while until his case was settled.

RD: We debated that back and forth. Finally, a majority developed that said, "No, we have no right to stop him. The people elected him and we have no right to take away the person that they elected."

ED: Was that [Justice Darrell] Hickman? Did he argue that?

RD: Yes.

ED: He and Purtle, I think, had their bouts.

RD: Yes. That's right. Then after John had fought it so long he said, "OK, I think I'll not participate in criminal cases." You know, just solved everything.

ED: Didn't he participate in...

RD: Civil cases. Yes.

ED: Civil cases. OK. You know, about that time, in 1984, Geraldine Ferraro, who was the congresswoman from New York and who was the Democratic vice presidential nominee with Walter Mondale, came to Little Rock a few days before the general election and there was big rally downtown, I think at the Convention Center, one of the hotels

downtown. A big rally. I remember going down the rally juts to see it and there was John Purtle, associate justice of the Arkansas Supreme Court, carrying a Mondale-Ferraro sign. Not only that, he got into the paper the next day because there was a group of women protesters there, a pro-life group, and they were protesting Geraldine Ferraro's position favoring women's right to choose abortion. So they were there to protest and wanted to get some time in front of the TV cameras. John went over and used his sign to try to shield them so they wouldn't get on television, and that was in the paper the next day. I know that caused some concern at the Supreme Court at the time.

RD: It did. It did. I think [Chief Justice] Jack Holt got caught at a Democratic Party rally, too.

ED: Oh, did he?

RD: Yeah.

ED: That's right. He was running in the same election.

RD: But his wasn't during this election. This was a separate rally.

ED: Well, of course, judges ran by party until six or eight years ago. You ran in the Democratic primaries and in the Republican primaries.

RD: They did and I don't remember when they stopped the party-loyalty pledge, but I know for two or three elections (or maybe more) I was required to sign a party-loyalty pledge to run as a Democrat. In it, you promised to support all nominees of the Democratic Party. Thank goodness that's been done away with. Yeah, I'm glad that judges run in nonpartisan elections. I really wish we had merit selection.

ED: So you think merit selection is a good idea, in some form?

RD: I do. It's not perfect and I know that the Missouri Plan was the first and I understand now that more counties in Missouri have opted out of the Missouri Plan than are still in it. Oregon has another plan that I like. It's a little better than the original Missouri plan was. I understand in Oregon they just have a broader selection basis that gives nominations to the governor to pick. There isn't a perfect way, but the evil of the way we have it now is the need to raise money for an election. For instance, in a California election, one of the candidates spent twelve million dollars. In Texas, they used to spend as much as five million dollars each. If you're a judge, and I have contributed a large amount to you, and you decide a case against a third party, that third party is going to believe it's because of the contribution. And that's the evil in our present system.

ED: The fact and also the perception of that unhealthy influence.

RD: Yes.

ED: It leads to insurance companies spending huge amounts of money trying to elect their man and trial lawyers and perhaps labor unions on the other side trying to get somebody elected.

RD: You know, in Texas, up until about fifteen years ago, candidates for the Supreme Court actually ran as plaintiffs' judges or defendants' judges. They would be funded heavily. The same things exist a little bit...in the merit-selection plans. Just for instance, I have a friend who is a judge in Oregon who said that the problem is that the bar association has a lot to do with who is nominated from the different areas. He said the insurance companies give their lawyers a lot of money to participate in the bar association activities so that they're really the moving forces and they get their people in. So there's always going to be some politics in it and it might be designed to be that way.

ED: There's some politics even at the federal appointment process as well.

- RD: Well, I see it that way. I just finished a book about John Marshall and it had some really interesting information about this. It was some interesting information on the United States Constitution. It talked about the Constitution and how the federal judges are to be selected. But the Continental Congress left states alone so that state judges would continue to be elected. The reason for that was a majority of members of the Continental Congress owed money to the Scottish banks, and if those Scottish banks were to foreclose on them, they wanted that lawsuit to be in their state court where they elected the judge rather than have an appointed federal judge. That's why we have it.
- ED: Yep. Well, here's a big case, I guess, and it might have been the biggest... Well, certainly one of the biggest three or four cases that came down while you were on the court. That was the Alma school case. I guess it was *Alma v. Dupree* or *Dupree v. Alma*. Alma was one of maybe eleven school districts, small school districts, poorly funded school districts, that sued the state. I think Wayne Dupree was the chairman of the state Board of Education, which explains the style of the case. They sued alleging that the state system of school finance, where the state supplemented local revenues, was unconstitutional because it did not provide equality among the school districts and the education that they offered the kids. I think it originated somewhere around Pocahontas—well, at least the chancellor was from up there somewhere. Harrell Simpson was the trial judge, on assignment to the Pulaski Chancery Court and he handed down a decision holding the system of school finance unconstitutional. The case then arrived before the Supreme Court in 1983 and Bill Clinton was governor. He had just defeated Frank White and was governor again. The decision comes down right after the legislature had adjourned I think. The Supreme Court said yes, the system is unconstitutional, and it requires some equality in programs from one school district to the next. So the state was mandated to do something to correct the inequalities. I think Steele Hays wrote the...
- RD: Yes.
- ED: Steele wrote the majority opinion. I think it was six to one and Dickie Adkisson dissented. The chief [Adkisson] dissented. But I think what he said was basically we ought to wait until we get to the end of all these property reassessments that were going on all over the state and find out, when that's all said and done, whether there's all this inequality. That's my recollection, that his dissent was based on something like that. Was that a tough case for you all? It was obviously a big, big case. Maybe some feelings of political pressure? Were you fearing repercussions, electorally, from how you might vote on a case like that?
- RD: Well, Ernie I guess I was fortunate. I just didn't feel an overriding political pressure. There were times I felt pressure but it never was overwhelming. Darrell Hickman is a very smart man and he once commented that you only feel as much pressure as you allow yourself to feel. But one thing I remember about that case was that I was wholeheartedly with the majority opinion that Steele wrote, excepting one part from the trial judge. I guess it was Simpson, I just didn't remember that. The trial judge wrote that the court would apply strict scrutiny. I did not want that, but I wanted everything else. When courts apply strict scrutiny that means the court takes over the schools from now on and just can't get out from under it.
- ED: You wrote a concurring opinion in that case.
- RD: I suppose. I just don't remember.

ED: You wrote a concurring opinion and I think that, correct me if I'm wrong...I may be mistaken about this, but it seems that in your concurring opinion you talked about strict scrutiny but also the question of whether the Constitution requires not only the equality but also a suitable and efficient school system. Not just equal school systems but also the Constitution required a suitable and efficient school system and this wasn't addressed. It was also unconstitutional because we're not providing a suitable and efficient system of education even if it were equal. That, in a way, presaged the next line of cases, a dozen or fifteen years later, in which the court said, "No! You've got not only to provide equal but you've got to provide a suitable, adequate education for all and that's what forced the legislature finally in 2002, to produce a better education system—not just an equal one. Then David Newbern and Brad Jesson, the masters who came in and looked at it and said, "No, you haven't provided a suitable education."

RD: Those two are wonderful men.

ED: But I don't remember whether you'll remember, that's a long time, that's been...

RD: Your memory is better than mine.

ED: That's thirty years ago.

RD: The only thing I remember was I did not want the court to apply strict scrutiny and take over the schools and run every detail. That's what the federal courts have gone into in places.

ED: And the prisons and...

RD: And actually, Steele agreed with me and took it and changed the majority opinion. I do remember that. But it was a landmark case back at that time.

ED: Oh it was.

ED: Question—back I guess to the *Alma* case. You had occasion, before you left the court, I guess, let's see...You left the court in 1996, when you didn't run again.

RD: Uh huh.

ED: So the followup to the *Alma* case. I don't remember whether it started off as the *Lakeview* case or not, but you had the case again where a couple of poor school districts, mainly the Lakeview School District in Phillips County, sued again this time saying that not only the distribution system by the state was unconstitutional but also the state was not supplying a suitable or adequate and efficient education. The case goes to [Pulaski Judge] Annabelle Clinton. Did she take your place later? I've forgotten who's...

RD: Ray Thornton took my place.

ED: Ray Thornton took your place. OK.

RD: But she may have taken his place.

ED: She comes along in '96 or so, right after you left. So anyway, she was the trial judge and she holds the system unconstitutional and I think it goes up to the Supreme Court and you guys...I've forgotten. You kicked it back for some reason. I've now forgotten. But then this time she recuses when it comes back and another judge tries the case. [Circuit Judge] Collins Kilgore tries the case the next time and that's the one that goes back up to the Supreme Court for the next big decision in the *Lakeview* case, in 2002 I think. But I guess we can't really discuss that case because I don't remember much about what the issue was. The Supreme Court didn't disagree with it, didn't reverse it, but kicks it down for further proceedings.

RD: I don't remember.

ED: Anyway. All right.

ED: Lot of cases anyway. How did you work? What was your schedule? Did you work at the court or did you bring stuff home and write?

RD: When I started we used yellow tablets and wrote opinions by hand. It just seems so antiquated now. First, I will tell you that I had a distant relative. Well, actually, his wife was my relative—Frank G. Smith, who was on the Supreme Court longer than anybody else and wrote more opinions. I remember Judge Smith said that when typewriters came out, he noticed that opinions got much longer all at once because they stopped writing the opinions by hand. The same thing happened during my time with the word processor. When I started, we used yellow tablets to write an opinion. I would leave Monday's conference—that's a decisional conference, or it was then—and I would usually work until Monday night at nine, ten, something like that. Then I would go back to work the next morning and maybe by late that afternoon give the secretary a yellow-tablet opinion. I can't remember but I think you had to make twenty-two copies. That seems like an awful lot, but there was one for each of the judges, two for the clerks...or three for the clerks, I guess. There would be one for each of the parties and then the clerk would keep one. It was a whole lot of copies and it seemed like it just took them forever because they might type it almost perfectly one time and in proofreading it see an "a" instead of a "p" and have to white that out and go through all of it like that. Then I would start reading my briefs for the next week and we'd have a Friday conference. You had to read all those motions. It just took a lot of time. I would usually...I would go to work and late Friday afternoon I would take off.

ED: But you didn't come home and sit in the den and write opinions, write at night, much of that?

RD: Not here. I'd do it there.

ED: Tried to do it all at the office.

RD: Now, after word processors came out it was different—Newbern and I worked together to bring word processors to the court. We had those little...I can't remember the things you slip in a slot on the word processor. Take it out and bring it home and use it on your computer here. I'd do that.

ED: Yeah, I forgot what those were called. Those things. But I think maybe Tom Glaze always, 'til the end, wrote his opinions out in longhand.

RD: Did he?

ED: I think he did. He was still doing that a couple of years ago. He had tiny handwriting and he wrote lefthanded stuff that no one could read—or at least I couldn't read it. I imagine he was still doing that stuff 'til the end, which is amazing.

RD: Well, that's the way we all did it up to '84-'85. I was going to the University of Virginia in the summers, an L.L.M. program at that time, and Charlie Weltner of the Supreme Court in Georgia, said, "Bob, have you used these word processors?" I said, "No, I don't know anything about them." He said, "They're the greatest things on earth!" He told me about them and I came back and talked to David Newbern. David was on the court then. David said, "Well, if you'll be on the committee, I'll help you do it." If I remember correctly, Webb Hubbell was chief justice at that time and Webb and Clinton were real close. [Governor Clinton appointed Webster L. Hubbell to finish the year as chief justice when Chief Justice Richard B. Adkisson retired in 1984.] So Webb called the governor and got a hundred-thousand-dollar appropriation for us to buy word processors, and that's

- when you had to have them built. Someone at the legislature had a word processor and got somebody over there to help us design the system and we started using them.
- ED: I can see how that would lengthen opinions. Of course, in the newspaper business we wrote our stories on typewriters all those years. You had to compose all your stories on the typewriter. When you made an error you just went back and crossed it out and then took your copy pencil and scribbled over all over the story and then the story went back to the compositor to set the type. When computers came along, you could go back and correct everything instantly. Stories just got longer and longer and I find that true today with writing columns and so forth. It's so easy that you want to put too much in and write so fast.
- RD: George Rose [Smith] used to tell about different judges and how they wrote opinions. There was one judge named Fred Jones.
- ED: J. Fred Jones.
- RD: Yes.
- ED: He got elected with John Fogleman and Conley Byrd and Lyle Brown—all four of them got elected the same year: 1966.
- RD: And George said sometimes Fred would have an opinion that they would call a "three-pots-of-paste opinion." He said they would go into the decisional conference and they would all discuss the cases and vote on them. If Fred was going to write a majority opinion he would ask everyone for their briefs and George said he wondered what Fred was doing because he would go back to his office with all the briefs. He would take each one and cut out a paragraph here and a paragraph there and paste them on a yellow pad. George said they jokingly called lengthy ones "three-pots-of-paste opinions."
- ED: I wondered about that. His opinions were long. J. Fred Jones wrote these long, long opinions, especially in criminal cases. He would just go on for pages at a time using the actual transcript from the trial or something—long quotations. Well, I wondered how he did that.
- All right, one of the other things, I guess, the court did during your years there... There were a number of cases about initiated constitutional amendments being put on the ballot. There would be test cases, challenges to proposed constitutional amendments and you—the court—struck down several of them, I think, because the ballot title was misleading or confusing or inadequate. There were always lots of angry people after those cases. One, I think, was the Ratepayers Fight Back petition, I think in 1982, when you knocked a monumental constitutional amendment off the ballot. [The amendment would have required the election of state utility regulators and placed a tough regulatory code in the Constitution.]
- RD: That was an easy case. I remember that one. It just had legs. I think Darrell Hickman wrote the opinion.
- ED: It was ten thousand words long. The amendment was ten thousand words long.
- RD: Yes.
- ED: The ballot title alone might have been a thousand words.
- RD: "The proponents can't go in dark smoke-filled rooms with gangsters standing about..." It was so prejudicial, it was so easy. I remember that case. I don't remember all of the details of it except that it was so clear that it should have been struck. There were also one or two initiative proposals that were clever. You had to vote "yes" if you wanted to vote "no." Those were pretty easy. Later the legislature passed an act that would allow a

challenge to a constitutional amendment earlier in the process, and on a four-to-three vote the court said they couldn't do that, that it was in conflict with the initiative and referendum provisions of the constitutional amendment. I wrote a dissent, and maybe ten years ago that dissent was adopted in a majority opinion and they can now challenge it sooner. But it used to be, as you well remember, that they had to wait until the last minute to challenge an initiative proposal and everyone had already spent all their money...

ED: Go right up to the election day almost.

RD: Yes.

ED: Then you'd have to say, "Well, don't count the votes."

RD: Yes.

ED: As the only final remedy.

RD: But I do remember my dissent, which has since become the majority opinion, saying it's valid to challenge it earlier. I can't remember any other details than that. But I thought it was a progressive move when they adopted it.

ED: Well, do you remember the Osborne Christmas lights case?

RD: Yes.

ED: You caught a lot of flak over that, maybe not personally. The state was outraged when the Supreme Court ruled against Jennings Osborne. He had this string of properties out on Cantrell [Road] and had put something like three million Christmas lights out there. It would just create, for a whole month, traffic lined up for miles. People came from many miles around to go by there and see those Christmas lights. The Supreme Court—you all—ruled that it was a nuisance and that the surrounding property owners had a right not to put up with that. People were furious. People thought those Christmas lights were all right and to hell with the property owners.

RD: They did and that was a little harder case than it seems like. We all have freedom of expression, the right to express yourself. That was the way he [Osborne] wanted to express himself. But there was testimony—I just don't remember in detail how much—about hardships... I recall one person had heart trouble and needed to go to the hospital and the traffic was so heavy he couldn't get out...

ED: Couldn't get an ambulance.

RD: Another thing I remember about that case is it caused a change in one of our procedures. Until that case, after a regular judge disqualified, the governor appointed someone to take his place and we allowed that person to write the opinion. And they loved it. They got their name in the paper and the Arkansas Reports, and always their obituary it would say that they wrote the opinion in so-and-so case. Somebody on the court disqualified and the governor appointed a special judge in the Osborne case and we let the appointed judge write the opinion. He wrote a good opinion. I don't think anybody realized how much flak there would be, not only against him, which was terrible, but against us. One editorial writer said that we knew there was going to be a terrible reaction and so we gave it to a lawyer who wouldn't face an election to write the opinion. So we stopped that practice. So now opinions will always be written by a regular judge and we'll note that special judge so and so participated in the case.

ED: I never knew that's what happened. All right, that came out of that case.

RD: That's the thing I remember more than anything else.

ED: So he caught a lot of flak about it then?

RD: Yes.

ED: Well, people were outraged. People thought, “I wanted to go see those lights...” I remember a pilot said he could see that light from a hundred miles away in the air.

ED: Well, all right. Let’s see...Any other cases or any other observations to make about the court and the people on it?

RD: Not that I can think of. I have just always felt honored to have served on the court...I’ve felt like it’s an outstanding court and I have the highest respect for the way it operated—just never anything untoward or questionable and I was privileged to serve with some wonderful people. We are looking at a picture of the court right now and, for example, I see Andree Roaf and what a pleasure she was.

ED: She was an appointed justice for a period of time. Andree [Layton] Roaf [1995–96].

RD: Yes.

ED: I guess Bill Clinton appointed her or Jim Guy Tucker, one of those. [It was Governor Tucker.]

RD: Yes, I am not sure which. I did not know her, did not know her before her appointment. She was really a...Just contributed a lot. And I’ll tell you a fellow that I learned a lot from, and I’m not sure everyone felt that way, but that was Les Hollingsworth [Perlesta A. Hollingsworth, appointed in 1984 to finish the term of Justice J. Frank Holt]. I’ll give you an example: One day a case came up, and I don’t remember enough of the facts, but a black man in some town in south Arkansas wanted to be the driver of a city fire truck. He was a regular fireman and had been a fireman for about a year but drivers make more money than regular firemen. It would have been a promotion but they didn’t give him the promotion and said the reason was he didn’t have experience driving a fire truck. I thought that was reasonable enough, but Les said, “ But if at first you hadn’t been allowed to work in the fire department because of your color, and then after you were eventually hired, you were not allowed to drive because they said driving experience is necessary, how would you feel? There was no way the man could have had experience driving a fire truck. I sat there and I thought about it and saw it in a light I had not seen before. There were many little things like that that different judges taught me. I am talking about aside from the brilliance of George Rose Smith or David Newbern or the quickness or the brightness of a Darrell Hickman or the hard work of a Tom Glaze. Steele Hays had unusual wit and wisdom, and later Bob Brown was such a pleasure. I learned a lot from each of them. I had complete trust in them, and I think it’s still the same way.

ED: Yeah, I think it’s been a remarkable court. You look around at other states like Texas and Oklahoma where there’s been some kind of scandal, but there’s never been a hint of it, in my years anyway.

RD: It’s very different. I have a friend who was on the Texas Supreme Court. He had been in the Texas State Senate for eighteen years. He said, “I passed more legislation in one year in the Texas Supreme Court than I did in eighteen years in the Texas Senate.” He changed things in favor of plaintiffs. I don’t think we have anything like that. Our court tries to be fair to all. I just wish our judges didn’t have to raise money for campaigns.

ED: And that system may be where we’re headed now because spending money to get your kind of judge I think may be coming here as well unless it can be prevented.

RD: I hope so, before we have any problems.

ED: Well, in 1996 you decided not to run again. Had you reached that seventy retirement age, or after sixteen years were you ready to retire? Burned out?

RD: That was a lot of it. My eyesight is not as good as it once was and it had gotten to where it was difficult for me to read. Then I had had quadruple bypass surgery, three cancers...No, the cancers were later. Just had health problems. I have enough to live comfortably without the full salary and I thought I would be able to play golf. I haven't.

ED: I see the golf clubs on the wall there.

RD: Some of those are rare golf clubs. They're...

ED: Some of those are collectors' items, some of those old...

RD: Yeah. There are some here that were played by each of the three of the great triumvirate. Walter Hagen's original sand wedge is over there. But, physically, I just wasn't able to do what I thought I could. Mary Lynn and I have been blessed and we are thankful for it.

ED: Now you married Mary Lynn in...?

RD: '91.

ED: Mary Lynn...What was her last name?

RD: Her maiden name was Schwarz. She's Doctor Bill Schwarz daughter. She's kind and caring and I adore her. We met and got along immediately. Then we married and have had a wonderful time together. I feel lucky that she married me. We've had a lot of exciting travel experiences. Over there is a copper copy of a Supreme Court opinion. When I left the court they published a *per-curiam* order saying nice things about my service, and, and David Newbern wrote a dissent. I enjoy it.

ED: That's his dissent?

RD: Yes.

ED: I wonder if I could read this into the record.

RD: Oh, it'd be fun!

ED: Let me see if I can keep from tripping over something here and I'll read it into the record.

RD: It's full blown Newbern.

ED: OK. All right [reading from the opinion]: This is Supreme Court of Arkansas opinion delivered December 9, 1996, in the matter of the retirement of Robert H. Dudley. Dissenting opinion: The majority of the court is wrong, wrong, wrong! The majority lauds Judge Dudley for his institutional memory but how will the public ever know that only means he can remember only some of the institutions he has been in? How can this court praise the integrity of a judge who began every question to council with, "I don't want to take your time," and then took all of it? I would have gone along with complimenting Judge Dudley, but then I learned he was hustling golf disputes in arbitrations while wearing his judicial robe in the locker room of the Little Rock Country Club. Where is Kenneth Starr when we really need him? A *persona propria* uniform commercial code without prejudice." That's Justice David Newbern. All right, Judge, with that we'll conclude the interview.

RD: OK.

ED: And if you think of anything later we'll amend it into the transcript.

RD: I probably said some things I'll want to take out.

ED: That could be. We'll see. [End of recording.]