

Arkansas Supreme Court Project
Arkansas Supreme Court Historical Society

Interview with
Jack W. Holt Jr.
Little Rock, Arkansas
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Interviewer: Ernest Dumas

Ernest Dumas: I am Ernie Dumas and I am interviewing Judge Jack Holt. This interview is being held at his home on the western side of Pulaski County on November 1, 2012. The audio recording of this interview will be donated to the David and Barbara Pryor Center for Arkansas Oral and Visual History at the University of Arkansas. The recording transcript and any other related materials will be deposited and preserved forever in the Special Collections Department, University of Arkansas Libraries, Fayetteville. And the copyright will belong solely to the University of Arkansas and the Arkansas Supreme Court Historical Society. Would you please state your 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?

Jack Holt Jr.: My name is Jack Wilson Holt Jr. What else do you need?

ED: And do you give your permission?

JH: I give my permission to the Pryor Center and to the Supreme Court Historical Society to use this interview for whatever purposes they desire to use it for.

ED: Good.

ED: Judge, let's start at the beginning. In the beginning there was Jack Holt in Boone County, Arkansas. Tell us about the beginning, starting with your date of birth and about your parents.

JH: I was born May 18, 1929, in Harrison. Born at home, as most people were in a small town, and resided in Harrison with my dad, Jack Holt, and my mother, Margaret Holt, and my sister, Margaret Ann, who was born somewhat later, for about seven years. Dad was the prosecuting attorney and circuit judge during that time, and then later he was elected attorney general and we moved here to Little Rock.

ED: What was your mother's name?

JH: Margaret Spikes Holt. She was from Walnut Ridge.

ED: She was from Walnut Ridge?

JH: Yes, I might say that she was a transfer freshman to the University of Arkansas and met my father, who was graduating from law school. She was an early bride. They got married that summer.

ED: And her maiden name was Spikes?

JH: Spikes, yes.

ED: S-P-I-K-E-S?

JH: Yes.

JH: Her father was S. E. Spikes, Samuel Erwin Spikes, a well-known businessman in Walnut Ridge.

ED: And you had one sister?

JH: Yes, Margaret Ann, known as Peggy.

ED: By the time you were born, was your father already practicing law?

JH: Well, at that time he was prosecuting attorney.

ED: He was first the prosecuting attorney for that judicial district?

JH: Right, as I recall he was elected in 1930 and then in '34, I believe it was, he was elected circuit judge for that judicial district, and while he was circuit judge, in 1936, he was elected and took office as attorney general and we moved to Little Rock.

ED: Now, when you were at Harrison, Jack had at least one brother, I guess. Was Frank his brother?

JH: He had eight brothers.

ED: Eight brothers!

JH: And three sisters.

ED: Wow!

JH: It was a large family.

ED: How did he fit into that? Was he the oldest?

JH: No, actually there were three older girls born and then five boys and, as I understand it, the three older sisters kind of helped raise the boys. Needless to say, there were a lot of kids around the table. Then there was a break and there were four boys born quite later. Dad was the oldest of the last four.

ED: And Frank, where did Frank fit in?

JH: Frank was next, then Earnest and then Harlan.

ED: They were kind of a pioneer Boone County family.

JH: That is correct. They lived out in the county near Gaither Mountain off Crooked Creek about, oh, as the crow flies, about twelve miles out of Harrison.

ED: OK, so where did Frank fit in? He was younger than Jack then?

JH: Yes, right. He was next in line under the last four. There was a six- or eight-year break.

ED: So when your dad runs for attorney general in 1936 you would have been, what, seven years old then?

JH: Seven or eight.

ED: Do you remember anything about that campaign?

JH: No, I really don't.

ED: That's a little young to be remembering politics.

JH: Right, I just remember moving from a small town and Mrs. Trandom's kindergarten into the big city of Little Rock and going to Forest Park School.

ED: So he succeeded Carl Bailey, who had been the attorney general but was elected governor in 1936.

JH: Yes.

ED: And so you moved to Little Rock when you were, I guess, seven years old.

JH: Right.

ED: Where did you live in Little Rock?

JH: We lived two or three different locations out in the Heights. We lived on Jackson Street, as I recall, and I can't remember the name of the second street [Beechwood]. Then, later, Dad purchased a home on Spruce Street, right off of Cantrell.

ED: So you had started elementary school in Harrison and then you went to Forest Park and went all the way through the Little Rock schools.

JH: Right, from Forest Park to Pulaski Heights Junior High and then to Little Rock High School.

ED: And you graduated from Central, at that time Little Rock High School?

JH: Right, 1947.

ED: So, your dad was attorney general for three terms.

JH: That is correct.

ED: And then in 1942, he ran for the United States Senate. That's I guess...

JH: Yes, John McClellan, Clyde Ellis. I can't remember if David Terry was in that race.

ED: David Terry was in that race.

JH: Yes, and there was seemingly one other.

ED: Well, I think it was your dad, McClellan, Clyde Ellis and David Terry in that race.

JH: OK, I was thinking there was one other.

ED: And you dad actually led the ticket in the first primary. Now the other guys, they were all members of Congress. John McClellan was a congressman from South Arkansas and David Terry was a congressman from Little Rock, was he not?

JH: Right.

ED: And Clyde Ellis was from Northwest Arkansas.

JH: Right.

ED: So they were veteran congressmen but your dad led the ticket in the first go-around, which put him in the runoff with John McClellan. And what happened then?

JH: Well...

ED: AP and L, Arkansas Power and Light Company, and Harvey Couch were obviously supporting John McClellan and that was a powerful group.

JH: Right. And, you know, back then most of the voter contact was really by personal appearance by what we called the rallies, and you tried to organize all the different counties and usually toward the end of the race, whether it was the primary or run-off, every Sunday you would have your delegations come in to the Marion Hotel to the big ballroom and delegates would tell about the work they were doing. If you had pamphlets or literature to hand out, or signs to give them, you would arm them with all the campaign material and send them back out. But I do remember specifically that I was confused on that last Sunday before the election on Tuesday. We had a gigantic rally and people from all over the state—I think I might even have a picture of it somewhere . . . I can't remember, it might have been the Governor's race—he did the same thing later. After the rally, on that Monday, I remember Dad gathered the family, Mother, my sister Peggy and I, and he more or less told us, "Do not be disappointed. We are not going to win the race." He was saying the race was over with. Well, at that age, that really confused me because, you know, people hadn't voted. But, apparently, with the organizational structure and the other candidates joining in with McClellan and giving McClellan their support, I can understand now why Dad understood the handwriting, as the old expression goes, the handwriting is on the wall. He well knew it was over with, and he didn't want us to suffer through the shock of election night and all that.

ED: So David D. Terry and Clyde Ellis endorsed McClellan.

JH: As I recall, yes.

ED: But Arkansas Power and Light Company and Harvey Couch were supporting McClellan and did throughout his career.

JH: Well, that's my understanding. I found out later in some of the political races Dad was in that they were very influential and they had people working for them all over the state. They had their own political organization, you might say.

ED: From fairly early in the century until probably the '50s it was probably the preeminent political power in Arkansas. Then, of course I guess they were sort of supplanted by Witt Stevens in the '50s and '60s.

JH: Yes, I think there is no question about that.

ED: They controlled just about every election.

JH: Yes, I later learned that is true.

ED: OK, so in that race—I had the figures someplace on the vote was in that '52 race, or rather the 1942 race . . . But, anyway, McClellan won, not decisively but by a fair margin.

JH: Right.

ED: So I guess your dad then went back to practicing law for a few years.

JH: Well, for a short while. Actually, I can't give you the time sequence but he volunteered and received a commission in the United States Army and was sent to the University of Michigan to the Judge Advocates General School and later he was reassigned to Camp Livingston—excuse me, Livingston Army Base in Alexandria, Louisiana. He was there for a while until he could acquire family housing, and we moved to Louisiana when I was in the—well, right before the ninth grade. I remember that well, because I had played some football at Pulaski Heights Junior High. We had an outstanding team and I didn't play in seventh grade, I played in eighth grade and I was looking forward to the ninth grade. Incidentally, they won the city championship that year. But I was in Louisiana. I really, really missed out on that. I tried to . . . I'll get into that later. I tried to play Louisiana football but I got hurt down there and that was the end, more or less, of my football career. Another thing I might note: At that time, I was raising homing pigeons. I had read various books—*A Pigeon City* and others—about the use of pigeons as messengers during World War I. I had a real nice pigeon pen and everything. Well, I insisted that we move not only the pen but also my pigeons to Louisiana. Being uninformed that the military had advanced in their technology, I thought I would be an entrepreneur and sell pigeons to the military and wouldn't have to depend on a family allowance, you might say. So when the storage van took our furniture to Louisiana they took my pigeon pen too, but I found out later there was no need for pigeons anymore. So my first business enterprise fell flat.

ED: So, you were in Louisiana for a while. I guess you moved around.

JH: No, actually we were there. At that time, they were starting the Louisiana maneuvers, where they had the most concentration of military, and the men had to stay there preparing for the European invasion. I remember they took Dad out of Camp Livingston. Oh, I might add as an aside: Camp Livingston built some gallows while we were there. Under military law, where a death sentence is imposed by court martial, the death sentence was not in conformity with the state procedures for taking a life. In Louisiana it was gallows hanging. I remember as a youngster being out at Camp Livingston watching them build the gallows.

ED: Wow!

JH: I also remember there were a lot of German prisoners of war in Camp Livingston. They moved Dad to Alexandria and, and the government appropriated office buildings there and he was made the judge advocate for the 8th Service Command, which was over all these troops and the military maneuvers. In fact, they had martial law, curfews and everything else because there were so many concentration camps. There were Camp Livingston, Camp Beauregard, and Camp Claiborne, and a few other Texas camps. The central headquarters of the 8th was in downtown Alexandria. I might add, while I was there. . . Of course, I mentioned that having moved there I was kind of disappointed to be away from my teammates and classmates at Pulaski Heights Junior High. I met two brothers, Jim and George Madden. They were what we call military brats. Their dad was regular Army. I still thought I was capable of playing high school football. Well, they have a large school in Alexandria, Bolton High School, which seemingly was as large as Little Rock High School. In Louisiana, high school started in the ninth grade and I thought, my gosh, there is no way I can play with all these big guys and all that. Jim and George Madden were Catholic. They had gone to school at Menard High School. They said, “Hey, come over here and you can play. It won’t be hard to get on the team.” I thought that was a cup of tea. I went over and all the school personnel were Catholic priests. I knew nothing about the Catholic order at the time and I thought, “Hell, this will be kind of fun while these guys run around in their robes.” I won’t say I was a reticent student, but I was pretty relaxed, you might say, and cavorted about. I knew nothing of the Jesuit order, but in about three weeks I found out they ran the school, they ran the football team, and they ran discipline. Ernie, it was probably the best experience I ever had in my life, being in that school for one year, even though I played football only for a while and injured my knee. We just had excellent teachers, we had discipline. I don’t know whether it was sanctioned as ROTC or something scholarly, but we were military. We wore uniforms. We marched. We drilled. It was just a wonderful experience. When the war was over, Dad was sent back home. Well, actually, he was released a little bit early, as I recall, on retention and we came back home, and I entered Little Rock High School.

ED: So in what grade did you re-enter Central or Little Rock High?

JH: Tenth grade.

ED: You didn’t return to football because of your knee injury?

JH: Well, I started to but, Ernie, I had a little run-in with Coach Rabbit Burnett.

ED: B-U-R-N-E-T-T was his last name. Rabbit was his nickname.

JH: Right.

ED: When I played football in Alexandria, we played football with the thought of going to Notre Dame. It was a different type of coaching. It was not what I call hands-on. Rabbit Burnett was hands-on, using his elbow at times to emphasize a point of how you hold a ball, and this that and the other. I hate to tell this, but about the third time I was trying an end-around reverse or something, and I fumbled. He chewed me out and used his elbow to knock the ball loose. I just gave him the ball back and I said, "I quit!"

ED: Were you a halfback?

JH: No, we were doing a double reverse. But I was trying out at halfback at that time. I had played that before and it was a Notre Dame shift and hand-off. You shift out of the T and then you do a reverse, and—whatever—I dropped the ball. Anyway, I told him I quit. He said, "Why are you quitting?" I said, "I don't like the coaches." He said—I can still remember it—he said, "Holt, if everybody was like you, we wouldn't need coaches. We would have nursemaids. Then in gym—I had it the last period of day because that's when they practiced football—I was made to run laps until I decided my knee was hurting. I got in touch with Dr. Carruthers, an orthopedist, and I got written notice that I did not have to run or go to gym. I was branded, you might say. I didn't try any more football.

ED: So you graduated high school what year?

JH: 1947.

ED: 1947. And then did you go to the university that fall?

JH: Yes.

ED: So you entered the University of Arkansas.

JH: Yes.

ED: So you graduated there?

JH: 1952.

ED: You graduated in 1952 and then went to law school after that?

JH: No, at that time you could enter law school after two years of undergraduate work.

ED: In 1948, your dad re-enters politics and you have a big governor's race. Ben Laney does not run again and there is a big field of candidates. Of course, there was Sid McMath, who won that race. Your dad entered and I think there were six or eight candidates. James "Uncle Mac" MacKrell was a candidate. Horace Thompson, and then I think about four minor candidates. I can't remember their names. [They were Charles A. Fleming, John G. Lonsdale, William Thomas Jennings, Jim Merritt, and Bob Ed Loftin.] I think your dad, McMath, Uncle Mac, Horace Thompson, maybe five other candidates who didn't really do much campaigning. That was a pretty big

race. In the end Uncle Mac finished a fairly strong third, but it was your dad and Sid McMath in the runoff. I remember that race because I was eight or nine years old at that time. So did you participate that time?

JH: Oh yes.

ED: Did you go out with your dad campaigning?

JH: Well I went out with him but, actually, back then we used sound trucks. At that time, we were not really heavily financed so we had the family cars. Some of the brothers—Harlan and others—we had their cars and we had the sound equipment, which we used for political rallies. But we would also use it what we called ballyhooing. Let's say Dad was going to speak in Russellville on Saturday night on the courthouse steps. We would go up there on Friday and go around with our sound trucks and play patriotic music, and then we would announce: "Here are the real issues of this campaign. Jack Holt will be on the courthouse steps Saturday night at seven o'clock." It might be, at times, that he would have a string band with him. He had Lefty Frizzell and others.

ED: Lefty Frizzell campaigned with him some?

JH: A couple of times, yes. He had the Ashley brothers out of Harrison, who had a string band, and he had other performers. I don't remember all the other performers. A lot of times, your county supporters would help set up a rally and then they would get an entertainer. As I recall, in Texarkana they had a few of the wrestlers at the baseball stadium, which drew a big crowd. So much of my work was ballyhooing and then the day of rally. A lot of times you would have a rally nearly every night. We would set up the sound equipment and microphones and everything, and then we would pass out literature. A lot of people would be out on the benches and there would be people around the square in their cars. Most people were very receptive. Every once in a while you would have someone say, "Well I ain't going to vote for him." Boy, when they did that I really had to control to my temper. I was young and still somewhat impetuous at times.

ED: Well, let's go back to Lefty Frizzell. Did he get a young woman pregnant while he was here?

JH: Well, as I recall, he was accused. Dad represented him. I don't think they went to court so I don't know whether it was a settlement or whatever, but I was real impressed that Dad was representing someone who was well known like that. Dad played the harmonica, and he would pitch in with the band and play a number on the harmonica. That was a lot of fun, too.

ED: I never heard your dad speak. I did, much later, of course, hear Sid McMath, who was a great orator. Was your dad a great speaker?

JH: Yes, I put him on the same plane with Sid.

- ED: So it was quite a race with these two great stump speakers.
- JH: In fact, I think it was at either Benton or Malvern that they had rallies at the same time, set up a block and a half away. Sid had better speakers and sound equipment than we had, and they kind of drowned us out, which angered me. I didn't do anything about it. I was angry but, of course, it was such a hard-fought race on both parts. Dad felt like he had to, or his supporters had to, gain Uncle Mac's support to offset some of Sid's support. Actually, the racial issue came into play. Sid seemingly had the most racial leaders organized, or Henry Woods organized them. Dad had to take, not a Dixie grandstand but a separate-but-equal sort of deal approach. There was a division there that I think was very influential. Wiley Branton Sr., Wiley Branton's father, I remember owned the cab company in Pine Bluff. As I understand it, they made sure that all black citizens had poll taxes and free trips to the ballot box and the polls.
- ED: Because by 1948 there was large black participation in the Democratic primary.
- JH: Yes, yes.
- ED: There had not been until several years earlier.
- JH: I mentioned Uncle Mac, and we are getting into matters collateral, you might say. When he was in Fayetteville—this was in the primary before the runoff—he was going to speak outside the courthouse on the steps. Well, it rained so they went on up to courtroom. I wanted to hear what he had to say and what his approach was. It was real interesting. I don't know if it was a slideshow or a film, but you know he had an orphanage and he started showing all his good works in the orphanage. He had a scriptural approach: "Come unto me, little children. I'll take care of you." It was crowded, and a lot of the old boys were there in their galoshes and suspenders. They passed around a pail or buckets for the orphanage and the campaign.
- ED: Which were commingled probably.
- JH: Oh, yes. I was really surprised. I looked at some of what was dropped in, and I mean these were people of modest means and they were dropping twenty-dollar bills. Then, a few weeks later, I went in the Marion Hotel barbershop to get a haircut and he was in there having his nails polished. I thought, what in the world? He takes money for this, and he sits up here wanting to impress.
- ED: Uncle Mac, I think, hit up everybody on both sides to try to bribe him for his endorsement in the runoff.
- JH: Oh, yes. In fact, later I think [W.R.] Witt Stephens told Dad that he tried to pick him up and put him in Sid's campaign, but Dad's people had already

picked him up and taken care of him. So anyway, that made a division between black and white, I think, which had an effect as far as race.

ED: Well, it wound up with McMath winning the runoff, by a fairly close margin. I think it was about a 10,000-vote margin. [10,255 votes].

JH: It was very close.

ED: It was a very close race. At that time, we didn't have much of a general election. So Sid became governor and served two terms. Then your dad, in 1952, when McMath ran for a third term, your dad ran I guess his last statewide race.

JH: You know, it was his last and, actually, it was his best race. It was the best-funded race he ever had and it was the best organized. I will never forget that either. I worked in that quite a bit, in fact. That was 1952. I had a little problem that I will mention later. I was graduating from law school but he was opening in Russellville, so I skipped graduation. I didn't see any need to sit in the stadium waiting for all that. Later, I had a hard time getting my degree because I wasn't there. Anyway, it was well organized. It was real interesting. Everything was going well, and the thought at that time, unfortunately for Sid, was that some of his underlings and highway people had the missing gravel or asphalt or this, that or the other—the highway scandals. Sid was catching all the blame for it and it was pretty well conceded that whoever got in the runoff, Sid would not win. So Ike Murry had the Murry caravan ...

ED: Ike Murry was the attorney general at that time.

JH: Yes, Ike Murry. Dad, you know, had his string bands, organizations and everything. He would get out there and shake hands and mix with the people, and was doing great. Ike had his caravans. Boyd Tackett was in the race. Boyd thought the best way to draw a crowd was to rent a helicopter.

ED: Boyd Tackett was a congressman from Texarkana.

JH: Right. He had been redistricted out, so he opted to run for governor.

ED: And Francis Cherry, a chancery judge from Paragould or Jonesboro.

JH: Right, he was from Jonesboro. Anyway, Boyd Tackett has his helicopter. And it did draw a crowd. You bring a helicopter into Stone County or Boone County or any other place—helicopters were novel. So then Francis Cherry started campaigning in the normal way. He worked his district, as I recall, and he got down to Stuttgart, as the story goes, and he couldn't find anybody to introduce him. Normally, you get the mayor or some official. He was just having poor response, so he said, if people aren't any more interested than this, I'm going back home. He had actually, not formally, quit the race. Well, there was guy who came up out of Florida named Reggie Martin, who had trademarked and patented a program of "Dollars for Decency" to raise

money and also get onto the airwaves using radio and what limited television we had. Question and Answer. He had had great success in Florida. He came up here and talked to Dad. Dad said, "I'm not going sit and talk over the radio; I'm going to be out with the people." Boyd Tackett said, "I've got my helicopter." Ike Murry said, "I've got my caravan and all my people from Dallas County, Fordyce, Bear Bryant [the football coach later at the University of Alabama]—you know, that's the way I campaign." Reggie then went up Illinois, Ohio, or somewhere where they had a later primary. They said they knew about his success in Florida but how was he doing in Arkansas? He said, "Well I've about got it wrapped up." "Well," they said, "we would like to see what you've done down there." So he came back and got with Cherry and said, "I would like to handle your campaign on this Dollars for Decency talk show. And the first money that comes in we will use to pay for the radio time and, assuming we get some money, then the television. Here again, it was thought that whoever got in the runoff would have all sorts of money. So many of these big....

ED: Arkansas Power and Light Company.

JH: Yes, they were laying back. What do you say? Lying under the log is the old expression. Anyway, Cherry started the dadgummed talk-a-thon and it just went like wildfire. It was unreal.

ED: He talked twenty-four hours a day, almost nonstop on the radio.

JH: Oh, yeah! At that time, I was studying for the bar exam and Dad said, "Son, don't you worry about the campaign. You get back over to the Pyramid Building and hit the books." Well, I couldn't help but listen to some of Cherry. I ran across something in judicial ethics that said if you run for any other position other than a judgeship you are to resign your position. I said, "Man, I'm going to nail that guy. I'm going to call that in." Probably, you know, they've got somebody screening the questions. I thought, "He'll never answer that." I made up some name. Sure enough, by gosh, about fifteen minutes later, they said, "Well, we've got Joe so-in-so from Little Rock" and they read the question off to Cherry. I thought, "I can't believe this." Cherry comes back and says: "Yes, I'm very familiar with that canon of ethics. It's a good canon. But, you know, if I resign, Sid McMath would appoint my successor. I will not do that to the citizens of the district I serve or the lawyers therein."

ED: You knew he was going to win then, probably. Too slick.

JH: Yes. Then these other questions: "Will you serve alcohol in the mansion?" "No, I will not. Now, don't get me wrong, people can do what they want to do in their own homes." It was just unreal. Fast-forward to the runoff. It's Cherry and McMath. I went with Dad over to Cherry's headquarters. Dad

was still angered from the loss in '48. He was not in good spirits, we'll say that. We went over there and, of course, Cherry was glad to see him. Dad had his counties and this, that and the other and charted in colors. He said, "Francis, you carried"—I'll just use one—"Stone County." He said, "I've never been in Stone County. I covered it with the radio." He had carried county after county after county that he had never been to, Ernie. Never been there. Dad said, "You know"—and he named a larger county, maybe Union County—"the sheriff was for me and the county judge. Usually, if you have all those officials you've got good support, if they don't have any opposition." It was just unreal. It was absolutely, totally unreal. Well, here again, Dad not only pledged his support but he said, "Would you entertain the thought of Ike Murry and Boyd Tackett and I participating in a program in your support?" "Of course," Cherry said. I've got the picture of that up on the balcony of the bank building in Jonesboro. They were all lined up there to do a number on Sid. The talk-a-thon was just unreal. You can understand the concept. So many people had never heard their own name on the radio. They would hear their own name and they would hear their question. I remember afterward we went up. I used Stone County earlier for the example because I remember this so well. We had some good friends up there. We had always fished with Ben Passmore and Leo Bagby. Bagby had a general mercantile store and feed and seed store in Mountain View. We went up to fish and Dad said, "What happened up here? I'm from the hills and this used to be one of my counties as circuit judge." Bagby said, "Jack, it was that radio thing. You know, all during that campaign people who would normally come in and buy seed and feed and whatever weren't coming in. I started calling, and they said they were sitting in there listening to that radio. And they said, you're just going to have to wait because I've got a question in there for this guy and I'm waiting to hear it. Then I'll talk to you about getting some seed or feed." I thought that makes sense. It was so new and so novel and had such penetrating outreach all over the state. People didn't have to come in to rallies or anything else. They could ask questions and they felt like they were a part of the team. Anyway, Cherry got elected pure and simple.

ED: Your dad never ran for statewide office again, but he later was a municipal judge for quite a number of years in Little Rock.

JH: Yes.

ED: The remarkable thing was, I think when your dad died—when did he die?

JH: 1997.

ED: Sid McMath gave the eulogy at his funeral. I wasn't there but I understand it was a remarkable...

JH: It was and, Ernie, I have a copy of it, if you would like to listen to it sometime.

ED: You have audio copy of it?

JH: Yes, I have a tape of it.

ED: At one point, I heard a great line, apparently an extremely eloquent tribute to your dad.

JH: It was.

ED: I heard some line that somebody gave me once. I don't know whether you remember anything like that or what it is.

JH: I think I know the line you're talking about.

ED: OK, what was it?

JH: If it had been two more weeks, Jack would've probably won the election.

ED: Did they become friends later?

JH: Yes, they did. Dad from time to time had an alcohol problem. He was the closet type. Before he ran for municipal judge, he got into AA [Alcoholics Anonymous] and had to work the program. One of the steps of the program is list ten people that you have fallen out with or dislike or have grudges against and go see each of them. Well, Sid was on the list. I was quite proud of Dad. Anyway, he did that and Sid was supportive and so was Henry [Woods]. They supported Dad in his municipal court races. I became great friends with Sid. I had more contact with Henry Woods, being in the law practice at the time.

ED: Then Henry and Sid would later support you when you ran for the Supreme Court.

JH: That is correct. Dad's youngest brother, Earnest, who was a radiologist in Texas, came up and he loaned us one of his cars for the campaign to put sound equipment on. He was sitting there in church and, as I understand, he leaned over to family when he saw Sid come in and said, "What in the hell is this SOB doing showing up at Jack's funeral?" I later explained. Another member of the family told him that the hatchet had been buried, that Sid and Henry had supported Dad in his municipal court elections, and that I thought it only appropriate to have Sid speak.

ED: Well, they were both remarkable politicians from that era, really dynamic politicians of that era, particularly the '40s and early '50s. There were other successful politicians, but they were two giants as far as political skills and knowledge.

JH: Also, in his remarkable eulogy, Sid said that when Dad was attorney general and he was a young prosecutor in Hot Springs, he had Dad over to be a speaker at some fundraiser, a civic event or whatever. Sid called him "a formidable opponent and a forceful and convincing stump speaker, who

breathed hellfire and brimstone.” He said that no matter how big a crowd Dad had, he never needed a public-address system.

ED: Your experience in all of that—campaigning with your father in several races and then also seeing the effects of defeat. Were you interested in a political career of your own, or did that discourage you?

JH: I had mixed feelings. I did think at one time that— well, let me run through it and then I’ll pick up on that. When I got out of the Air Force, I came back to practice law and I worked in the prosecuting attorney’s office.

ED: You were in the Air Force from 1952 to 1955?

JH: Right, that is correct. Do you want to do that and then we’ll pick back up?

ED: OK.

JH: Before I went to law school, I tried to get in the cadets. Wait it was later on—the Korean War. Everybody was gung ho. I thought, “Maybe I’m not ready to finish law school.” But I had corrected vision and so, at that time, they wouldn’t put you in the cadet program, so I went on to law school. When I got out, I made an application for the Judge Advocate General Department in the Air Force and got accepted for a commission. I served in the Air Force from ’52 to 1955. Then I stayed in the Reserve for some twenty-plus years.

ED: So back to the question about whether that shaped your ideals about politics for you personally. Whether you were to decide I don’t want a political career.

JH: As I mentioned, I came back and got out of service and worked in the prosecutor’s office from 1955–60.

ED: Who was the prosecutor?

JH: Actually, I worked a little while for Tom Downie in the prosecutor’s office before I went into the Air Force, and when I came back and my uncle Frank was prosecutor. I had good fortune. Lawyers were a dime a dozen. Dale Price couldn’t get a job for more than one hundred fifty dollars a month getting started. Kay Matthews was selling popcorn out of a theater in North Little Rock. Gosh, they [the prosecuting attorney’s office] were paying three hundred fifty dollars a month then. I was most fortunate that I my uncle was prosecutor. Then I followed him to the attorney general’s office.

ED: He ran for attorney general?

JH: Frank ran for attorney general in 1960.

ED: So Bruce Bennett had been the attorney general and he ran for governor in 1960, and your uncle Frank ran for attorney general.

JH: Right. In fact, I worked the last month with Bruce Bennett to get a feeling for the attorney general’s office. I served there as chief assistant attorney general. That, I think, started whetting my appetite that I would like to have

an elected position in state government. I really thought at the time about maybe running for attorney general, but then I thought, you know, Frank was running at that time [1962] for the Supreme Court and Dad was running for municipal judge, and I said that might be too many Holts running at the same time.

ED: So this was in 1960 and your uncle Frank ran for attorney general and got elected.

JH: Yes, but in '62 he resigned and ran for the Supreme Court and Bruce Bennett ran for attorney general again.

ED: OK. Weren't you briefly appointed attorney general?

JH: Yes, during the interim.

ED: Frank had to resign to be sworn in to the Supreme Court, so you had about a two-week interval there.

JH: Right, I was attorney general for two weeks. So, theoretically, three Holts have been attorney general: my dad, Frank and myself. I was a short-termmer. In fact, it made print and I made it known that I was seriously considering for the position. But then I thought, no, I think I will return to private practice.

ED: In 1963, you went into private practice with Bailey and Trimble

JH: Right, Gene Bailey and Walls Trimble.

ED: Gene Bailey—what was his relationship with Carl Bailey, the former governor?

JH: He was one of Carl Bailey's sons.

ED: And Walls Trimble?

JH: Incidentally, Carl Bailey supported McClellan back in the Senate race. The youngest Bailey—well, not the youngest, but another one of the brothers, Bob Bailey—graduated from high school with me and we roomed together in college for a while. Anyway, I joined Gene and Walls. We were together about five years, and then I moved over to State Street, where Dad had his office before he went on the court. I maintained a private practice, but I had others associated with me. I maintained a private practice until I decided to run for the court.

ED: What kind of practice? Did you have some criminal practice and tort?

JH: Civil, yes, tort. I like to refer to myself as a street lawyer. I interviewed everybody who came in off the streets. I did quite a bit of criminal work. Of course, I had the background from the standpoint of being in the prosecutor's office and the attorney general's office. Also, when I was with Bailey and Trimble, I did quite a bit of insurance, aviation-damage claims. I would represent insurance companies. I handled domestic relations, adoptions. I guess the pleasant part of being a general practitioner is

handling adoptions. I've had a couple I need to illustrate my point with. At that time, it was nearly impossible for military people, particularly noncommissioned people, to obtain a child for adoption in Arkansas. I had quite a few friends, doctor friends, who would call me. One in particular—I'm sure he doesn't mind me mentioning it, George Holitik—called and said, "If you know of anybody who would like to adopt a child, I have a young lady here now who wants to let her child for adoption and doesn't want to go to a Florence Crittenton but who is a very healthy person." In the meantime, I had met a couple at the air base who had a legal problem and needed legal assistance. I had got to know them very well. She was a German bride and somehow I understood that they could not have a child. I said, "Well, a doctor friend has called me. Would you be...?" "Oh, yeah, yeah, yeah." That's what he said. She said something in German but with a pleasant smile. This was not a baby mill. I think Holitik charged \$200 for delivery.

ED: Now Holitik is H-O-L-I-T-E-K?

JH: I don't know. [It is Holitik.]

ED: OK.

JH: With the hospital bill, the whole thing would be less than \$1,000 for the adoption. When George called me sometime, I don't remember exactly when, he said, "Jack, we've got a problem." I said, "What's our problem?" He said, "I'm getting two heartbeats." I said, "Oh, man." So I called and said, "Hey, there looks like there are two babies." "That's fine with us." Ernie, I went to St. Vincent's Infirmary on Christmas Eve for St. Vincent's to deliver the child into my hands. Man, you talk about tears. Usually, too, on those adoptions you get a consent before the delivery, you get a consent after the delivery. So you know it's straightforward. St. Vincent's delivers children out where the old emergency platform used to be, and here I am with a kid under each arm. I guess that's the most exciting thing I ever had as far as that sort of thing. Another military husband and wife came in, a captain. They had a child whom they had obtained in Spain. But they couldn't get all the papers together to get naturalization. There was a pipeline that came out of Spain up into Germany to move oil. His job, in a small liaison airplane, was to fly the pipeline. In customary practice, over Christmas he would parachute toys to the kids from the airplane. He did that over the city of Seville. City officials wanted to know who was doing such a nice thing. They met the captain's family and found out he couldn't have any children. So they presented him and his wife with a child. Anyway, they had all these papers with big seals and ribbons and everything. They had gone through the consulate in Italy. They wanted, of course, to perfect the adoption here. [Chancery] Judge Guy Williams was sitting on the bench.

Judge Williams—a good politician—wanted a picture of himself and the baby and the captain and his wife. It made the *Gazette*. The child's name was Trey. He slept through the whole thing. That was so interesting, such a nice thing, and such a novel story.

ED: That's great satisfaction that you don't get...

JH: Yes. OK, so much for the civil side. On the criminal side, I handled several murder cases. At that time, we did not have public defenders. Usually, if you went over [to the court] with one case you would end up with about two or three more. Which was fine with me. It was all experience and more trial work. Anyway, the lawyer [William C.] Bill McArthur was charged with conspiracy with others to having his wife murdered, I represented Bill in that matter. In the McMillion case, I represented Susan McMillion, who was charged with the arsenic poisoning of her husband. [McMillion, of North Little Rock, was acquitted of poisoning her husband in 1972.]

ED: Two famous cases of that era.

JH: Right, those were the two major cases.

ED: You were defending Bill McArthur when he was accused of complicity in the murder of his wife. Tommy Robinson, who was the sheriff of Pulaski County, was pressing for his prosecution and conviction. It turned out that he was dead wrong. They caught the real killers, who had nothing to do with Bill McArthur.

JH: Well, Tommy also had Bill contracting with someone to maybe put him [Robinson] away. That didn't get past preliminary hearing. So much for that.

ED: That's another story—the Tommy Robinson era. We could spend a couple of hours on that.

JH: You know, this thing dragged on for six or eight months, too. Tommy got a lot of mileage out of it.

ED: He did. It helped him get elected to Congress. [Mary Lee Orsini was convicted of hiring two men to pose as floral deliverymen and kill Alice McArthur in her home in July 1982. McArthur had earlier represented Orsini in the investigation of her husband's murder. Robinson arrested McArthur twice during the investigation, once on suspicion that he had murdered his wife and a second time, in January 1983, for plotting to have Robinson killed. The case fell apart when judges, prosecutors, journalists and others testified they had seen McArthur at the Pulaski County Courthouse at the time he was supposed to be meeting with the hired killers at Malvern. The two young men who had told Robinson the story testified that it was "a stupid joke." Before her death in prison, Orsini said she had tried to set up McArthur for his wife's killing and that she had murdered her own husband in their home.]

JH: Right. The irony of the whole thing was that he and Bill [McArthur] used to be very close friends.

ED: In December 1969, you get a call from [U.S. District] Judge J. Smith Henley. Phil Kaplan, who is a civil rights lawyer in Little Rock—I guess both of you got those calls from Judge Henley. By the way, Judge Henley was from Boone County, right?

JH: He was from Harrison. His wife babysat me.

ED: Do you think that was the reason you got this call?

JH: No. Well, it was one of the reasons. We'll put it this way. Here again, another story: I had quite a few cases in Judge Henley's court. I also served quite a few appointments. Like in the other courts, you go over with one and you get a couple of appointments *pro bono*. Anyway, you are right. It was December, because I can remember his words. He said, "Jack, I've got a Christmas present for you. I don't know if you want to accept it or not." Even though his wife had been my babysitter in Harrison, we never exchanged Christmas pleasantries, so I asked him, "What is it Judge?" He said, "Do you know Phillip Kaplan?" I said, "Well, I don't think so. He's a young lawyer who's got pretty full beard and does civil rights work."

ED: He had actually been over at the McMath firm for a while and then split off and went with John Walker and Jack [John T.] Lavey to form the first integrated law firm and then they separated.

JH: I said, "Yes, I know who he is and he's got a good reputation." He said, "What I was thinking about is, I would like to perfect a marriage of you two. He's a civil rights lawyer but he's not had much experience with the criminal element. Having served as a prosecutor and attorney general and defense counsel, you pretty well know the language and know the people and their mores. I just think you would make the perfect match for an appointment. I said, "What's the appointment about?" He said the federal court had been getting all these habeas corpus writs about the food, about the abuse by the trustie system and the like.

ED: All in the Arkansas penitentiary—Cummins and Tucker prisons.

JH: Yes. He said, "We've had three or four cases where I have made appointments involving the use of the strap." There was a separate case, the "Tucker telephone," where they were shocking some of the inmates' testicles. He said, "We keep getting all these individual writs, and we appoint individual lawyers and I'm thinking that probably—I've got twenty-one writs here on my desk—it might be better for you and Mr. Kaplan to look at it and see about consolidating them into a class action." I said, "Well, I appreciate that and I will be glad to visit with Mr. Kaplan and accept the appointment." So, anyway, I met with Phil and it was the beginning of a

very, very wonderful, pleasant relationship. It went on, and on, and on. I don't know for how many years that we had these hearings.

ED: Nine or ten years, was it not? Maybe longer. Was it thirteen?

JH: We asked for some relief and he said, "Well I will appoint someone to help you." Yes, we had quite a few hearings. Philip McMath was appointed to assist us.

ED: So you did file the class action?

JH: Oh yes, we filed the class action. Then we made a couple trips to the Cummins unit. At that time, Bob Sarver was at the Cummins unit. [Robert Sarver was commissioner of corrections.] Judge Henley told us in advance that this was a civil action so, unlike criminal cases where they were awarding some fees, we cannot award fees, which Phil and I understood.

ED: So you were going to be doing this *pro bono*?

JH: Yes.

ED: So that did excite you, I guess.

JH: We were gung ho. This was a challenge. We made a couple of trips down by car and we had to wait for the train at the tracks in Pine Bluff. So I told Phil, "Do you mind riding in a small aircraft?" "I don't think so." I said, "Well, I've got a part interest in a nice airplane." I found out that they had a landing strip at Tucker and one at Cummins. But we were working Cummins primarily to start with. So I thought I had better go visit Judge Henley and see about the expenses for our traveling back and forth. I didn't want him to think I was getting grandiose, saying I'm going to fly down. I went over to visit with him and said, "Judge, I need to visit with you about our travels back and forth. You know we have stop for the train and it has to back up and you sit there thirty minutes, but I've got an airplane in a partnership with a few other guys and we can be down there in fifteen minutes." He said, "I guess I forgot to tell you, Jack. You best get down there the best way you can because we can't furnish any support money whatsoever." So, we did travel by plane some. We had several hearings and some real interesting experiences while we were there. The inmates were segregated in the barracks. They had segregated wings, blacks and whites. We went down there one time and they had grabbed a couple of the free-world employees. They didn't have many free-world employees. Most of the penitentiary was run by inmates who were made trusties. All the guards were pretty well trusties. They had to select for trusties someone who was willing to carry a gun, shoot and kill another inmate, if necessary.

ED: So murderers made the best trusties?

JH: Yes. And everybody was afraid of them, the other inmates. They had good reason to be afraid because they were abused, they were punished, and they

were raped. If you did not have the means and wanted to go see the dentist you had to go to a trustie who was in charge of your wing and give him some money or sex or something else to get on sick call. The whole thing was abusive. Anyway, this time I remember we went down there and they had taken one or two free-world people and were holding them hostage. We were talking to Sarver about the thing. Phil was in partnership with John Walker, the big civil rights lawyer, who was black. Phil said, "Sir, let me go back there and talk to those guys." Sarver said, "Mr. Kaplan, I'm under a federal court order and you can go anywhere you want to. I can't restrict you. But if they take you hostage, I can't send anybody in to use force to try to get you back out." Phil, being quick-minded, thought for a minute, and said, "Why don't you offer to let them send out a representative to visit with us and guarantee him free passage back to the wing?" Which they did. It was a black from Jonesboro, a very intelligent fellow. I think he played basketball. He came out as their representative and we actually negotiated with him to work out the resolve, free what they had and give them the promise of "Let us work this out, let us help break this thing open and bring about reform—replacement of the trusties and the like. We ran into quite a few little episodes like that.

ED: Pretty tense.

JH: Yes. Another thing, too, the women's unit was on the Cummins grounds. We started getting writs from there. We had a few who were stabbing each other with scissors and all sorts of things. We had looked into it and we were concerned. Their quarters were converted chicken houses. After two or three years, they hired Ms. Corrothers. I can't think of her first name.

ED: Was it Helen Corrothers?

JH: Helen Corrothers. [Helen Carrothers later was made warden of the Women's Unit at Pine Bluff.] All of a sudden, no writs were coming out there—none. Phil got real excited. He said something must be going on down there. This woman must really be putting the finger on them. Let's go see why we are not getting writs. Well, it turned out that Helen Corrothers got the ladies together and said "Look, work with me." And she got with some cosmetics concern that was making cosmetics. They still do, I think around Lonoke—Maybelline. She got lipstick and rouge for them and she said, "I'm with you—you be with me." We had no problems out of the Women's Unit. Helen Corrothers just took charge, and it was unreal how things made such a transition. I think that's one of the reasons that when there was new construction later—they needed anyway to get off the grounds and have a separate unit near Pine Bluff—it was Helen Corrothers, pure and simple. I

will say this for Sarver, too. He really opened up everything. He did not obstruct and, in fact, he was a lot of help.

ED: He was supporting your whole effort, right?

JH: Oh, yes.

ED: For the record I should say, Robert Sarver came from West Virginia and was known as a prison reformer. Governor Rockefeller brought him in after he had fired Thomas Murton. He became the defendant in the suit. The suit became *Holt v. Sarver*, right? That was not Jack Holt, was it?

JH: Yes, that was not I. There was an Oklahoma fellow, an inmate who filed one of the original petitions, and that's how it started *Holt v. Sarver*. As matters progressed and other petitions were filed, they changed the names to whoever and whatever. Speaking of Bob Saver, Bob Sarver was an assistant attorney general the some time I was, and we had met each other at a conference in Puerto Rico.

ED: He was an assistant attorney general in West Virginia.

JH: Yes. We were at a conference in Puerto Rico. Uncle Frank couldn't go so I went and I met Bob there. He was very cooperative and very insistent on the reform. If it hadn't been for Bob Sarver our problem resolving this case would have gone on for much longer.

ED: Well, this class action suit that you filed challenged the constitutionality of the whole prison system in Arkansas, both at Cummins and Tucker.

JH: That's right.

ED: This was, I think, the first time that convicts had attacked an entire penitentiary system as being unconstitutional. You had the hearings in 1970 and then eventually Judge Henley issued that ruling, declaring the penitentiary system unconstitutional. It was the first time it happened, I don't know about in the country, but certainly in the South.

JH: It was the first time in the country.

ED: So it was a precedent-setting thing, which then was copied.

JH: Right. Georgia, Alabama, Louisiana, all of which had trustie systems.

ED: So the judge had this great analysis based on all the evidence that you and Phil had presented, which focused on the trustie system, the strap and the torture.

JH: Bribery, food. For example, the food. The inmates were served what was called gruel. They had these big homogenization pots that you used to homogenize milk. With kind of a cornbread base, they would throw squash or whatever was left and they would bake it in cakes. They would cut cakes and that was pretty well it for the inmates. The trusties had a better meal, much better. It was better in every aspect. It was food and nutrition; it was

- health care, bribery, the facilities. They were way overcrowded. The sanitation was poor. You could go on and on and on about the conditions.
- ED: He finally came down with his decision, declaring the system unconstitutional. I'm sure you could almost quote this yourself, but I will quote from his order, the famous line that was repeated all across the country: "For the ordinary convict a sentence to the Arkansas penitentiary today amounts to banishment from civilized society to a dark and evil world completely alien to the free world, a world that is administered by criminals, under unwritten rules and customs completely foreign to free-world culture." And then in closing he said, "If Arkansas is going to operate a penitentiary system, it is going to have to be a system that is countenanced by the Constitution of the United States.
- JH: Beautifully written and correct in every aspect.
- ED: And he was a conservative Republican judge appointed by President Eisenhower. Obviously, a very conservative judge and he comes down with a decision that a lot of people would think was a left-wing decision.
- JH: No question about it.
- ED: So the Arkansas penitentiary system remained then under the federal court supervision until sometime in the 1980s.
- JH: For compliance. Let me comment on some of the people's reactions and concerns about Henley's opinion. A neighbor of my father was Johnny Wells.
- ED: Is that John F. Wells who was the owner of the General Publishing Company and publisher of the *Arkansas Recorder*?
- JH: Right. He had been administrative assistant to Governor Carl Bailey.
- ED: Before that, he was city editor and political writer for the *Arkansas Gazette*.
- JH: That's right. He came up to Dad's house and said, "I need to visit with you about Judge Henley's opinion." Dad said OK. He said, "If my memory serves me correctly, did you not prosecute Leland Henley for ambushing and killing a fellow in Marshall, Arkansas?" Dad said, "Yes I did." He said, "I understand the Henleys—and you were attorney general then—they in essence bought him back out of the penitentiary." And Dad said, "Not to my knowledge." But he [Wells] was insistent that this [Judge Henley's prison order] was nothing more than a retaliation for the fact that the Barnetts and the Henleys were having this feud back in Marshall and that Leland Henry had been convicted of murdering one of the Barnetts and that's why Smith Henley got into this.
- ED: Well, Johnny Wells was always conspiracy-minded. He saw massive, worldwide conspiracies everywhere. Nothing was like it appeared on its face.

JH: I thought this would be enlightening.

ED: The Henleys, I guess, were a family of bootleggers.

JH: Yeah, up in St. Joe. In fact, I've done some research into. . . This is adrift, but I would like to go ahead and make it into the record. They had been having these feuds up there, killing marshals and everybody else. The Barnetts and Henleys had been having a feud when Dad was prosecuting attorney and Judge [J. F.] Koone was the circuit judge and they started the trial of Leland. They got started and in walked the rest of the Henleys with their horse pistols. They said, "Court's over with." So they just marched out and they couldn't get the sheriff or anyone else to do anything about it. Judge Koone, who was up in years, said, "I'm through. If they don't want law and order in Searcy County, they don't have to have it, and I don't have to sit on the bench." He was up in years, and that's when Dad ran for circuit judge. He ran on the ticket that he was going to restore law and order in Searcy County. He got elected and on New Year's Day he couldn't get the sheriff or anybody else to take action. He called Governor [J. Marion] Futrell to do *posse comitatus* to bring troops in from Harrison and commission them to go out and round up the Henleys, Leland in particular.

ED: What relation was Leland to Smith Henley?

JH: I think he was a cousin. They were all kin, every one of them.

JH: The Harrison Guard didn't have any ammunition, so they got the Guard from Clarksville and brought them over on the train. They rounded up Leland Henley and they convicted him.

ED: Sent him to the penitentiary, but he got out at some point.

JH: Yeah, he got out sometime when Dad was attorney general. And that's where Johnny Wells came up with this conspiracy.

ED: I didn't know that, but that would be a typical Johnny Wells conspiracy.

JH: Well, that gives more credence to the story. You know, I feel so badly that I never did get into the discussion of any of this with my Dad while he alive. I too busy doing my own thing, you might say. But I'm trying to put it all together now. I've got some of the information and it's wild.

ED: Johnny Wells thought the integration crisis in 1957 was an international communist conspiracy plan and Faubus was a secret communist who was helping to implement this thing.

JH: Yeah, after all, he went to Commonwealth College [at Mena].

ED: OK, so how much time did you spend on this case? You obviously had to continue a law practice. You had to make a living. You weren't getting paid for your representation of the inmates.

JH: I didn't keep time logs. I can't really say. We did [get paid] after Henley found the entire system unconstitutional. He found, or one of his law clerks,

found cases that created special attorneys compensation for actions in federal matters in which the state had not furnished counsel and had not taken action. I think they called it the private attorney generals deal. Henley said, “I can’t pay you really for your time, but I do want to pay you some for your services.” I don’t remember how much it was. In addition this private attorney generals legislation, he also gave us money for our law students when we received more writs and when we were working on compliance. We were able to pay them for their services. When Henley moved on to the Eighth Circuit [Court of Appeals] Judge [G. Thomas] Tom Eisele took over the case. The case was appealed all the way up to the United States Supreme Court—through the [U.S. Eighth] Court of Appeals and then the Supreme Court. Of course, we prevailed. Toward the latter part in the compliance, I visited with Phil Kaplan to see if he would take charge of that and, if needed, to call me but, otherwise, I just let him handle it—the tail end of the compliance phase.

ED: 1984 was when you were running for the Supreme Court. Was that before you ran for the court?

JH: Yeah, that was before I ran for the court.

ED: Let me ask you this. This has been confusing to me. At some point, did the judge have Steele Hays and Jerry Jackson represent inmates down there? Or was that before?

JH: That was before. I think Steele Hays might have been in on maybe the strap or the telephone, where they had individual writs, separate hearings and separate trials.

ED: All the prison stuff started about 1964—’65, Orval Faubus’s last term. Then, of course, it became a dramatic worldwide issue with attention focused on Arkansas especially in 1965–’66. Particularly in 1967 when Tom Murton went down there and dug up the graves.

JH: They later found maps of the Corps of Engineers and those were paupers’ graves. Murton was off the wall.

ED: The film *Brubaker* was based on Tom Murton.

ED: In 1984, you decide to run for public office for the first time. Carleton Harris had been the longtime chief justice and had retired several years earlier. Dick Adkisson [Richard B. Adkisson], who was a circuit judge in Little Rock, had been elected to the Supreme Court to fill out Chief Justice Harris’s term and then decided not to run again. And you decided to run. Before we get to that, let’s talk a little about your qualifications to run for judge and some of your activities with the bar.

JH: I had been quite active in the state bar association, which is a voluntary organization. It’s not mandatory but most lawyers are members of the

Arkansas Bar Association. They have various services to support and assist the lawyers. I was active in it and also the American Bar Association. As a result, I was selected by the Supreme Court to be a member of the Supreme Court Criminal Code Revision Commission, which ran from 1971 to 1975. We took all of the various criminal laws, which were scattered throughout the text, and put them into a formal code. Our commission started in 1971 and finished in 1975, so it was very detailed, very complex. It was divided into two groups: the procedural and the substantive. I was in the substantive and then we merged together and rewrote the code.

ED: The legislature adopted that code in 1975. It was mammoth, probably one of the lengthiest statutes ever passed by the Arkansas legislature.

JH: Yes, we were not what you would call a code state until then. Other states were but we just had random laws throughout the book. If someone had been cruel to livestock the legislature would pass a law against it and it might be in book two, and then you might get over to another offense and it might be in book four. The code homogenized and put everything into two volumes of all the laws, whether they were misdemeanors or felonies, and that was the code. At the same time, a lot of revision was going on. We also had a committee of thirty to study and revise the federal district court rules, and I was chairman of that subcommittee. In the meantime, I also worked on the criminal information center by appointment and the correction resources commission—just various boards and commissions, either by the state or by the bar association, working on criminal and civil laws. Also during that time, I was in the Air Force Reserve. I co-authored a pocket part of Arkansas law that was a compendium of Arkansas laws that would relate to the armed forces. Interestingly enough, when I really got into this juvenile justice matter as a judge, I also helped to write the juvenile court procedural manual in 1973. During that time, I also had the opportunity and was appointed the chairman of legal assistance to military serviceman. There were a lot of organizations and associations in addition to that. Having been in private practice, having been in the prosecutor's office and the attorney general's office, I felt like I had all the qualifications to serve as a member of the Supreme Court. Plus the fact that I have always been one who—I won't say a reformer—liked to work to improve our civil and criminal procedures and our criminal and civil laws. I saw at the time that there were three or four needs that should be addressed by the Supreme Court and the legislature. For example, municipal courts. The jurisdictions of municipal courts at that time were \$300 by claim or \$500 by contract—I don't remember which. If a litigant had a claim or had a contract need that was a \$1,000, he had to go to circuit court. Circuit courts were overloaded. In other words, we really

- didn't have a people's court, where people could come in with small claims and have it adjudicated and resolved quickly. They have a right to appeal but the jurisdiction needed to be changed. That's one of the things in my campaign I talked about changing. I was also concerned at that time about juvenile justice. It was in the county courts. County judges are not judicial officers.
- ED: We had one of the most scandalous juvenile justice systems in the country.
- JH: Some of them appointed referees to hear the case. The others used the county judges. So all of these things were in my mind that as chief justice. I could have the court entertain them through affirmative action, not in their opinions, but we could recommend them to the legislature or, as chief justice, I could recommend them, as I did with reference to judicial discipline and disability. We advocated a constitutional amendment. I appointed Bill Bowen [William H.] and Win Rockefeller [Winthrop Paul Rockefeller] to chair it to raise money and get it on the ballot.
- ED: Quite a record, I think, of championing and passing new constitutional law reforming the judicial system.
- JH: Right. I felt it was a challenge at the time, and I thought that being chief justice would give me the opportunity, so I put my name in the hat.
- ED: Your Uncle Frank had been on the Supreme Court, but by that time he had retired.
- JH: No, he died while he was still on the court. Les Hollingsworth [Perlesta A. Hollingsworth] was appointed to finish two years of his term until the next general election.
- ED: Frank had had two separate stints on the Supreme Court. He resigned once to run for governor [in 1966].
- JH: Through Frank I was somewhat familiar with the inner workings of the court and the requirements of having to read and write and participate and publish opinions. A lot of times I would go over on the weekends to visit and he had a lot of time because he was reading briefs.
- ED: So you filed for the Supreme Court and you drew an opponent, Justice Jim Johnson. He had been elected to the Supreme Court in 1958. He had been a state senator, ran for attorney general [1954], ran for governor [1956 and 1966] and then he ran for the Supreme Court and was elected in 1958.
- JH: He was on the Supreme Court and he resigned the same time Frank resigned and they both ran for governor [in 1966].
- ED: So there was not a very nice relationship between your Uncle Frank and Justice Jim because they both ran and, of course, Justice Jim wound up beating your Uncle Frank in the Democratic primary for governor in 1966. Justice Jim, of course, was beaten by Winthrop Rockefeller in the fall. So he

is making his comeback in 1984. He files and it's just the two of you. He switched parties and ran as a Republican that year, which was a big Republican year in Arkansas.

JH: Yes, that really frustrated me in more ways than one because I received the Democratic nomination without opposition. I had anticipated that if he was going to run against me, which I heard he was, it would be in the Democratic primary. It would be over that summer and I would have six months, if I won, to close down my law practice. By his filing and automatically getting the Republican nomination, it took us into November. That really frustrated my practice. I couldn't take any new practice and I couldn't wind up a lot of the old practice, because, if elected in November, I would have only got a month and a half to take office and close out a practice.

ED: Do you think one of his motivations was the old rivalry with your Uncle Frank? Because it was a very bitter race. I remember he called your Uncle Frank "the pleasant vegetable" [in the 1966 campaign for governor]. When you announced that you were running, do you think that he decided "I'm going to get in there because here's another Holt and I'm not going to have another Holt on the court"?

JH: I really don't think so. I think he wanted to get back on the court because of the salary and the potential of judicial retirement, because he already had some time for retirement that he could pick up. I think the thought of being chief justice rather than a justice was an ego trip.

ED: Well, it was one of the nastier—nasty on one side—Supreme Court races on record, because of Justice Jim. It must have been an unpleasant race for you from that standpoint.

JH: Well, it was for some of the accusations he made, but otherwise I took great delight. We were in three or four or five rallies together by invitation, like the Pink Tomato Festival at Warren. Then at Newport, I will never forget that. Kaneaster Hodges was my treasurer.

ED: Kaneaster Hodges was a lawyer at Newport and for a short time was appointed as a U.S. senator when John McClellan died.

JH: He and I had been friends forever and he was a logical person to have as my treasurer. Well, Jim got up that night at Newport and said, Oh yeah, Kaneaster was on the Board of Arkansas Power and Light, that Kaneaster and AP and L had given me \$200,000 for my campaign. That really set me back. I got really angry because there was no basis on it. I think I got \$400 from the election committee of AP and L. I will never forget it. I was so mad I wanted to whip him, really. I called Kaneaster and said something to him and he said, "Jack, don't worry about that—people will consider the source."

Two days later, it was like an old newspaper; people had picked it up and tossed it aside.

ED: That was a tactic he had used all his life. He would hurl some charge and see if it stuck.

JH: He played that for a little while, but it just didn't play.

ED: Henry Woods had been an old supporter and he was a federal judge at that time. You had several things going that year, big political controversies in Arkansas, that he tried to tap into. Judge Woods had ruled that spring or summer in the Little Rock school desegregation case and had ordered the consolidation of the three school districts in Pulaski County. It was a huge, huge issue, a highly unpopular decision in Arkansas and, at that time, in Pulaski County. So he accused Henry Woods of trying to influence the chief justice race. He was mad that this big integrationist was trying to pick the chief justice. He also announced that he was opposed to affirmative action, which was a big issue in those days. So he was taking stands right and left.

JH: Yes, he was trying to get on someone else's bandwagon like affirmative action. I heard tell that when [President Ronald] Reagan was going to fly in to Little Rock from Kansas City, he [Johnson] went to Kansas City to get on the airplane [to arrive in Little Rock with President Reagan], but he didn't get to do that.

ED: No, Reagan wouldn't let him on the plane but he did let him sit on the stage with him. The other thing: Jerry Falwell [head of the Moral Majority] was a big, famous, popular person at that time and he endorsed Justice Jim. It was kind of weird that he would endorse in a chief justice race in Arkansas. So Jim pulled out all the stops. He demanded a televised debate.

JH: I just ignored all of that.

ED: Well, the result was. . . I'll just read out the results of the general election. Jack Holt 479,258 and Jim Johnson 330,367. Quite a decisive...

JH: I think I carried 71 out of 75 counties.

ED: He probably carried a couple of counties in Northwest Arkansas, surprisingly.

JH: He carried Washington County, but there was a county judge by the name of Johnson up there. Yeah, because I was really upset about losing there. I had so many good friends up there and I went to school there.

ED: He carried Benton County and Ashley County, where he was from.

JH: And maybe Columbia. I think he carried four or five.

ED: Let me incidentally mention another incident in that campaign season because it would affect your service on the court. Do you remember that Walter Mondale was the Democratic nominee for president against Reagan that year and Geraldine Ferraro, the congresswoman from New York, was

- the Democratic nominee for vice president? She came to Little Rock and there was a big rally.
- JH: [Vice President Walter] Mondale came to Little Rock—I think I remember having a picture with Mondale, but I don't remember her. Go ahead. [Mondale also came to Little Rock during the campaign.]
- ED: She came down separately and they had a rally down at the Convention Center and Associate Justice John I. Purtle came to that rally, carrying a Ferraro sign. There were some antiabortion picketers there carrying signs because she was pro-choice. Justice Purtle maneuvered around and got in front of them, blocking them from the TV cameras.
- JH: I'm remembering part of that now.
- ED: So there was big story in the paper about it, in the *Gazette*. Purtle, a justice of the Supreme Court, was getting involved in a big political election. That is a precursor of an issue that would face you almost as soon as you got on the Supreme Court. We'll talk about that in a minute. Let's see, David Newbern was elected to the court that year also.
- JH: Yes, and, as a quick aside, David Newbern's mother introduced my mother and father while at the university. Dad was a senior and Mother was a freshman, and Mrs. Newbern maybe was adviser of her sorority, but she had introduced Mother and Dad.
- ED: While we are at it, maybe we should go back and do a little family stuff. You were married way back early on. You had children?
- JH: Yes. I had two daughters, Kelley and Candace. Kelley has two children by her first marriage, Andrew and Avery. I might add that Kelley is going to be married this August [2013] to Frank Udouj. Candace [Chappell] has a daughter, Carson, and a son, Holt. And this may be a good time to mention that [his second wife] Jane had two sons, Forrest and Jonathan Collier Lovett.
- ED: Well, you got a divorce and then shortly after you went on the Supreme Court you got married to Jane Dees Lovett.
- JH: Lovett. No, Jane and I got married right as I was leaving the Supreme Court.
- ED: OK, I'm getting ahead of myself, so we will cover that a little later then.
- JH: One other thing about Newbern. Newbern's mother was really concerned and called my mother and said I hope our boys aren't running against each other. David Newbern's mother had been chairman of Women for Jack Holt for Governor. So there is a very close relationship and she was very concerned about our running against each other.
- ED: The membership on the court when you became the chief in January of 1985 was George Rose Smith—I guess the longest-serving justice in the history of

the United States. He would shortly retire but I think he served two more years.

JH: Right, he was senior justice.

ED: John Purtle was on the court. He was probably in his first term. Darrell Hickman had been a chancery judge in Pulaski County and he was on the court at that time. Steele Hays and Bob [Robert H.] Dudley would have been on the court at that time. Then, a couple of years later, Tom [Thomas A.] Glaze, who had been a chancery judge and then was on the Court of Appeals when it was formed, went on the court, replacing George Rose Smith. After that, Donald Corbin came in and then Robert L. Brown. So those were the guys whom you served with. Is there anybody else that you served with on the court those ten years that you were chief?

JH: Yes, Otis Turner by appointment and Dale Price by appointment.

ED: Purtle was a divisive figure on the court, I gather internally. We don't know too much about what was going on internally, but it was pretty obvious that there was some strife or tensions. He was a maverick, an unusual judge. He didn't abide by the usual judicial standards of conduct and he didn't mind running on what he was going to do if he was judge. He would take a stand on issues. He was an old populist. He was a populist and, in some ways, a leftist.

JH: That would be correct.

ED: I gather it was clear that he was having some effect on the image of the court—its independence and impartiality, those kinds of things. That was an issue confronting you when you went on the court.

JH: It became quite obvious, yes, after I came on the court that he created problems.

ED: I don't know whether you can talk much about this, whether there was strife on the court and in the deliberations. Did it get tense? I can imagine it would with Purtle. He talked about it later.

JH: Oh yes, sometimes there were tense moments. Most everybody kept it under control, but there were tense moments.

ED: Did you talk to Purtle about his conduct?

JH: I did and I think others, too, but Purtle was just Purtle.

ED: He marched to a different drummer.

JH: That's exactly what I was going to say.

ED: And he liked that.

JH: He enjoyed it. In fact, he did a few things—senseless things. He was wearing a necklace one time and he would unbutton a couple of buttons on his shirt. Across the table was George Rose Smith. Of course, George did

not enjoy that display at all. You know, it seemed senseless to him. Most individuals on the court just ignored it.

ED: I think that Hickman had defeated Purtle when he ran the first time. And then Purtle came along two years later and got elected for a different position on the court.

JH: I think you are right.

ED: So there was obviously not love there between Darrell and John.

JH: No. Both of them were matter-of-fact types. The facts were somewhat different.

ED: Both of them were characters. Hickman also marched to a different drummer, but in a different fashion.

JH: Oh yeah, but he had a good drumbeat most of the time.

ED: Not long after you became the chief, it really became a crisis because Purtle was criminally accused of conspiring to commit theft of property, along with a woman named Linda Nooner. I guess she was his girlfriend.

JH: Yes, girlfriend and also law clerk. No she was his secretary. She was out on his front desk.

ED: And there was someone named Luther Shamlin. I've forgotten the details of it, but apparently there was an arson or an attempt.

JH: Yes, Linda's home burned. I think that is what it was.

ED: And it was obviously set on fire.

JH: Right.

ED: Purtle was accused of being involved in it and I guess helping her claim some insurance.

JH: Right.

ED: Well, he wasn't convicted, but here you had somebody. . .

JH: No, he was charged in Pulaski County and it was removed to Perry County in a change of venue.

ED: So he was a sitting justice and sitting on cases and he was accused of a felony. Ultimately, he was not convicted but I think that Shamlin was convicted. I don't remember whether Linda Nooner was convicted. I don't remember what happened to her.

JH: I don't think she was.

ED: So did you have discussions on the court—is there anything we can do about this? Because there was no procedure for removing a justice then except by impeachment.

JH: Right. And the state Senate wasn't in session at the time either and the only avenue was the statute for impeachment. Sure, there was discussion about it.

ED: He was defiant about it, I guess.

- JH: Oh yes. It splintered off and as I recall. . . Well, first, there was discussion about him not participating at all, but, of course, he insisted on participating in the cases. Then we discussed his not participating in any criminal cases. I can't remember, but I think he agreed not to participate in any criminal cases. I was sort of the liaison between Purtle and the rest of the court. My office was next to his, too. I had known John for years—up in Fayetteville at school and politically. And, of course, some of the guys said, "Hey you're the chief. One of your responsibilities is to maintain the decorum of the court—and Purtle is yours." He was, in fact, ostracized by the court.
- ED: The rest of them just didn't have anything to do with him.
- JH: Right. I was the man and I was the liaison. We wanted him to dismiss her [Linda Nooner], which he would not do. My memory is really dim here. It seems like we finally got him to get her to seek other employment and she went in for unemployment compensation and John testified for her. She wasn't discharged for cause. It was a scramble.
- ED: The upside of it all was that you became a champion of amending the Constitution and providing some method for removing judges who had transgressed Canons of Ethics in some fashion or else was disabled in some fashion, ultimately creating the Judicial Commission, I guess.
- JH: Yes, the Judicial Disability and Discipline Commission.
- ED: And you got the legislature to refer that amendment to the ballot. As I recall, you wrote a piece for the *Arkansas Gazette* about the need for this commission. You had written that, by and large, Arkansas judges were highly ethical and impartial, but the occasional transgressor would sully all the other judges if you had one. There had to be some procedure to remove a judge to restore confidence in the judiciary.
- JH: Under our judicial code of ethics. I could campaign on something like this and appointed Bill Bowen and Win Paul Rockefeller as cochairmen. We flew around the state on Win's airplanes to rallies. That's one time that I could participate.
- ED: You wrote: One irresponsible judge can tarnish the labor of the others. Was Purtle still on the court?
- JH: He was still on it.
- ED: I think he left in 1990. He finally announced that he was not going to run again or else would resign. I forget what he did, but the *New York Times* had a long story about it. There was a maverick judge down in Arkansas who was out of step with the others judges on the court, and he was just tired of fighting them. I think that John died maybe last year. Except for the Purtle issues, how convivial was the court during those years?
- JH: I thought we got along quite well.

- ED: There always seems to be factions on courts.
- JH: Well, there are certain alignments, yeah, but some of it was just a matter of what their conception of the law was. When someone would say, that's not the law, Darrell Hickman would say, the law is whatever we say it is. Some would say, this is not the law and some would say this is. It was splintered at times but not too often.
- ED: There's naturally going to be friendships on the courts but I didn't detect any deep cleavage on the court other than John Purtle.
- JH: Right.
- ED: During that time, one of the justices described the court, not just that court but appellate courts in general. But he was also talking specifically about the Arkansas Supreme Court. He said there are two kinds of appellate judges—two approaches to appellate judging. One is you just look and see what is the preponderance of the law on this issue is and that's how you rule. Strict justice or equity might say this guy needs to win, but the preponderance of the law says the other guy's got to win. So you always go with the law, and that's how this justice approached it. He said on the other side you have judges who say, "What is just in this case—who deserves to win and what ought to happen morally? Who has the better right to win this case, regardless of the status of the law?" Once you settle that, you find law to support that outcome. He said there were justices who took that approach and he identified a couple of judges on the Supreme Court who did that, but he said that's legitimate, too.
- JH: It is legitimate. If you have a certain posture, you seek out other jurisdictions that might confirm your thought.
- ED: So is that an accurate description of two approaches to appellate judging?
- JH: Yes, I think that's fair. I will say this for the system, which I think was devised by Robert A. Leflar and others. When we received the briefs, we did not discuss the cases in advance of conference. First, this is the way it worked: I got the briefs for the seven cases that we were going to have under consideration. I am not to go visit with any of the other judges concerning the content of the brief or my opinion or anything else, if possible. Every once and a while you would say, "Gee I just can't get a handle on it." But you were supposed to come into court with your position. There was a blind rotation by the clerk. We had numbers. I was number one by virtue of being chief. At the time, George Rose was number two. I was number one and it was my case. Number two is my back-up judge so that if some reason I am disqualified, then number two takes it, so that it doesn't get lost. "Fast track" is what we called it. If my case has three issues, I come in and recite the three issues. I would affirm on one and two, let's say, but I might reverse on

three. I would say I think there was a prejudicial statement made in this criminal trial. Since George Rose was number two, he recites that he either agrees with me or not. "I would affirm on all issues—I don't agree with you on point three and here's why." And then you would go around the room. If you have a majority of votes, then you write. If you don't have the majority, then the question is, can you think through what, let's say, George Rose says? He has three votes, four altogether. Can you rethink his position since you're assigned it? No, I can't. So then George Rose writes his opinion, and if I can't agree then I get to write a dissent. But it's a blind rotation. It might be cases one and eight, one and six, two and four.

ED: So then the next case would be George Rose Smith's and he would lay his case out.

JH: Right, and we would go all the way around the room. I didn't know that to begin with and I thought I had a handle on everything. I went to see George Rose Smith and said "Judge, I've gone through all this and I would just like to run this by you. . . . "We'll do that Friday," he said. "Yes, sir." I didn't have a chance to visit at that time. He had written an *Arkansas Law Review* article, which was the primer for our judges. We had four new judges coming on. I was unaware of the article, and nobody briefed me on that part. As a cardinal rule, I never had any of the judges come to my chambers and discuss with me any case in advance of our conference, which is when we set out the cases. Now, let's say we've got a four-to-three going and we are passing it around. Well, sure, we would confer then. I'd go in and ask, could you rethink? But that was a cardinal rule and a good thing. The meeting would be Monday when we had oral arguments, so it was Monday and Friday. I tried to get it changed but I found out that was in concrete. It messed up my quail hunting.

ED: So you conferenced on Friday and handed down decisions on Monday.

JH: Right. We had oral arguments and then we go in and discuss the cases that we've heard. Then, if I have a majority on my case, I start writing it. Say I'm one and my backup judge is seven. If I go around the room and I've only got two votes, and I ask, "Can you think through this?" Then if it's "no, I can't rethink it," then number seven was my backup judge and it becomes his opinion because he has the majority with him. I can write a dissent. We are supposed to fast-track it and have a written opinion circulated Thursday morning so that we can vote it out on Friday. Or you could pull it down for a week or two, but you couldn't pull it down any longer, unless you've gotten permission from whoever was writing. It was what you call fast-track. In a lot of states, they hear oral arguments for three or four days and each one

goes home and they circulate opinions back and forth for a month or so, and then they get back together.

ED: So you all probably carried a big caseload. You probably turned out more opinions than most appellate courts around the country.

JH: Right. But if you wanted to write a dissenting opinion you had the right to pull it down for at least a week. But you wouldn't dally around very long. The only time we got into any time problems was where we had special judges and they weren't accustomed to writing. It got kind of awkward.

ED: My recollection was that during your ten years, there was not a lot of dissenting, except that John Purtle dissented. He wrote dissenting opinions every week. Some of them were very short, maybe just a few paragraphs, but he just dissented over and over and over again. By and large, am I right about that? Hickman did a few dissents but not an overwhelming number.

JH: Right.

ED: Let me ask you this. We have an elected court and there has always been controversy about whether an elective court can be independent and impartial and whether there is undue pressure to rule in the most popular way in controversial cases, or even noncontroversial cases where you might get crossways with a powerful group if you decide the case a certain way. Did you ever feel much pressure on the court on some political controversial case? I don't remember any in particular that came along during those ten years, but did you feel much pressure?

JH: No, I didn't feel much pressure and I didn't sense much pressure on anyone. I'm glad now that we have nonpartisan elections. I think that's a help. The thing I felt awkward about is running as a Democrat and going to all the Democratic functions asking for support. Then I'm elected and, hey, I can't really visit with ya'll for the next seven years, until I'm up for re-election. Seven years later you come back. "Well, here I am back again." Common sense tells us that nonpartisan is much better than party affiliations and party platforms. Of course, here again, you can also have—it's been watered down now—a judicial nonpartisan race, but you can pretty well say whatever you want to say concerning your attitude or your opinions in areas like death penalty or anything else.

ED: The U.S. Supreme Court in the Minnesota case [*Republican Party of Minnesota v. White*, 2002] pretty much said that a judicial candidate has free-speech rights the same as everybody else so you can't have a judicial code that restricts what a candidate can talk about. So that's changed the system a little. In Arkansas, I think we still by and large abide by the old rule, although it can't be enforced.

JH: I was comfortable by that rule. We could speak about anything concerning court improvement, change this, that and the other, but we couldn't get into any merit situation.

ED: You could talk about your credentials or the lack thereof by your opponent.

JH: Right, or needing to change the jurisdiction of municipal courts or whatever—anything for the improvement of the system itself without getting into personal opinions about death penalty and that sort of thing.

ED: Thinking about controversial cases, the biggest one the last thirty years, I guess, was school finance. The constitutionality of the public education system and the method of financing has been recurring since about 1980. It's been in and out of the courts and the Supreme Court ever since.

JH: It's pretty well all federal.

ED: Yes, but I guess the *Lakeview* case was the big one that was finally decided in 2002. Right before the end of your tenure, didn't it come before the court?

JH: It did come up, but here again I've been off the court since 1995 and I really don't remember too much about it.

ED: It was the *Lakeview* funding case.

JH: Did Bob Brown write the opinion in that?

ED: I think that ultimately he did.

JH: I know it's been revisited.

ED: It's gone back and forth before it finally reached that final decision about 2002. Before that, Annabelle Clinton was a circuit judge in Little Rock. She handled a case that went up. But that might have reached the Supreme Court after you left.

JH: I think it did.

ED: So you didn't get a chance to work on that.

JH: No.

ED: Tom Glaze did and Bob Brown, Donnie Corbin and others. Annabelle Imber may have recused because she had rendered a trial court decision on it earlier.

JH: Early on, what I remember of a controversial case was one on junk bonds. The state had set up legislation whereby the state could issue bonds for recreation, things of that nature. Bonds were issued, tax-free. I think there had been one decision that involved what is now the Peabody Hotel. It was a close case but the court refused to classify the issue so that the bonds would be unlawful. But later came a case, maybe involving a Hot Springs amusement park or whatever. I hadn't been on the court very long and it was very controversial. The court before had been 4–3 to approve the one bonds. Anyway, I was a swing vote to say, "Yeah, these bonds are not appropriate

for tax-free bonds.” There was a lot controversy. I got a few phone calls on that from people who held the bonds.

ED: The bond attorneys were struck dumb, I think. Did Darrell Hickman write the opinion on that?

JH: I think Darrell did.

ED: Was George Rose still there?

JH: Right. I got quite a few phone calls from people who held these bonds.

ED: I bet. Was it pretty rare to get calls from people about cases that had been decided?

JH: Most of the time, yeah. A letter or two but rarely did we get phone calls. I’m trying to think of one. Very seldom did I receive calls.

ED: In this case, you struck down revenue bonds. It was based on the Constitution, which said that there had to be a statewide vote of the people in order to incur debt, issue bonds, and they had to be for public purposes. As I recall, Hickman was not a fan of bonds.

JH: No, he wasn’t. He made himself known.

ED: It was sort of a victory for Hickman to win that case and to bring George Rose Smith around to declaring that kind of debt unconstitutional. The bond attorneys were just thunderstruck.

JH: Oh yes, it was for Darrell. There was criticism on several cases. Oaklawn was trying to set up gaming, gambling. We disapproved the ballot title and got some people criticizing us. “You won’t even give us a right to vote on it.”

ED: You did quite a few of those things. That was the period where every two years a few of these—

JH: Oh yes, they would be back every two years. I struck down one or two. I wrote the opinions on these things, but I never did hear criticism. Usually, it was Herschel Friday’s firm representing Oaklawn. But I never did hear any criticism from Herschel Friday on the thing. In fact, I got accused one time of partiality to the Friday firm. Out of about fifteen cases involving the Friday firm I reversed two or three myself, and I think out of fifteen cases I voted against the Friday firm on eight of them. On issues like that, you have people thinking, “You don’t give of us a right to express ourselves. You’re taking our vote away from us.”

ED: It seems like right before the elections you would strike down some constitutional amendment or an initiated act that was put on the ballot by initiative petitions.

JH: Yes. But we had a rule that anytime we had something like that we would go fast-track. It would get priority over any other case so, hopefully, we could have it resolved before the ballot was printed.

- ED: Another controversial case, although it was a very minor one, was the Christmas lights on Cantrell Road. What was his name?
- JH: Jennings Osborne and the Osborne lights. Sam Perroni represented Osborne. It seems like I wrote one of the opinions. The opinion, in essence, said “limit the number of lights.”
- ED: You had an outcry from people who loved those lights.
- JH: Oh, I know it. I caught some criticism on that case. But I found there was a Louisiana case that was right on point, written by the chief justice down there whom I knew quite well. I thought he was right as rain. I cited the Louisiana case and ruled that it constituted a nuisance: the traffic jams and the problems if you had an emergency situation and you couldn’t move emergency vehicles in and out. The neighbors across the road couldn’t get out, and you had doctors living there.
- ED: It was an immensely popular decision for about three hundred or four hundred people living in the immediate proximity of that place, but the rest of state loved to get in the car and drive to Little Rock to see those lights. Angry letters rained in to the newspapers.
- JH: Right. It came up for rehearing, but it finally faded away.
- ED: You had Tom Glaze on the court and Tom’s passion, as you know, throughout his life was election fraud. That’s how he had made his career. He was obsessive about it. That’s what he did after he got out of law schools and that’s what he did for twelve years before he came on the court. Not long after he got elected, two years after you went on the court, a case came along from Conway County. It was wet-dry election case. This was Tom’s first chance to charge forward against the election crooks. He did and he lost the case. Bob Dudley wrote the decision and Tom was outraged by it. Still, before his death [in 2011] he would get to talking about it and get mad at everybody on the court all over again. Do you remember that case?
- JH: No. I don’t remember the details and I don’t remember how I voted. I’ll say this. In his last year, I was with him quite a bit, and either I voted with him or he was kind enough not to mention it to me. Tom and I were great friends, but we took issue at times and he would let me know that he did not understand or appreciate my dissent.
- ED: In this case, he wrote an extremely angry opinion denouncing the majority for letting the election crooks get away with it again.
- JH: Tom would be vocal, too. He would a majority opinion, and he would say, “I write!” We didn’t have to ask what he was going to write. We knew what he meant. Anytime there is a case where you dissent you have the right to pull it down, write your dissent and put it back in and recirculate it to see if you pick up any votes on the dissent. Every once in a while on 4–3 case there

would be a real good dissent, and when the dissent was written and recirculated, if I had been in the majority, I might reread and restudy the case based on the dissent and I might switch. So writing a dissent serves a purpose in many ways, and having the ability to pull it down and study what is written and get a second look at it is important. Tom was very passionate, especially with reference to election laws. He was more informed on the election laws than anyone on the court. He lived and breathed it.

ED: In addition to all those investigations in the '60s and 70s, he also was more or less the author of the election code that was passed in 1969, when he was deputy attorney general under Joe Purcell. So he knew it pretty well. I think the court turned around at the end and rendered some election opinions that he agreed with.

ED: Did justices socialize much away from the court?

JH: Not really. It really wasn't social, when we all met at the invitation of the Arkansas Bar Association in Hot Springs. I forget the exact purpose of it. Somebody mentioned that this was the first time the court has ever assembled outside the courtroom and in another environment. George Rose Smith said no, that's not the first time. The first time was when the Supreme Court decided to ask for the creation of the Court of Appeals. We all sat at the Bar Association on one occasion to give them a pitch. But there was very little socialization, either inside the Supreme Court building or outside. A few of us might have lunch together. But usually, by the time you worked on the opinions and the oral arguments and the presentation and the discussion and then by Friday you have looked over the opinions that were written, you've seen enough of each other. Occasionally, we would go out to have lunch or something, but there was not a social closeness.

ED: Although you developed some friendships like you and Tom Glaze and David Newbern.

JH: Oh sure, we had some very good friendships but I never, ever really had anyone discuss a case with me before it went into conference. As I said, when I first went on the court I went to George Rose to discuss a case and he made it clear we don't do that. It was a cardinal rule. Now, after opinions and dissents are written then you might go down and say, "Why don't you reconsider? I think you're wrong." And you give it an extra hour or two. But in ten years nobody ever hammered on me for a change or for me to pull down my opinion.

ED: Did you encounter any efforts from outside the court to try to influence you or make an effort to approach you about an opinion case. I know that Tom Glaze told me that once on an election case he got a visit from a state representative, a lawyer up in Conway County, wanting talk to him about a

case that had reached the Supreme Court on appeal. Tom said that he ushered him out and told him you can't be in here.

JH: Not really. I had a member of the legislature, when we decided that we needed CLE [Continuing Legal Education], I went over to present our budget before the Senate, and one of them called me out and said, "Are you serious about this continuing legal education?" I said "Yes, we are serious." He said: "Why are we not exempt? I write the laws." I said, "Yes, and we try to interpret what you write and we have to take CLE, too." That stopped that conversation. Another time—this was when we were back in court after our summer recess—we had not issued an opinion in a case that involved the Highway Department and the issuance of some highway bonds. When we went into recess that summer, it was still on our books. So I went over to present our budget and got called aside. "Why haven't you all decided that case? You are coming over here asking us for money and you won't even rule on whether the Highway Department gets its money. You have frozen it and that money has been frozen all summer." I said, "Well, no one has asked to advance it. We have a rule that criminal cases are first. Second, if it's one of outreach to the point that it affects everyone like an election law or what ought to be the ballot, we give that priority. But just because it involves some highway money and a state agency, unless you can show cause to accelerate it, you all are just sitting in line. And no one has asked." That ended that conversation. Then here comes a petition from the state Highway Department asking that we accelerate it. There is a little push and shove. Then a little interference sometimes from some of the legislators, especially on the Joint Budget Committee. They liked to play with me when I would go over to present our budget.

ED: That seems to continue. There's a natural friction, I guess, between the two branches of government. The legislature has control of your purse strings, so they can leave you without an appropriation, without even a salary, if they are displeased with the Supreme Court. In the last few years, particularly after the *Lakeview* decision, in which the Supreme Court said that the public schools are unconstitutional and you must provide an equal and adequate education. Legislators were outraged about that because they thought the court was forcing them to raise taxes. Since then, the court hasn't done very well in the legislature. Also, two years ago the Supreme Court in a couple of cases struck down provisions of the "tort reform" law the legislature had passed, which restricted judgments in damage cases. So when they struck down those provisions of the law, which the legislators had adopted, they were outraged. I don't think the Supreme Court has gotten a raise in some years.

- JH: One time I went over to the Senate to swear in a new senator, and one of them called me over and said you've got your guts coming here. I said what do you mean? I forget now what he was fussing about, but it was something the court had done and he was taking issue with it. I just smiled and told him to be a good sport about it.
- ED: Donnie Corbin was your ex-legislator. Donnie was sometimes more attuned to things at the legislature so y'all left it to Donnie to go over and work things out sometimes.
- JH: Sometimes we asked Donnie, "Please don't go over." Donnie liked to do that. I think he did it sometimes when I didn't know about it, but that's Donnie.
- ED: We talked about getting the Constitution changed to create the Judicial Disability Commission but also the reform of the whole judicial article, which you thought needed to be done to improve the administration of justice both at the trial court, municipal court and Supreme Court levels. After you actually left office, they finally proposed a new judicial article and you campaigned for it.
- JH: I campaigned pretty strongly. It was obvious we still had the divisions of chancery and circuit. We had several judges we called "combo judges" as a nickname, where they created a new judgeship but the new judge would be both circuit judges and chancellors. In fact, [Judge Gayle] Ford over in Mena was the first one. I kept advocating that we don't need the division between circuit and chancery because you have so many counties and not enough judges. The judge comes over and he's a chancellor so he can only hear chancery cases. If they have criminal cases or other law cases they are just stuck on the docket. With Ford and two or three others we got the new judges to be combos. You look at their appeal record. Of course, that was the argument. If I'm a chancellor and forced to hear these criminal cases, there will be mistakes and appeals and the case will be reversed. That proved not to be true at all. The combo judges' record on appeal was just as good as any chancellor or any circuit judge. You know, if a judge is going to be judge and you go into a county, you ought to be able to handle anything and everything that is on the circuit docket. Finally, the new judicial article, which was passed after I was gone, cleaned all that up.
- ED: I think that was 2000 or 2002.
- JH: Oh, it took a while.
- ED: The nonpartisan election of judges was part of that.
- JH: That was a blessing.
- ED: There were a lot of reforms in that article.

JH: Sweeping reforms and they were good. I was for nonpartisan, too. As I mentioned, you run as a Democrat and then the next eight years you can't speak to them. Then, here you are back again, and you need their votes. It's worked quite well. Of course, they still parcel things out sometimes among the trial judges, one handling more chancery than criminal, but we don't have that division, especially in those small counties where you don't have a judge there three months out of the year. If a criminal judge can only hear criminal matters, not civil, they go for three months maybe without a civil judge, for domestic relations and everything else. It was archaic.

ED: People couldn't understand the distinction between equity and law courts and sometimes lawyers couldn't either. You would have to kick cases back and forth between circuit and chancery.

JH: I thought the chancellors would enjoy having a jury as a buffer. I caught more flak from chancellors when I said merge than I did the circuit judges. They apparently enjoyed sitting in absolute judgment on the cases. That surprised me.

ED: There was a distinction in their terms. I think circuit judges serve four-year terms but chancellors had six-year terms.

JH: Right. Those were nice reforms.

ED: In 1995, you decided to retire from the court. Since then, have you practiced? You have served as a special judge from time to time.

JH: Well, I went to court with a few friends on occasion to municipal courts concerning a young son or daughter involved in a drug situation, things like that, through friendship. Before we leave the court, let's talk about the drug courts.

ED: Let's do. I had intended to ask you about that. I think you were the father of those, the drug courts. Tell me how all of that came about.

JH: Actually, the concept came about when Dad was municipal court judge. At that time, drugs were becoming more prevalent and, of course, also involved was alcohol. The only thing you could do if you assessed punishment would be to send them to the county farm. This was about the same time Dad was in AA. He created his own probation department, mainly through volunteers from the First Methodist Church. They were uncompensated. Also, he set up an alliance with a newly formed organization that rehabilitated and worked with people, who were addicted, called the GYST House.

ED: G-Y-S-T. I forget what that stands for.

JH: Get Your Stuff Together or Get Your S*** Together, either way. Headed up by Gene Efird. Gene was one that Dad had sent to the County [Penal] Farm.

ED: Now Efird is E-F-I-R-D, I think.

JH: Yes. Then also there were several others that Dad had sent to the County Farm initially and then when they came out they started the GYST House. So Dad started working with these people and giving them the option to go to the County Farm or to the GYST House. The success was noted and—I'm sorry, it was Gibbins, Gene Gibbins [not Gene Efird]. I'll have to back up. I'm getting way out of context now. After working all the penitentiary cases, there was a group of us that set up a halfway house on Third Street and we incorporated. Gene Efird was a Methodist minister who had worked at Cummins, and we had him as our advisor and staff member and we had a psychologist and this, that and the other. The corporation was a release guidance foundation. A lawsuit was filed after we had been in operation about six months alleging that it was a nuisance. The chancellor held that it was nuisance. My uncle Frank recused and my good friend E. J. Ball sat as special judge in his place. They declared that where you have convicts, more than three or four assembled together under the same roof, it constitutes a nuisance and a threat to the neighborhood. So the first attempt at a halfway house fell under the sword of the Supreme Court. Now we have quite a few of them. But I had confused Gene Efird with Gene Gibbins. Until just recently, Gibbins headed the GYST House. I guess they have been in existence now for twenty years. So Dad worked very closely with them and I became acquainted with them. They had an auto-detail shop. I met a lot of the guys. The National Center for State Courts got involved in a look-see program to establish drug courts. Having witnessed firsthand the success that came about in Dad's court, I became interested when the National Center for State Courts and the National Center for Substance and Treatment of Addiction called a conference to interest the state courts in a drug-diversion program and treatment in lieu of incarceration. Being aware of my father's success in this area, this seemed a natural to me. In a series of meetings at the state level, it became obvious that we should establish a program to provide an opportunity for treatment and rehabilitation of primary drug offenders. During this same time frame, several of our elected circuit judges were designated as "at large" judges inasmuch as the legislature had rearranged our judicial districts. Judge Jack Lessenberry was designated as such. I thought Jack would be a natural for the establishment of a drug court, if and when it came into existence. Armed with the information obtained from the National Centers I contacted Governor Jim Guy Tucker to see if I might obtain his endorsement and assistance, since we were relying on federal funds, except for the payment of Judge Lessenberry, who was already on salary. In short order, Governor Tucker called a conference attended by his state drug director, Robert Sheppard, a former sheriff, and

all the state agencies involved in public health. Governor Tucker pledged his support as well as the support of the state agencies that would be involved. There were very few drug courts in being anywhere. Judge Lessenberry wanted to visit several of these before he made a final commitment. J. D. Gingerich, director of the Administrative Office of the Courts, Judge Lessenberry and I visited drug courts in Montgomery, Miami, and Fort Lauderdale, Florida. We were impressed, to say the least. Judge Lessenberry agreed to serve on the yet-to-be-created court. As a kickoff, we had a state conference with all the state agencies that would be called on for involvement. We met with great success and enthusiasm. We were ready to proceed except we did not have a courtroom. At the time, the Arkansas Bar Center on Markham Street was vacant, so I approached the bar to see if they would furnish a facility. They denied my request, as they did not want any drug users hanging around the building. Frankly, I was disgusted over their refusal. But, as a result, we located a place on West Second Street, had it renovated, and we put up a flagpole and flag. This was Judge Lessenberry's court. When Judge Lessenberry was retiring, Circuit Judge Mary Ann McGowan had been handling all the mental health hearings at the State Hospital, so I asked Mary if she would step into Jack's shoes and take over the drug court. She did, with continuing success. As a result, other circuit judges needed to wear two hats. These new courts were not labeled drug courts because that would raise eyebrows, so we named them STEP courts—Substance Treatment Education Prevention courts.

There is some question about how much success they have had, but the Administrative Office of the Courts published figures showing that the recidivism rate is less than 10 percent. I was real thrilled to be at the right time at the right place to work on the drug courts.

ED: It is a remarkable reform and they do have a spectacular record. So you decided not to run again and your successor was –

JH: Brad Jesson [Bradley D. Jesson of Fort Smith] was appointed.

ED: Brad Jesson was appointed to fill out your term and, after that, Dub Arnold [William H. "Dub" Arnold].

JH: [Governor] Jim Guy Tucker appointed him [Jesson].

ED: Also about that time you got married, after you left the court. Tell me about that.

JH: While I was a bachelor, I hired as one of my law clerks Ann Grimes, whose husband, Dr. Austin Grimes, was a friend of mine. She had been a schoolteacher and had gone to law school, and she was looking for a job. Austin said, "Do you have maybe a law-clerk position?" I said sure. I was a bachelor then and, about a month or so through the session in September,

she said I have somebody you want to meet. She said lawyer Tom Lovett's widow. She said you knew Tom. I said, "Well, I knew him vaguely." I think I had been to his house maybe one time. He had bird dogs—he was hunter, too. I said, "Ann, I have had all the blind dates I ever want, but thank you anyway." About every two months she would hit me up. One New Year's Day—we always started court the first Monday after New Year's and this was on Sunday—I sitting in a sweatsuit reading briefs. Dr. Grimes and Ann were married on New Year's Day so they always had a New Year's Day party. I thought it would be nice to go over there and get something to eat and maybe have a little champagne—not too much because I had to finish reading the brief. I went over there and socialized and looked around and there was another doctor friend there, Jim Sloan, who was talking to this young lady. I thought, "I think I will go over there and rescue her." I went over and spoke to Jim and I turned to her and said, "I'm Jack Holt," and she said, "Well, I'm Jane Lovett." I thought, "Man, that name sounds familiar." I eased into the kitchen and said, "Ann there's a girl on the couch, Jane Lovett." She said, "That's who I have been trying to fix you up with. I went back to the couch. Being the gentleman that I am, I offered to walk her to her car and, knowing that her late husband was a big quail hunter and that she probably enjoyed eating quail, I said, "Would you care to join me for a quail dinner?" It was pretty close to 24-7 for the next year.

ED: So you were married in 1996—and she painted your portrait.

JH: No, she hasn't painted it. She planned to—she still plans to. She wanted to but we had the loss of a stepson and some other things but that is supposed to be next on the agenda.

ED: Since then, you have been living out here on the edge of civilization.

JH: Well, shortly after I got off of the court I went with Loislaw—in fact, I had met them while I was on the court. Everybody was worried about our books going out of print, that they would need to be archived and copied, so to speak. At that time, it was microfiche and microfilm. I talked to 3-M about what it would take to copy all the *Arkansas Reports* and the *Digest*. They were talking \$200,000 to \$300,000. So my administrative officer, J.D. Gingerich, came in one day and said I have somebody I think you ought to meet, Kyle Parker from Fort Smith. He said I want to put all of our *Arkansas Reports* and the *Digest* on CD Rom. He said he had been with West Publishing and was lining up some people. He said, "I can't really afford to buy the books but I would be willing to enter into a contract with the court, and if you will furnish me the books I, in turn, will get them all archived." J.D. and I looked it over and typed up a memorandum of agreement. I said, by the way, I've got nearly all the *Arkansas Reports* at my house and I really

don't need them because Dad has closed our office on State Street and I still have all those. Kyle Parker came out to my house with his pregnant wife and a big Tahoe and started throwing books in there. I said, "Oh, by the way, Kyle, when do I get the books back?" He said, "I didn't tell you?" I said no. He said, "Jack, they've all got to be torn apart and scanned. I called up Jackie Wright, our librarian, and said "What's it going to cost me to replace all the *Arkansas Reports* if something goes wrong?" I thought to myself, too, "Do I really have authority to sign a contract and give away state property?" I thought, what are you doing, Jack? Next thing I knew Kyle Parker was back and had all of our information on CD Rom. He had been with West Publishing for four or five years. He wanted them to go to CD Rom but West didn't want to do that. They were selling the books and had a monopoly, so they had cut Kyle loose. Kyle and his dad manufactured fishing baits and Kyle had a six-month no-complete clause, so he formed Loislaw. After I was off of the court for three or four months, he contacted me and came down and gave all the CD-ROMs to the legislature and asked me if I would go to work for Lois and be state-federal relations and, hopefully, have an "in" with all these states. We opened up Oklahoma and others but found out later that West Law was entrenched. I think I was with Loislaw for a couple of years trying to get into the different states. Kyle decided that from CD Rom we going to go Internet and we got in the .com business and went public. They were \$15 a share and went up to \$50. Then the bottom dropped out and I had not sold any stocks and couldn't sell any stocks. I had few shares and he had many shares and he sold out the whole thing. I can't think now who bought out Lois but I was with Lois for about a year and a half going to the different states and talking to the chiefs and court administrators. We ran into all sorts of problems. To be successful, you have to have the advance sheets that they would send out weekly to put in the binders. With the Internet, if you could get a fresh opinion and get it electronically published and get it out. . . But we found that, like with Louisiana, each of the court of appeals has its own clerk, and each clerk has his or her own arrangements, and we couldn't get advance sheets. If you can't get advance sheets and be current, you are dead in the water. I found out a lot about corporate structures and governmental operations. Meantime, Jane and I had a small horse-breeding operation for double-registered Tennessee walking horses. We raised a few birddogs and just enjoyed country living.

ED: So, you are about out of the birddog business as well.

JH: Yes. I'm down to our last litter. We had seven and we kept two. I have one remaining dog and she is 12½ and is more of a pet now than anything. I have

a lot of fond memories and a lot of pictures. Quail hunting in Arkansas is nil as far as wild birds. The last few years I go to these quail ranches where they raise the birds that they call flight-conditioned. Some fly pretty well, some don't fly too well. But I enjoy watching the dogs working, pointing and retrieving. I always felt guilty if I didn't have the dogs out hunting once a week. I think that's come to pass, too.

ED: Can you think of anything we haven't covered?

JH: One other thing. As part of my court improvements, I led the drive to increase the Court of Appeals. I wanted to try and double it. This was when [Bill] Clinton was governor. We already had our six districts and we had six judges. I thought we could add six more and use the same districts. Well, that ran into political complications and redistricting. Judge [George] Cracraft was head of the Court of Appeals and he and I worked with the legislature and finally got Clinton to approve three, but not six. Then there was some rearranging of the districts, so there are twelve now. It was really needed and necessary because of the workload on the Supreme Court. It's unreal now. People are so litigious and the numbers have increased, but the appeals also have increased. When I was a trial lawyer, I think we had six circuit and chancery judges here, and now they have what? I think there are sixteen now. When I was in the prosecutor's office, there were six of us and now there are sixty. The attorney general's office had a staff of ten and now there are seventy or eighty. They have other divisions now that we never had, but all of this brings more litigation. It was maybe premature not to have twelve, but at the time we got six. Certainly it was wise to have twelve on the Court of Appeals. The Supreme Court has still got its workload. I haven't tried to measure it, but with fast-tracking they are still moving cases as quickly as we did. I don't think there was much danger in us running fast-track and running the number of cases that we did because the cases were well studied. People need to know the ultimate decision of their litigation, whether it is municipal court, circuit court or Supreme Court. The deal about justice being denied when it is delayed.

ED: Sometimes, in federal court, it takes years and years to get a decision.

JH: Yes, and California is unreal. Half of them die there before they get their appeal decided. So, overall, I think that our judiciary does a good job—except in certain areas. What [Prosecuting Attorney] Jim Guy [Tucker] did back when we had a load like that in Pulaski County was to bring in outside judges. We used the federal courtrooms. That was back before we had public defenders. What brought it on was that the Bar Association fussed about the criminal boys not moving the traffic, so Judge [William J.] Kirby said I'm just going to appoint civil judges, too, and then Jim Guy [prosecuting

attorney of the Sixth District] brought in all those outside judges. What they did was pair off, a civil lawyer with a criminal judge. He can prepare your instructions for you and you can try the case. They really cleaned up the docket in short order. When it is necessary, the judiciary continues to respond to the public needs.

ED: OK, we will shut this off for now and call it quits. Judge, thanks.

JH: Thank you. I really enjoyed having you out. I appreciate your good works with the *Arkansas Times* and all the other things you do, like this. You have been a busy guy for a long time.