Arkansas Supreme Court Project

Arkansas Supreme Court Historical Society

Interview with

Justice James Houston Gunter Jr.

Hope, Arkansas

November 26, 2013

Interviewer: Ernest Dumas

Ernest Dumas: OK, Judge. This is Ernie Dumas and we're recording this interview at the law office of Judge Jim Gunter at 1222 South Main Street, Hope, Arkansas. And we're recording this for the David and Barbara Pryor Center for Oral and Visual History and the Arkansas Supreme Court Historical Society. Judge, I need your permission for the Supreme Court Historical Society and the David and Barbara Pryor Center for Oral and Visual History to use this interview, the transcripts and recordings in whatever way they wish, for the archives, for the Internet or whatever they wish to do with those things.

James Gunter: You've got it.

ED: All right. Judge, this is November 26th, if I didn't say that, November 26, 2013. Let's start with your birth, the date of your birth. And your full name as it was on your birth certificate, I guess, or if there's something different.

JG: I was born March 8th, 1943, in Atlanta, Texas, as James Houston Gunter Jr.

ED: And your parents? Obviously, your daddy was James Houston Gunter Sr.

JG: Yes. And my mom, Helen Marie Long Gunter.

ED: And you were born in Atlanta, Texas?

JG: Yes.

ED: Where is Atlanta, Texas?

JG: It's about twenty-five miles south of Texarkana.

ED: OK, on a major highway through there?

JG: Yes, Highway 59 is a major route from Texarkana to Houston.

ED: OK. Well, tell me about your daddy and momma. What did your dad do?

JG: Well, my dad grew up on a farm in Columbia County, Arkansas, about four miles north of McNeil, and my mom grew up in the big city of Atlanta, Texas. My dad's parents were farmers. My mom's mother was a stay-at-home mom and her father was a barber.

ED: How big is Atlanta, Texas? Or how big was it then?

JG: I would guess it's about five thousand, and it hasn't varied much over those years.

ED: Basically a farm community?

JG: Farming around the area. It had a little bit of industry. The reason my dad lived there, other than meeting and marrying my mom, was my family had a sawmill there. There is, I believe, still one there today owned by someone else. But yeah, I would say yes, a little farming community.

ED: Did you live in town or outside town?

JG: In town.

ED: You had a farm outside town?

JG: The Gunters' farm was north of McNeil, Arkansas, and there was no farm in or near Atlanta that our family had or even my grandmother had at that time. My grandmother's husband, my mom's dad, died when she was only eleven years old. They had a farm when my mom's dad was living and being a barber. They had a small farm right at the east edge of town, and over the many years that was consumed by residential property.

ED: And you say they had a sawmill as well?

JG: My dad's family had a sawmill in Atlanta.

ED: They sold pine timber around there?

JG: Yes, I think they occasionally did also cut hardwood but pine was the driving force. They sold the lumber they manufactured.

ED: Yeah, well my daddy was a sawmiller too, although he was a logger. He basically just hauled logs, although he briefly tried his hand at sawmilling and built a little

tiny sawmill across the road from our house. This was in Union County. He tried his hand at running a little sawmill, hauling the logs and sawing it up and taking it to the planer mill. He tried that for three or four years but he wasn't much of a businessman so he went back to just hauling logs. So I'm a little bit familiar with the sawmilling industry. But there in Atlanta, how did your dad spend his day? He didn't actually do any farming?

JG: Well, as a child growing up out there in the community of College Hill, Arkansas, north of McNeil, Arkansas…

ED: Yes.

JG: He had a good taste of what you might expect a kid growing up on a farm to do and had two years or so of actual adult experience. But when he graduated from high school Dad went to the Capital City Business College in Little Rock for a year. I don't remember the exact timing but following that in Atlanta, Texas, he ran the company store at that mill.

ED: A commissary, as people used to call them.

JG: At some point he was back on the family farm with my mom and me in Columbia County for a couple of years, and that's the probably before doing that commissary duty in Atlanta.

ED: So when you were born in 1943 the war was going on. Did your daddy have any military service or was he too old then?

JG: He did, he did. I think I was maybe a couple of years old by the time he went away to World War II, and, fortunately, the war ended after his basic training and things were over. He was on a ship between San Francisco and likely Japan when the war was over.

ED: I wonder if he was on the same ship as Dale Bumpers, who said he loved Harry Truman because he was on a troop ship headed toward Japan when they dropped the bomb and saved him from having to fight.

JG: There's a good chance of that. I don't know the answer.

ED: Yeah, yeah.

JG: But there's a fair chance of that. They rerouted and instead of going to Japan they went to the Philippines. As a matter of fact he was stationed at a place called Tacloban, which has been in the news recently.

ED: Yeah.

JG: Because of the serious storm damage.

ED: Yeah, that's right. It devastated the city. So when your daddy came back after the war, I guess in '45 or '46, '47?

JG: '45 or '6, yes.

ED: So your first memory of your dad, I guess, would've been some time after the war?

JG: I have the faintest memory of going with my mom to the train station to see Dad off when he went off to the war, but that's the only thing that I can remember at that early age.

ED: Do you remember his coming back?

JG: I don't remember that as an event. While he was away my mom and I lived some of that time with my grandmother.

ED: There in Atlanta?

JG: In Atlanta, yes.

ED: So they had gone to Atlanta. He was from McNeil and she was from Atlanta. How did they meet?

JG: Well, because of the sawmill there my dad went there to work at that position I mentioned.

ED: OK.

JG: And my mom became friends with some of my dad's cousins. The sawmill business was run by my grandfather's brothers; four of his brothers did the sawmill work. Grandpa stayed at the farm and took care of that business and these four brothers ran the sawmill business. Over the years there were sawmills at a good number of different locations in Louisiana, Texas, and Arkansas. But one of my great uncles, my grandfather's brother John, lived in Atlanta and had two

daughters. They were about the same age as my mom and one of them was one of her close friends and she spent some time at that house where my dad showed up from time to time. That's where they met.

ED: So how many brothers and sisters do you have?

JG: I have two sisters and one brother.

ED: And they're all still alive?

JG: They are.

ED: And who are they? And do you want to give me something about the age order? Who's the oldest?

JG: I'm the oldest. I have a sister Janet, a sister Elaine and my brother Mark. And Mark's about ten years younger than me.

ED: OK, so he's the youngest. So there are two boys on the ends.

JG: Two bookends.

ED: And where do they live now?

JG: My sister Janet lives in Dade City, Florida. My sister Elaine lives in Hot Springs Village, and my brother Mark lives here in this county in the house that my dad lived in until he died.

ED: So you grew up in Atlanta. How long did you stay there?

JG: I was just there a couple of years. I lived there a couple of years; I lived in a farmhouse on the family farm for a couple of years.

ED: There in McNeil?

JG: Out at College Hill, north of McNeil.

ED: Yes.

JG: And then at about age five I moved to Patroon, Texas.

ED: Spell that.

JG: P-A-T-R-O-O-N. Where the Gunter brothers had purchased a mill. My dad went there to work and run the office. I lived there for a year or so before I started first grade.

ED: And you started first grade at Patroon?

JG: At Shelbyville. Actually, there was a grade school in Patroon, but the handwriting was on the wall. It was about to close and when it did so I started school at Shelbyville, a little community in that county.

ED: And this is somewhere in the neighborhood of Atlanta, the same neck of the woods?

JG: It was about a hundred and thirty miles south of Atlanta.

ED: Toward Houston.

JG: Generally speaking.

ED: In that direction.

JG: More accurately toward Beaumont. Our home in Patroon was only seven miles from the Louisiana border.

ED: And so you started school at Shelbyville. How big was that? Was that a small town?

JG: Small town, probably about a thousand.

ED: About a thousand people in town, so your first-grade class would've been five or six probably?

JG: You know, probably more than that. The year I graduated there was about two hundred and fifty in grades one through twelve; there were twenty-six in my graduating class. So I don't remember how many was in first grade but there were fifteen to twenty probably.

ED: So you went all the way through school at Shelbyville?

JG: I did.

ED: Your dad was working at the mill there?

JG: He was and he began running the office. By the time I graduated there he owned the mill.

ED: Did you ever work at the mill?

JG: I did.

ED: Did you work on the carriage? Were you the dogger on the carriage?

JG: I would say functionally my primary job at the mill was career orientation. That is, I learned what I didn't want to be.

ED: Exactly.

JG: But I didn't do the carriage. I did do a lot of green lumber stacking.

ED: Yes.

JG: I did a little bit of truck driving, and especially toward the end I had a job providing litter for chicken houses in the geographical area. I would get the shavings from the planer mill and then unload them in chicken houses for litter.

ED: So did you have both? Was it a mill that had sawlogs and also a planer mill at the same operation?

JG: Yeah, the whole operation. We had a near-modern operation. We did not have a dry kiln. We air-dried lumber.

ED: You just stacked the lumber out there and let it dry for a few months?

JG: Vertically.

ED: Yes.

JG: As you might have seen it sometimes?

ED: Yes, yes. But you never had to ride the carriage?

JG: I never did that.

ED: I did some of that for a short time. My brother and I had to go when we were not in school. We'd have to ride the carriage. They rolled the logs down the skidway and on each end of the carriage you had a dogger, I guess.

JG: Yup.

ED: You'd have this clamp. You'd clamp it. You'd have to stand there. I didn't weigh very much and it just took all the weight I had to clamp down on that bar and hold the log on there while it went through the saw. Otherwise you'd loosen it. It might break loose, and the log would fall off and tear up the saw or whatever, so…

JG: Yup.

ED: And it was hot.

JG: You bet.

ED: And the big sawdust pile out there. A chain pulled the sawdust out to this giant pile and it would catch fire. So there was smoke coming out of the sawdust pile all the time.

JG: Our mill was steam operated so that contributed to the heat also.

ED: Yeah. Well, it was a miserable thing to do and I don't what caused my daddy to give it up but I imagine it was the economics of it. Or maybe just the hard work, because he had to haul the logs as well. You never had to haul the logs?

JG: Well, I did. To straightforwardly answer your question, no, I never had to, but I got to.

ED: OK.

JG: You know, when I was too little to have a job my dad would let me go to the woods with one particular log-truck driver that he had lots of confidence in, and that guy would let me drive his truck some.

ED: Really?

JG: So that was kind of a big deal for a kid.

ED: It was, to get to drive the truck—with loaded logs on it?

JG: A couple of times there was a load of logs on it.

ED: Yeah.

JG: Yeah.

ED: International or GMC or something?

JG: As a matter of fact it was a GMC.

ED: Yes.

JG: It had a two-speed rear end. It had a little switch on the dash when you wanted to switch it back and forth from direct drive to two-speed.

ED: OK. Well, my daddy always had one single old truck. It was some old used truck that he was having to work on all the time. I think every other day he'd have to work on his truck to get it to run. And then he always had a pair of mules and this black guy who lived in the woods behind us, Dock Davis. For about fifty years, they were a team. Dock would cut the timber and Daddy would rip the poison oak

off the trees because he wasn't allergic to poison oak. He'd just grab it with his bare hands and rip it down off the trees. They'd cut the timber, Dock and the mules would load it on the truck, and Daddy would haul it to the mill. I spent a lot of time in the woods with him. So you learned that you did not want to make sawmilling a career?

JG: I did not. Although, strangely enough, when I graduated from college with a degree in accounting I went directly to work for the family business here in Hope as the office manager.

ED: OK.

JG: At the sawmill.

ED: Well, let's go back. So you go all the way through school there at Shelbyville. Did they have athletic teams there?

JG: They did.

ED: Did you play football, basketball or anything?

JG: Both. I was a good deal better at football than basketball. In basketball I mostly sat on the bench.

ED: OK.

JG: In football I was a starter my senior year and lettered and was one of the all-district members.

ED: What position did you play?

JG: I played center on offense and linebacker.

ED: Linebacker on defense?

JG: Defense.

ED: So you made all-conference, all-district?

JG: Yes. And a really unlikely position. I occasionally played nose guard on defense.

ED: That wasn't much fun, was it?

JG: It was no fun, no fun, but it was something somebody had to do.

ED: So did you entertain the idea of going to college and playing football?

JG: I never did. I was a hundred and forty pounds as a senior in high school.

ED: Yes.

JG: And I never considered college football.

ED: Yeah. So were you a good student?

JG: I was.

ED: What kind of grades did you make? Honor Society?

JG: I graduated second in my class; we didn't have the point system they used today. I had about a ninety-five average through the four years of high school.

ED: Tell me about your daddy; was he pretty tough taskmaster, disciplinarian?

JG: He was, he was. He was the type of disciplinarian that I think it took only about seven episodes for me to decide that I didn't want to incur any further discipline from him.

ED: Did he use his belt?

JG: He did.

ED: So did he leave some marks?

JG: Probably, I don't remember anything like that. He left some mental marks that I didn't… Like I said, I'd had enough.

ED: Yeah.

JG: I decided I could try to behave.

ED: Yes, and if we moved all those days forward to now most of them probably would get charged with child cruelty.

JG: Oh yeah. He could take his belt off in less than half a second. It would make a sound as it was coming through the loops.

ED: Yeah, yeah, yeah.

JG: I don't know if you've ever heard that sound?

ED: Oh, I've heard that sound.

JG: Yes.

ED: Yes, my mother used the switch. Did your mother discipline you, too?

JG: My momma disciplined me lots of times and she did use a switch.

ED: Go out back and cut a switch off the tree.

JG: Off the willow tree, yes.

ED: Yeah, willow, something back there.

JG: Bless her heart. I guess it did her more good than it did me. But Dad's belt was the one that got the attention.

ED: What about your pals? Any big pals that you had in the neighborhood?

JG: Well, in the community where I lived in Patroon there were five or six kids within two or three or four years of my age range. We'd play touch football sometimes on Saturdays in the summertime and at other times. Two of the ones that I'm thinking of were sons of one of the men who worked at the mill.

ED: Did you do any other jobs growing up?

JG: Well, the first thing that I ever did was sell and deliver *Grit* newspapers in the community.

ED: Sold the *Grit*.

JG: But other than that I was tired of doing the sawmill work so I asked my dad if it was all right if I got a job picking cotton, so I picked cotton for a neighbor. At noon on the first day when I went to lunch I asked Dad if it was all right if I went back to the mill in the afternoon. So my cotton-picking career was really short.

ED: So did you get your hands all torn up? You had your fingers bleeding?

JG: Probably. I don't remember that. I just remember that I'd rather do something besides picking cotton, even sawmill work.

ED: So do you remember any teachers particularly in high school who were outstanding?

JG: The second-grade teacher was possibly my favorite teacher of all time and that's probably just because she was taking care of little kids, getting them adjusted. You can't tell from my speech or my writing but my high school English teacher was one of the best English teachers I ever ran across. My younger sister in Hot Springs Village is an English teacher and she says that same teacher was the best one she ever had, including college English teachers. I guess she would be the one that I singled out.

ED: Yeah.

JG: That high school English teacher. She was firm, she knew her stuff, and she expected the kids to learn it. Mrs. Haglar was her name.

ED: Haglar? H-E-G-L-E-R?

JG: H-A-G.

ED: H-A-G-L-E-R.

JG: Uh-huh, Mrs. Lillian Hagler.

ED: Lillian Hagler.

JG: And her husband was the ag [agriculture] teacher.

ED: OK, did you take ag course?

JG: I did, I did.

ED: Did you do any writing in house? They didn't have a school paper or anything—probably too small to have a school paper.

JG: No, we didn't have a school paper. No, I didn't do anything other than what might've been required, which is not much.

ED: What's the biggest town near Shelbyville—a town of any size that had a newspaper that would be kind of a commercial center?

JG: The county seat is Center. They had the courthouse and they had a number of businesses. The nearest town that you probably ever heard of is Nacogdoches.

ED: OK.

JG: In an adjacent county.

ED: Yeah.

JG: And then Shreveport. It was sixty miles to Shreveport, Louisiana.

ED: Was that kind of a cultural center? When you had to go to a movie theater where did you go?

JG: I usually went to Center.

ED: So they had a movie theater at Center?

JG: Not only that, they had a sit-down and a drive-in.

ED: OK.

JG: In those days.

ED: So you decided – your daddy had gone to the Capital City Business College?

JG: Uh-huh

ED: Briefly. Had anyone else in the family actually gone off and gotten a college degree or were you the first in your family to do that?

JG: In my direct line, yes. My dad actually had an aunt who had gone to Ouachita [Baptist College, later University], which was after the turn of the century in the early 1900s, and my dad had a sister who went to SAU [Southern Arkansas University], which back in those days was Magnolia A&M.

ED: Magnolia A&M—Agricultural and Mechanical College.

JG: Southern Arkansas University, yeah.

ED: It's now Southern Arkansas University and it had an interim name or two in there, as all colleges did in those days.

JG: It did and it was initially called Third District Agriculture College the first time it was called a college. I think it served as a high school before that. But most people, even a board member down there, didn't know about TDAC. I learned it because one of my dad's cousins had gone there. She'd gone there and taken her cow. She lived in the same building as the cow, milked the cow and sold milk and butter.

ED: All lived together in the same house?

JG: Uh-huh.

ED: Did you decide to go to college on your own or did somebody encourage you or did you want to go all along?

JG: No, I was encouraged. I made good grades and I was encouraged by my teachers but I think that the deciding moment was one day when I expressed my lack of strong desire to go to college—I'll put it that way—in front of my dad and he said, basically, that that was no problem, because I could start working at the mill on Monday. That gave me have a little perspective, you know. I didn't know how bad college could be, but I didn't think it could be worse than working at the mill.

ED: Well, had you known anybody who had gone off to college and come back?

JG: Well, of course, the teachers I had encountered. One of my high school classmates had a brother who went away to college and I had known him before and then when he came back he came back as our coach, our football coach. So I guess that was the closest. Plus, I had some Gunter family cousins. Tommy Polk is a cousin of mine. He's an architect.

ED: Tommy Polk there in Little Rock, the architect, yes.

JG: Yes.

ED: He played football for the University of Arkansas.

JG: He did. And, as a matter of fact, when I was a student he came down to my campus and beat my team. He grew up here in Hope.

ED: Yes. So how did you know Tommy Polk? He's a distant relative?

JG: He's a distant cousin; his dad and my dad were first cousins.

ED: OK. Did you know Tommy when you were growing up?

JG: Yes.

ED: Is he a little older?

JG: He's about four or five years older.

ED: OK.

JG: Maybe no, maybe three or four years older because he was playing football while I was a student in college, too.

ED: Yeah, I think we might be contemporaries. He'd be about seventy…

JG: Four maybe.

ED: Seventy-six… Yeah, he's about that. So where did you decide to go to college?

JG: Texas A&M.

ED: Texas A&M. And did you go down for a visit? What was the application process in those days?

JG: Similar to today except I didn't have to take any admission tests or anything. I graduated high in my class and that was enough information for the application. It

was also different than today in that I decided late in the spring to go there and in today's world you don't get admitted that late.

ED: No.

JG: You have to get your application in by, I think, November 1st.

ED: Probably, yeah.

JG: In today's world.

ED: So you decided in the spring you were going to go to college. This is before graduation. Did you just go down there and enroll?

JG: I went down there and visited, but when I applied one of the options I had was to start off in summer school, and I chose that. At that time, A&M had a facility at Junction, Texas. It was made famous by Bear Bryant, although when I went there I wasn't that attuned to college football. But I went to Junction, Texas, for six weeks summer school before the fall on campus.

ED: Was the military aspect of it kind of an appeal?

JG: It was. It was kind of an appeal.

ED: So what year would this have been that you graduated?

JG: I graduated from high school in 1961; it was about a week later that I started off at summer school out there in Junction.

ED: OK. Was Bear Bryant the coach then of the Aggies?

JG: No, he wasn't.

ED: He'd already gone?

JG: He had been gone for four years, maybe?

ED: Yeah, he was probably by that time at Alabama, wasn't he?

JG: I think he last coached A&M in 1957.

ED: So did he go directly from A&M to Alabama? I've forgotten.

JG: I think so, but I don't remember that.

ED: Whether there was an interim job in there.

JG: I think that's true.

ED: I think that's right. So how did you adjust from small-town life to college. Was that easy?

JG: It wasn't so bad. I was there as a member of the Cadet Corps, which is pretty organized. You know, you don't have to worry about making many decisions, so you don't have to worry about figuring out what time you were going to get up in the morning.

ED: So it's pretty structured, a highly structured life?

JG: Pretty structured.

ED: Unlike other colleges, I guess.

JG: Well, somebody would blow a whistle in the hallway at six o'clock, I think, in the mornings, and then in half an hour or so we had to be in uniform standing outside the dormitory ready to march to breakfast. You know, that kind of structure. The adjustment that I had was really academic. Our high school didn't offer much in the way of preparation for college—not enough anyway.

ED: Well, probably science and mathematics. Was that a shortcoming, science and mathematics?

JG: Both, both were. And the good fortune that I had was to go to that summer school and get a little bit of a head start. That helped a little. It would've been good if I had gone all summer instead of just six weeks. But, yeah, science was intimidating. I'd never had any exposure to chemistry, but in college chemistry was a requirement. I did manage it.

ED: So it was a struggle at the outset?

JG: It was.

ED: You had to study hard?

JG: It was a struggle.

ED: You probably didn't have to study much in high school, did you?

JG: Right, you know, in high school it was sort of considered a shortcoming if you had to take books home.

ED: Yeah. So here you had to… But it's fortunate, I guess, the structured life. It might be pretty good for kids out of high school. You can't lie in bed. You can't skip class for a week.

JG: That's right. There was a lot of supervision.

ED: There are consequences if you're a sluggard, I guess.

JG: You don't last long.

ED: Yes, you're out of there.

JG: And that was visible. We were assigned to units, you know—military units in the Cadet Corp—and fifty-three freshmen started with me in the fall in our particular unit and four years later thirteen of us graduated.

ED: Really? Thirteen out of how many?

JG: Fifty-three.

ED: So that's a…

JG: Not to say that all of those others didn't graduate. Some of them went to other universities.

ED: Right.

JG: And some of them just fell by the wayside.

ED: Some of them just had to get out and couldn't handle that kind of structured life, I guess, and maybe went someplace else. So you went four years and got your degree, and what did you study?

JG: Business. My degree was a bachelor of business administration in accounting.

ED: OK, so you had a lot of accounting. What else happened at Texas A&M, any other activities that you were involved in there?

JG: Well, of course, the Cadet Corps is made for activities. It's a bunch of your life. I was involved in intramural athletics or the management of it. I wound up, as a senior, being the one in charge, a senior intramural manager. There was one staff member that I reported to. We had a large intramural program in lots of different sports—flag football, softball, horseshoes, basketball, and lots of different things. The other thing that I got involved with was called Great Issues Committee. We'd

have speakers on some subject to come to campus and speak, the most notable of which was Dr. Wernher von Braun. I had the privilege while he was there of having a small dinner with him and his daughter and about eight or ten of our committee members.

ED: He brought his daughter along?

JG: He brought his daughter along.

ED: Which brings us to another matter, social life. They didn't have girls there?

JG: No, no, girls weren't there as students until my junior year, when seven girls were admitted.

ED: Oh, that was the first admission of girls, in your junior year?

JG: In my junior year and then there weren't many more the second year, during my senior year, a few but not very many more.

ED: Was that pretty controversial?

JG: It was, it was.

ED: Do you remember debate among the cadets? Is this a terrible thing?

JG: I say the cadets were about ninety-eight percent in favor of having women students.

ED: [Laughing]

JG: [Laughing] That's just a guess.

ED: Well, College Station is a fairly small community, a fairly small town.

JG: It was at that time.

ED: How big a town was College Station?

JG: I think it was probably about six to eight thousand back in those days.

ED: So did you do any dating while you're there?

JG: I did. I dated a high school sweetheart a good bit of that time.

ED: A high school sweetheart back from?

JG: Back from Shelbyville.

ED: Back from Shelbyville?

JG: Uh-huh. I'd go home and visit my parents and date my sweetheart back there.

ED: OK. So she was your sweetheart starting in high school?

JG: Uh-huh.

ED: Did that last through college?

JG: Yes. We got married and stayed married twenty-seven years.

ED: OK. What was her name?

JG: Ruth.

ED: Ruth, and her maiden name?

JG: Miller. She's the mother of my two children.

ED: So you got married after college?

JG: I got married in the middle of my senior year.

ED: OK. And did she go back to A&M with you?

JG: She did.

ED: So they had married student housing and that kind of thing?

JG: They did, uh-huh. She went there and got a job working at the nuclear reactor.

ED: A nuclear reactor there at College Station, so there's a nuclear program there?

JG: Uh-huh.

ED: Did you go to all the football games? Were you a big fan, did you have to stand the whole game?

JG: I did. I went to all the home football games and a few of the away games.

ED: But you had to stand all the time?

JG: Yes, that's right.

ED: Throughout the whole game. Well, I guess it didn't get terribly cold in College Station, did it?

JG: At times it did.

ED: Well, it was in the prairie, so I guess it got pretty good winds.

JG: Yeah, there's a saying that there's only one fence between College Station and the North Pole and it's a one-wire barb and it don't stop the cold.

ED: Any other experiences in college?

JG: Nothing that just jumps out.

ED: You took business and accounting. Had you decided that's what you wanted to do? You were going to go into business, but had you thought about the law at all at that time?

JG: No. I actually thought I was going to go there and be an engineer.

ED: That was a popular thing in those days; everybody was going to be an engineer.

JG: Yeah. I moved around and I changed my major each of the first four semesters and in the fifth semester a counselor said, "Son, you need to settle down into something." And then, looking at engineering, I knew I wasn't going to graduate in four years. I had had an accounting course by the end and that way I decided to move in that direction. What did you just ask?

ED: Oh, any other courses that you…

JG: You provoked another thought that escaped me while I was answering that one.

ED: Oh, maybe it will come back.

JG: Oh, thinking about the law.

ED: Yeah, OK, yes.

JG: During my senior year, one of my good friends that I met on arrival at Junction—my very first contact with Texas A&M—asked me to go with him on a particular day to take the law-school admissions test, and I made a smart-aleck remark to him that the last thing I'd ever be was a lawyer. It turned out to be a truthful statement. It was not meant to be a factual truthful statement at the time.

ED: So what were your prejudices about the law at the time?

JG: Oh, just that I knew no lawyers. News accounts usually gave the lawyers kind of a bad name.

ED: Yes. Well, I had a similar thing. My daddy had had no high schooling or anything. He went through the sixth grade, but one thing he said he did not want my brother and I to be were lawyers because he'd had a bad experience with a lawyer in El Dorado. He thought that that's how all lawyers were so he did not want us to be a lawyer. He hated lawyers because I think he had known only one and it was a bad experience. So that was not on your radar screen at all when you were in college?

JG: It was not.

ED: It's taken a long time. So you graduated in?

JG: 1965.

ED: '65. And did you go into the service?

JG: I didn't. I'd gotten married and so I didn't. As a matter of fact, I didn't follow through the last semester of my senior year with the ROTC program.

ED: OK. So you didn't have to do two years or three years or anything in the service?

JG: I didn't.

ED: By that time we were…

JG: We were in Vietnam.

ED: We were in Vietnam and we still had the draft then?

JG: We had. By then, we had the numbering system.

ED: That's the lottery, the lottery thing that got Bill Clinton into trouble. So what did you do then? You got your degree.

JG: I came to Hope, Arkansas, where the family, during my college years, had built a sawmill on the west side of town. I came here and I engaged my accounting degree at the office doing the accounting and the management of the office at the sawmill.

ED: What was the name, the something something lumber company?

JG: Hempstead Manufacturing.

ED: Hempstead Manufacturing, and it was all your family?

JG: It was.

ED: Was your daddy still…By that time your daddy wasn't involved, was he?

JG: He was, he worked there. He was the plant manager.

ED: OK.

JG: But the ownerships was in my grandfather's name and his brother's.

ED: OK. And so your dad and your momma were still alive at that time and they lived in Hope?

JG: Yes. My dad just died in December of 2010.

ED: Really? OK.

JG: My mom died in ’04, between my primary and general election.

ED: OK. So you come to work at the lumber company, but you’re in the office and you’re doing accounting and those kinds of things. So when did you decide to get into law, or is there another chapter before you get to that?

JG: There is. You know my grandfather and brothers were aging and one of them died while I was – let’s see when was this? My grandfather died during the early part of my senior year in college. Anyway, as the brothers started dying off, the number of owners increased, even though their shares were represented by their fathers.

ED: Yes. Got dispersed, all the shares got dispersed among the children.

JG: And there were lot of those folks who didn’t really like being in the sawmill business and would rather use those assets in some other way, so within two or three years the handwriting was on the wall that the business was going to sell. As a matter of fact, there were some negotiations going on by the end of about two and half years that I had been there.

ED: With one of the largest timber companies, like Weyerhaeuser?

JG: International.

ED: International paper company?

JG: They ultimately sold it to International Paper Company. But I left and took a job as an insurance adjuster for Farmers Insurance Group before that sale occurred. Farmers was looking for a resident insurance adjuster for the southwest part of Arkansas, and I took that job. It was that job that made me eat my words about the last thing I’d ever be is a lawyer, because I was dealing with lawyers almost daily in trying to resolve claims where Farmers was the deep pocket that had to pay.

ED: So did you have to do a lot of traveling? So was the whole southwest Arkansas your territory?

JG: Well, I drove from Hope to Texarkana and up the Interstate [30] to Malvern and north from here up to, occasionally to Waldron but regularly to Mena. And then

east from here, occasionally, to Crossett but regularly to El Dorado and everything in that quarter of the state.

ED: So how long did you do that? How long were you an insurance adjuster?

JG: Let's see, I must have done that about five, six years. About three years into it I decided I wanted to go to law school. I'd asked the company and, interestingly, our Arkansas office was across the street from the Arkansas Supreme Court in the 1515 Building. I reported there monthly to do a case review. I asked them for a transfer to Little Rock and alternately to Fayetteville to go to law school, and they turned me down. But I had applied and been admitted to both those law school and also to Houston and to Baylor. About four or five months went by and one day they told me there was an opening in Houston and they'd transfer me if I wanted to and so I took them up on it.

ED: So you transferred to Houston?

JG: Uh-huh. I kept my job and went to law school at night.

ED: OK. So that's how you wound up at Houston Law School. Well, so you changed your mind about the law because your experiences with lawyers in working out these claims were pretty good?

JG: They were, they were.

ED: And you decided this is something that sounds kind of fun?

JG: Not just the experience with the claims but there was one specific experience. While waiting on a lawyer, I asked them one day to spend some time a little more productively, I guess, or maybe at least entertaining. I went over to the courthouse and sat in on the end of a trial and it was just totally amazing to me how the skills the two lawyers exhibited.

ED: Do you remember the lawyers?

JG: Yes.

ED: Who were they?

JG: One of them was Boyd Tackett.

ED: OK, from Texarkana.

JG: The other? Embry Pickett.

ED: Well, let's talk a little bit about Boyd Tackett. Did you go there so you could see Boyd Tackett perform? Had somebody told you about that?

JG: No, I went over there because the lawyer that I was waiting on was over there waiting, too, for his opportunity to appear.

ED: So this would've been at the Little River Courthouse.

JG: Yes.

ED: There in Ashdown.

JG: And the other one was Embry Pickett. But I'll be glad to talk about Boyd Tackett; he was quite an orator and quite a good lawyer when it comes to doing an argument.

ED: Well, he's kind of a legend.

JG: Yes he is.

ED: I've heard many a story over the years about Boyd Tackett. I guess I never knew him. Of course, he ran for governor in 1952. He had been a congressman then.

JG: Congressman, uh-huh.

ED: So he was no longer… I'd guess he'd been a congressman in the late forties and then, I guess, in '52 he leaves Congress and runs for governor and is defeated, ultimately, by Francis Cherry. So he's just now practicing law. At the end of his career he just practices law. He's no longer a congressman. He was a trial lawyer.

JG: Right.

ED: Do you remember anything about the case that you watched that day? Was it a personal injury case?

JG: No, it was a child-custody case. What I remember is that the other lawyer made the first argument in closing, and at the end of that argument I thought this is crystal clear, this guy wins. And then Boyd Tackett stands up and with his closing argument he completely turns me around.

ED: Did he win the case?

JG: He did win, he did. At that stage, you know, I couldn't appreciate the fact that it would've been nice to have heard the trial and what the facts were, you know. I just heard the closing arguments.

ED: Oh, OK. Did he represent the father?

JG: I don't even remember.

ED: Don't even remember that.

JG: I don't even remember that.

ED: Well was he orating?

JG: Oh yes.

ED: And walking around?

JG: Oh yes.

ED: It wasn't a jury trial, so it was in chancery court.

JG: Right, just the judge.

ED: So it was a chancery court and it was just before the judge.

JG: Right, a trial with the judge, yup.

ED: Who was the judge? Do you remember who the judge was?

JG: No, I don't remember that, but it was likely Royce Weisenberger.

ED: OK. So this would've been 1960?

JG: Eight, seven or eight.

ED: 1968.

JG: Somewhere along there.

ED: Was he still alive then? I guess he was.

JG: Oh, for several more years. You know, I was elected prosecutor here in 1976 and served the following six years, and at least twice he and I faced off against each other in the courtroom.

ED: Oh really? So you got to do battle with him?

JG: I got to do battle with him.

ED: He was a defense attorney for some criminal.

JG: He was.

ED: Or alleged criminal. So did that kind of trigger things, when you watched that trial that day? That this would be fun.

JG: That had an impact, it sure did. That, along with having the contact with the lawyers on a daily basis.

ED: And probably if you got to know him… Boyd Tackett had probably gone out and gotten drunk the night before. He was kind of a legend about that, too. Apparently he could go to the courtroom all liquored up and still outwit everybody else, if the stories are right.

JG: Yes, I have heard such stories.

ED: Had you heard of Boyd Tackett before that? Had you heard about him?

JG: I had heard of him, yes, I had heard of him.

ED: He had the reputation of being a fearsome trial lawyer.

JG: A good lawyer.

ED: But anyway, you get transferred to Houston and you go down there. This is the Houston office of the Farmers Insurance Group?

JG: Yes.

ED: You're still doing, claims adjusting and those kinds of things?

JG: Yes, yes.

ED: But you enrolled at law school there at?

JG: University of Houston.

ED: University of Houston.

JG: Bates College of Law.

ED: Bates College of Law. And you and your wife lived there in downtown Houston or close to campus?

JG: It was not very close. We lived about twelve miles from the campus and we lived in southeast Houston. The U. of H. campus is in southeast Houston.

ED: Now, children—did you all have children?

JG: One child. My daughter Christie was about two years old when we moved there.

ED: OK. And you would've been how old by then?

JG: Let's see… Twenty-seven.

ED: So you'd be twenty-seven, you'll be about twenty-seven.

JG: Right.

ED: So you enrolled in law school there. And this is at night. Did you go at night? Was it a night law school? Did you go to night classes?

JG: It was, yes, it was. But not just a night law school. It had been, I think, in years past just a night law school. They staffed with teachers who were mostly local practicing attorneys, but by the time I got there most of the students were full-time students and there were a limited number of us at night. But the practice of using local practicing attorneys had not faded away completely. I had Professor Wright, as a matter of fact, who was an Arkansas native and who taught tax. He was a full-time teacher, and I had one named John O'Quinn, who was a big time plaintiff's lawyer in Houston who taught at night. As a matter of fact, come to think of it, I probably didn't have Professor Wright at night. But John O'Quinn I did have at night for several criminal courses. I went at night for a year and a half and then I left my job and contracted with the same company part time as an employee and went full time to law school for another year and a half.

ED: So you were kind of a contractor, a part-time claims adjuster for Farmers Insurance?

JG: For the second half of my law school.

ED: Yeah.

JG: First half I was a full-time employee.

ED: Any particular aspect of the law that at time that caused you to say, "Well, I want to do this, I want to do criminal law, I want to do personal injury or insurance law or whatever?"

JG: You know, nothing was grabbing me positively. Strangely enough, I was developing an anti-criminal law inkling, I guess. Equally strange, I made my best grades in that area and I wound up spending six of my years as prosecutor where

that was my daily fare, so I guess in the long haul criminal law was probably my favorite, but for some strange reason it wasn't as a student.

ED: Not what you intended to do.

JG: Not what I intended to do.

ED: Yeah. So you graduate from law school in 19?

JG: '72, December.

ED: December 1972. And then you pick up and come back to?

JG: I moved directly to Hope.

ED: Start a law practice?

JG: I went to work for Judge John L. Wilson.

ED: Tell me about Judge Wilson. Had he been a circuit or chancery judge?

JG: He was the district, the municipal judge in those days.

ED: OK, yes.

JG: And for a few years, the first few years, I worked for him while he was serving on the Board of U of A [University of Arkansas].

ED: Wilson, John L. Wilson, was he from the farming Wilsons? He wasn't related to that family?

JG: Not that I know of. He didn't know much about or didn't say very much about his ancestry. He didn't know who his grandfather was and as a matter of fact there's a Wilson Cemetery named for his father in Lafayette County, just on the north edge of Lewisville. But Judge Wilson grew up and went to school in Hempstead County and went off to war and served in Alaska during World War II. He came back here and at some point he was mayor of the city and he was a municipal judge for a good many years.

ED: So did he contact you or did you contact him about employment?

JG: He was in the mix on the front end, you know, before I went to law school. You know, I had come from college to here and worked at the mill and he was the lawyer for Hempstead Manufacturing Company. And he had encouraged me to go to law school and that was, along with that experience in the courtroom and in

generally dealing with lawyers, pretty influential. He told me if I'd go to law school I'd have a job when I got out, so that was just perfect for me.

ED: So you knew you had a job when you got out, so you came back?

JG: Yes.

ED: And where was that practice? Did he have an office downtown?

JG: Over the years he had offices at different places. When I first met him and when I went to law school, he had an office downtown, but by the time I got out of law school he had a new building out on East Third Street, about six blocks from downtown, and that's where I worked.

ED: Just the two of you?

JG: Initially, yup, there were just the two of us. He had been around long enough that more people would come in the door than he could handle and by the time I got here I had lots of name recognition—not because of me but my family had been in this county since 1870. So my name brought some more business in and pretty soon–after about two years—we hired Charles Walker.

ED: Was he a fresh law school graduate at the time?

JG: He was, and a Hempstead County native.

ED: And had he gone to Fayetteville or Little Rock?

JG: He had gone to Fayetteville, yes.

ED: So what kind of practice… I guess in that kind of practice you practice a little bit of everything. You had a little divorce law, you had domestic law, you had occasionally personal injury cases, just everything?

JG: Uh-huh.

ED: Did you have to do any criminal work as well?

JG: I did. Yeah, in a small town you do everything to survive.

ED: Do everything. Do you remember your first case?

JG: I do, I do. I was appointed to represent an indigent defendant.

ED: Were you down at the courthouse? You're down at the courtroom that day and the judge appointed you?

JG: He did.

ED: Was that your first week or so at the firm?

JG: No, it wasn't. I didn't have an Arkansas law license when I came here.

ED: OK.

JG: And I had to wait until March to take the bar, so it would've been probably April or something before I found out that I passed the bar. So I didn't do any trial work until then, but in those years you could take the Texas Bar if you had sixty hours in law school so I'd already done that, had the Texas law license when I arrived here. So I could practice law but Judge Wilson didn't want me going into the courtroom until I got my Arkansas law license, so it would've been a few months later.

ED: So it wasn't a situation where you could get, what do they call it? Reciprocity, automatically since you got the Texas law license?

JG: No.

ED: You still had to take the Arkansas bar?

JG: Still had to take the Arkansas bar.

ED: To practice in Arkansas.

JG: Back in those days if you had another state's license for five years, I think that [reciprocity] worked.

ED: Yeah.

JG: But I couldn't wait five years.

ED: So do you remember the guy's name that you defended?

JG: I do.

ED: What's his name?

JG: McDonald.

ED: And what had Mr. McDonald done?

JG: He was accused of burglarizing a downtown store at night.

ED: Did he do it?

JG: The jury thought so.

ED: Good.

JG: There was an eyewitness, the most memorable part of the whole thing. There was an eyewitness. What had happened was that someone had broken the showroom window and taken two portable black-and-white TVs out and there was eyewitness who yelled about that time and the defendant sat the TVs down and ran.

ED: And the eyewitness identified Mr. MacDonald as the one.

JG: The witness identified him. So I, as a young inexperienced, greenhorn lawyer, cross-examined that witness.

ED: With no preparation—what a few minutes' preparation?

JG: Oh, really, none.

ED: None.

JG: The only thing was, the preparation was that he didn't do it. That is what he tells me. He didn't do it; he didn't do it, not there, not him. So yeah, I cross-examined the identifying witness. I made the point that it was late at night, 2 a.m. maybe. And the place where the window was broken was the middle of the block and the nearest light source was down at the corner. The perpetrator was dressed in black and was a black person, so I covered all those points in detail. And I might wind up with a question. So if it was 2 o'clock in the morning and this person was dressed in black, was a black person and the nearest light is two hundred feet or a hundred and fifty feet away, whatever it is, just how can you say that my client is the one who did that? And the answer—I'll never forget. He said, "Well, sir, I've been his next-door neighbor for twenty-four years."

ED: (Laughing) You didn't know that?

JG: No.

ED: So how did you feel at that moment? Did you turn red?

JG: I'm sure I did. But I did know that from going to seminars on trial that when you get stung the worst you thank the court and sit down, so that's what I did. "Thank you, your honor, no more questions."

ED: (Laughing)

JG: And the jury unloaded on him, gave him the max.

ED: So how long did he get?

JG: He got forty-two years.

ED: Forty-two years?

JG: Twenty-one years for each of those TVs that he didn't get away with.

ED: Wow. That's a pretty stiff sentence.

JG: Very, very stiff sentence.

ED: Well, was that his first offense? No?

JG: Likely not. I don't remember that part, although it always comes to my mind. I'm surprised I remembered his name, but what always comes to my mind is my question—not knowing the answer in advance.

ED: Well, it's amazing that he might still be in prison, I guess.

JG: He's not.

ED: He's not, he got out then.

JG: He got out in seven or eight years, five or six maybe.

ED: Yeah.

JG: He wasn't gone very long.

ED: That's a pretty stiff sentence.

JG: Very.

ED: And he got nothing out of it. He broke a window. That's all he did.

JG: He broke a window.

ED: So do you remember other early cases?

JG: Oh, I don't remember anything else that particular year. I guess the next case that comes to my mind is when I was elected prosecutor. Within the first week or two there was a case over in Texarkana where three youngsters from Indiana had taken the available money and guns from their three families' homes. One of their cars, one of the family cars… Apparently they had run out of cash by the time they were in Texarkana. They were in the process of burglarizing Howard's Discount

Store when two of them were inside. One was outside just across the street with one of his family guns. Basically a deer rifle—a rifle with a scope on it. When the two policeman came, they parked outside the view of this person around the corner but they came out in the front of the building, walking. When they did, this guy shot them both. One of them died at the scene and the other one survived and is still living today. And I got that case…

ED: One of your first cases?

JG: One of my first cases as prosecutor. These three kids were like fifteen, sixteen and seventeen years old. You know, even if you have ice water in your veins, you wonder what is going on with a fifteen-year-old or a seventeen-year-old to do that sort of thing. Anyway, that was a difficult, difficult case.

ED: So you prosecuted… There were three of them, right? I mean, were they prosecuted as adults?

JG: They were prosecuted as adults.

ED: They had committed murder?

JG: One count of murder, one attempted murder.

ED: Was this in Miller County Circuit Court?

JG: Yes, yes.

ED: Do you remember the judge? Weisenberger?

JG: It would've been John Goodson.

ED: John Goodson.

JG: Judge Weisenberger was not a criminal court judge; he was a chancery court judge.

ED: Chancery. And did they all three get convicted?

JG: They were. If my memory serves me correctly, they all wound up pleading guilty. We took the death penalty off the table to get the life sentences. And I kind of think they are all now out of prison.

ED: So when would that have been?

JG: That would've been in 1977.

ED: ’77.

JG: January 1977.

ED: So they would be fifty-two, fifty-three years old now, those kids. So you were deeply troubled about having to perhaps seek the death penalty or life imprisonment for these children.

JG: You know, as an elected prosecutor when somebody kills a police officer there’s a great deal of pressure to go for the death penalty, but I think that in that particular case the Texarkana Police Department, the folks the guys worked with, they were on board for a guilty plea for something other than the death penalty.

ED: Particularly because they were kids, probably, I guess.

JG: Uh-huh.

ED: Well, let’s step back a little bit. So you go to work for?

JG: Judge Wilson.

ED: For Judge Wilson and you handle all kinds of cases for a while, I guess probably some more criminal cases as well, probably a number of criminal cases during that period.

JG: Yes.

ED: So what was the period of time between then and when you run for prosecutor.

JG: I went to work for him in January 1972 and I ran for prosecutor in 1976.

ED: So four years.

JG: And then the election was over in the primary because there was no Republican opponent.

ED: The city prosecutor left and you had an open seat?

JG: At the time I announced that I was running there was.

ED: Who was the prosecutor at that time?

JG: Norman Smith.

ED: OK.

JG: But he withdrew before the filing deadline and Boyd Tackett Jr. got qualified as a candidate at the eleventh hour.

ED: So you had to run against Boyd Tackett Jr.?

JG: Technically, that's exactly accurate but the reality of it was I ran against Boyd Tackett.

ED: Yes, exactly right. So the district then… What judicial district was that?

JG: It was the Eighth.

ED: Eighth Judicial District and it included Hope; I meant Hempstead County, Miller County, Little River?

JG: No, Lafayette, lalong with Hempstead, Miller, Nevada, and Clark.

ED: Lafayette.

JG: Nevada and Clark.

ED: Nevada and Clark. So it went all the way from Arkadelphia to Texarkana?

JG: Uh-huh.

ED: It just went down that corridor.

JG: Plus Lewisville is off that track.

ED: Yeah, all right. And so what kind of race was that? Had you been involved in politics at all? Had you engaged in any kind of political activity for anybody?

JG: Well, I had been involved just a wee bit. Judge Wilson—No, Weisenberger. As a matter of fact, Judge Weisenberger took me.

ED: This is Royce Weisenberger?

JG: Uh-huh. Two years earlier, I guess it was. It was the first time that Jim Guy Tucker ran. Judge Weisenberger took me to a political event at Emmet, near Prescott, and when we got there Jim Guy Tucker wasn't there.

ED: Was he running for attorney general then?

JG: I think that's right.

ED: Probably would've been. He was the prosecuting attorney in Pulaski County and ran for attorney general.

JG: When we got there and Judge Weisenberger realized that Jim Guy Tucker didn't have anybody there to talk for him and he told me that I was going to make a

speech for Jim Guy Tucker and so I did. And that's the beginning of any political involvement for me.

ED: Do you remember what you said about Jim Guy Tucker?

JG: Whatever Judge Weisenberger told me to say.

ED: Did he tell you he's a good-looking fellow and he's a graduate… You probably didn't tell them he's a graduate of Harvard, did you?

JG: I don't know. I don't think I told them that.

ED: That wouldn't have helped him, I imagine.

JG: I think I probably just told them this is the one we need to pick for the job.

ED: I've forgotten who Jim Guy was running against. [Bill Thompson of Fort Smith]

JG: I don't remember that either.

ED: In '72, I'd have to think about that. I'd have to think about who was running in those days. So you made a speech for him and that was the extent of your political activity until then.

JG: I'm sure that I had done other things. Now, Judge Wilson had been a longtime friend of Tom Glaze's political enemy, the sheriff at Morrilton, and he had also been a longtime friend of the Old Guard. I'll say it that way. I think Judge Wilson was a member of the Old Guard.

ED: OK.

JG: And so at every election anybody who was running for office who came to Hope would come to our office basically to touch base with Judge Wilson. So I'd had that sort of contact in politics.

ED: Pryor or Bumpers ever come through? Did you meet them?

JG: Yes, yes. Clinton.

ED: Clinton. So Bumpers would've run in 1970 for governor, '70, '72, and David, I guess, ran in '74. Well, he was a congressman. This was part of his congressional district back then. David in the late sixties and early seventies was in Congress. This would've been part of his district.

JG: Yes.

ED: But had you met Pryor?

JG: Yes, I had met David Pryor, yes.

ED: And I guess Richard Arnold from Texarkana was in that race [for Congress in 1966].

JG: Yes, of course, when I was an insurance adjuster I called on the Arnold firm [in Texarkana], so I knew the Arnold guys.

ED: The father, I guess. Was he still practicing law down there?

JG: I don't remember that.

ED: Or did Buzz [Morris Arnold] ever practice law down there?

JG: He was in that office.

ED: Yeah, OK. That's Morris "Buzz" Arnold.

JG: Uh-huh.

ED: And Richard S. Arnold. Why did you decide to run for prosecutor?

JG: Well, I think it was a matter…

ED: Were you encouraged to do that?

JG: I was. I'd almost say I was told to do that by Judge Wilson.

ED: OK. And you had the Gunter name, which was a pretty familiar name in Hempstead County.

JG: Yeah.

ED: And I don't know about the rest of the district. Did you have any relatives down in the other areas? Was Gunter a big name down in Miller County, places like that?

JG: No, it was not. I don't know, there might have been a little bit of name recognition. The name recognition was not… Outside the immediate area of Hope there was probably not much name recognition.

ED: Well, when Boyd Tackett Jr. filed did you say, "Oh-uh, what have I done?"

JG: I did. I did.

ED: So what kind of campaign did you run?

JG: Well, I enlisted as much help as I could and I did some door-to-door handbill deliveries in the communities, in the cities. I started with the bigger ones and then

worked my way down, and as long as I could I kept on working my way down to smaller and smaller communities, smaller and smaller cities. With five counties doing door-to-door rural was pretty much impossible, but everywhere I could find one of those fish fries or cake sales I attended those things.

ED: Did you have to advertise, I guess, in the little daily in Hope and in Texarkana?

JG: Daily, same thing up in Arkadelphia.

ED: The *Daily Siftings Herald.*

JG: And there was something even back in those days at Bradley. The *Bradley Pioneer* might have been its name.

ED: Sounds right.

JG: They've been gone for a long time now.

ED: A weekly paper.

JG: There was a paper in Gurdon.

ED: *Gurdon Times*.

JG: I can't remember where else there might have been a paper. I did those things, yes.

ED: Was Prescott in that district?

JG: Yes, the Prescott paper. I did advertise in that, too.

ED: Did you get endorsements from the papers?

JG: No. Not that I remember.

ED: So what did Boyd Tackett Jr. do?

JG: Well, we did the same sorts of things.

ED: You all get out on the stump together sometimes?

JG: We did, we did.

ED: Both of you have to speak at catfish fries and stuff?

JG: We did.

ED: Was he as good as his dad at oration or didn't he inherit that gene?

JG: You know, I don't think even he would argue that he was as good as his dad in oration but he did a good job of talking and if I talked last he was nothing but

cordial about me, but if I talked first and I wasn't going to get to respond sometimes he'd throw a little dart.

ED: What did he say about you?

JG: Oh, I don't even remember, I don't even remember. But I just thought that the tenor of it was different, you know.

ED: Oh yes.

JG: If he had the second opportunity to speak.

ED: Well did you after him?

JG: I tried not to. You know what? The political advisers I had… I considered Judge Wilson to be a great political adviser and then there was a sheriff down in Lafayette County that I considered a great political adviser although I'm not sure I got much advice out of it. But I think it was Judge Wilson who said your chances of success are going to be a lot better if you run for something instead of against someone or against something, run for something. And so what I tried to tell folks is that I'd like for you to give me a chance to bring in some new blood. You know, it's time for a change. And that change wasn't from Tackett, it was from the guy who didn't run.

ED: Was the guy who didn't run pretty unpopular?

JG: He had had some issues, he had had some financial difficulties of some sort and even had had some merchants who were upset with him because of whatever fallout from that had been. That had probably played a part in getting Judge Wilson to ask me to run for that office.

ED: So at that time the primary… It used to be in August, but by that time it had been moved up and the primary was probably toward the end of May.

JG: Yes.

ED: And did you have a hunch you were going to win?

JG: No.

ED: Were you surprised you won?

JG: Yes, I was.

ED: Break down the vote. You carried Hempstead County?

JG: I carried four out of five counties.

ED: You carried all of them but Miller?

JG: All but Miller.

ED: And how bad did he beat you in Miller?

JG: Roughly sixty-forty in Miller.

ED: And how did it come down altogether, overall? So you must have beaten him pretty badly in Hempstead.

JG: Yeah.

ED: Hempstead would've been the second biggest county, I guess, or maybe Clark.

JG: I'm not sure which one was the second biggest but I won Clark by about sixty-forty. I carried every Gurdon box and every Arkadelphia box. He carried all the rural boxes but I got the ones where the most folks were.

ED: How did you beat him in Hempstead? Do you remember?

JG: It seems to me like it might've been as much as seventy-thirty in Hempstead County.

ED: And what was the margin overall throughout the district?

JG: I think it was about fifty-eight percent or so, something in that neighborhood. I frankly don't remember.

ED: Pretty decisive.

JG: It was, fairly.

ED: Yeah, it wasn't real close. You weren't waiting til the next day to see who won or anything.

JG: No.

ED: And you didn't have a general election opponent.

JG: Right.

ED: In those days Republicans in this part of the country weren't active.

JG: Republicans weren't successful in this area back in those days.

ED: So you become prosecutor and you operate basically out of here most of the time. You've got deputy prosecutors. You don't have to go to Texarkana or anything?

JG: Well I…

ED: But you traveled all of those places to prosecute.

JG: Yes, I did travel. I had a deputy prosecutor in each county although I had difficulty finding someone to take the job down in Lewisville [Lewisville County] for a while but when I wound up getting someone to do that job it was David Folsom, who later became a federal judge and has now retired from that.

ED: So you had to go down and try all the cases yourself. I guess there are not many lawyers in Lafayette County.

JG: Not many.

ED: Lewisville is Lafayette, right? Yeah.

JG: Yes.

ED: Yeah.

JG: You know I considered it my opportunity for gaining experience in the law. I know that some prosecutors hand everything off to their deputies to try. But except for a time when I had competing calendars—two different judges setting court cases at the same time—I made every, every trial and was a major participant in every trial, every criminal trial in my district during my term.

ED: So you were there six years?

JG: Yes.

ED: Three terms. Did you have any opponents in the next two terms?

JG: No.

ED: You mentioned that murder case with the three boys who killed the policeman and wounded the other one. Any other cases that are really memorable? Did you have any other big murder cases?

JG: Oh yeah. There were some murder cases; there were some cases that were investigated as though they were murder. I remember one that some folks thought was a murder but I thought it was an accidental death. A man—from the physical

evidence—apparently was about to use dynamite to blow up some stumps and was either putting the dynamite in or taking it out of his truck when, apparently already wired, one of those wires struck the battery and there wasn't enough left of him to identify. You know, the prosecutor gets involved in investigating. Yeah, I remember going to some murder scenes, some really horrible things to see at murder scenes.

ED: So you were kind of an investigator, too. You'd go to the murder scenes with police?

JG: I was not doing the investigation at the murder scenes but I was there to see what it looked like. In trying a case, to me knowing what the scene looked like makes it much easier than just reading reports about it.

ED: Did you ever get the death penalty?

JG: I never did.

ED: Did you have any personal reservations about the death penalty or just…

JG: I never had any personal reservations in those years about the death penalty, no. I'd asked for it five different times but no jury ever gave it. I tried.

ED: Did you develop some reservations about it over the course of your career?

JG: Well, yes. And I guess it was punctuated at the Arkansas Supreme Court. My position today is that it's not worth it to the taxpayer to have the death penalty on the books.

ED: That's right. Well, we'll get to that later on. I think there was a case you wrote the opinion on—the case involving the drug used. After a while we'll get to that, we'll talk about that.

JG: That's on the method of execution.

ED: Method of execution, yes. All right, well yeah, the reason I ask that is that I found that among a number of ex-justices some of them had reservations all along and Tom Glaze, who said that he had some reservations although he always voted to affirm death-penalty cases. But he said that he would like to see if they could have life imprisonment with no chance of parole in some of these really horrendous

cases—that he would support a constitutional amendment or something that would do that. But anyway, all the judges I've talked to all had begun to develop some reservations about it. Of course, the only one I knew of who was a firmly opposed to it all along was [Justice] Steele Hays, who was always against the death penalty. I don't know how his voting record went on that. Anyway, we'll get to that case later on, but were there any other memorable cases there as a prosecutor?

JG: None that come to mind immediately.

ED: So after six years you've learned a lot about the law. Did you get beat? Did you run again, did you run for something else? What happened?

JG: I was encouraged to run for the position that was coming open, a chancery position. At that particular time there were two chancellors in our district. Alex Sanderson was one of those positions and was retiring so I was encouraged to run for that position. You know, the background of the encouragement might have been that I had not been as easy to negotiate pleas with as the bar wanted. Maybe. I don't know exactly if that's it or not. But some of the bar members encouraged me to run for that open position.

ED: Some of them might have been saying, so let's get him out of the prosecutor's office.

JG: I'm sure.

ED: Get somebody more amenable to compromise, OK.

JG: And, you know, I was even told by a well-respected member of the bar that if you run for that position we'll see that you don't have an opponent, and that's the way it turned out.

ED: So you didn't have an opponent. Which chancery district? Was it the same district?

JG: It was, by then. I guess you know that in years past at some point the chancery districts and the circuit districts didn't overlap.

ED: That's right.

JG: But by then they did.

ED: Oh they did?

JG: At least here.

ED: Here, OK. And so you become a chancellor. Did you kind of look forward to that? I mean, it's a different kind of law altogether. You're not going to have juries, ordinarily.

JG: I did look forward to it. You know, I was not a full-time prosecutor in those days. I was practicing law and then the whole time I'd been a lawyer I'd been more in chancery court as a lawyer than anywhere else.

ED: So you're doing still a lot of chancery practice even in those years. How did you bide your time being prosecutor?

JG: Well, the fortunate thing is that by then there were three lawyers in our law firm and I was the prosecutor. My associate, Charlie Walker, was the deputy prosecutor for this county, so between the two of us we handled the prosecutor functions as well as another load, but, to answer your question, I probably spent, oh, between sixty and seventy percent of my time doing prosecutor work and the rest doing other law practice.

ED: Eventually, sometime along in there they finally decided prosecutors were going to be full time everywhere. I've forgotten when, in the '80's or something.

JG: In this district it was used sometimes as a plank in the platform to run. Someone would run saying "I'll be full time" and they'd get the legislature to make it full time. Somewhere along the road the next one didn't want to do that, so they'd get the legislature to make it part time again. But I think you're right. In today's world, maybe they all are full time.

ED: I think they all are now, yes. So now you're going to be a chancery judge and six-year terms, I guess, for chancery.

JG: That's right.

ED: So it's going to be a six-year term—one advantage over circuit judge that I never understood. Of course, they [circuit and chancery courts] were put in the Constitution at different times.

JG: Well, then, of course, the prosecutor was two.

ED: The prosecutor had two-year terms.

JG: I was going to get to go six years.

ED: Without having another race.

JG: Another race.

ED: Yeah. And I guess the pay was probably a little better than prosecutor?

JG: It was.

ED: Yeah. So you become an equity judge and how long did you do that? Let's get the dates right. That would've been '82 that you got elected?

JG: It would've been beginning in '83. I served, '77, '78, 79, '80, '81 and '82 as prosecutor, and I started serving in '83 as chancellor. By '92 we had by special legislation made all of the positions in this judicial district combination judges, both circuit and chancery.

ED: And how long were you a chancery and then a circuit/chancery judge

JG: The combination of the two positions?

ED: Yes.

JG: Twenty-two years.

ED: Twenty-two years. From'83 to?

JG: To '04.

ED: To '04, all right. But for the first few years of that you're doing equity cases altogether?

JG: Yes. My responsibility was limited to equity cases and probate for, I believe, eight years, or maybe it was ten years—eight to ten years. Even though in those years especially early I'd volunteered to substitute for judges in other districts, so I'd had a few cases other than equity by assignment outside my own district.

ED: The Supreme Court would assign you?

JG: Yes.

ED: To do maybe a criminal trial someplace, El Dorado or someplace like that. Do you remember any cases? I guess most of those were domestic disputes that you're

handling—custody, child, property cases and those kinds of thing as chancery judge. Do you remember any big disputes?

JG: Yes. You know, as a matter of fact, I can remember taking an assignment over in Conway County to decide a landline dispute on the side of Petit Jean Mountain. I don't remember any of the people—just generally having that kind of a case. I do remember an estate that was in Miller County. When mom and dad died the seven children got crossways with each other, there were many, many years litigating, in and out of court. I remember one of my early divorce cases. That was when I was a lawyer. As a judge I think the most dramatic to me in terms of what happened was a case—it was a landline case down in Miller County, an argument about a property line that separated two forties. The difference of opinion was where the corners were—at the north end it eighteen inches and at the south end it was thirty-five inches. So we're talking about a piece of land that's eighteen inches wide on the north, thirty-five inches wide on the south and a quarter mile north to the south. By anybody's math, that's less than a tenth of an acre. It's probably less than a twentieth of an acre. I wondered about the sanity of everybody involved.

ED: They couldn't settle a little matter of a few inches?

JG: They couldn't settle. The economic value of that piece of property—if it was worth a thousand dollars an acre, it was a hundred to two hundred dollars, the total economic value of it. And they spent between six and ten thousand dollars on lawyers in that case.

ED: And all because of just personal animosity, probably.

JG: Yeah.

ED: Nobody wanted to give an inch.

JG: Nobody wouldn't give an inch.

ED: Yeah. So you had to decide that case?

JG: Yes.

ED: Well, you mentioned divorces. I assume there was a lot of unpleasantness about that: angry husbands, wives threatening. Did you ever get threats and so forth?

JG: Me?

ED: Yes.

JG: Yes, I did.

ED: Quite often?

JG: Not very often. I don't know if there's some things I never learned about. But there was one I was well acquainted with. A man called me and told me he was on his way to put my lights out. But he was drunk and I knew who he was. I called the sheriff, they picked him up and by the next day he was docile. And he has become a farmer, owns some property and seems to be doing fine. Another one: I learned about this guy—actually a lawyer called me and said, "I can't tell you who I am because this is my client I'm going to tell you about." By the time he got that far, I knew who he was. I recognized his voice, but I didn't give him away. He told me that his client told him he was on his way to kill me and Judge [Ted] Capehart in Ashdown [Little River County]. And he was intercepted.

ED: Now was this when you were an attorney?

JG: A judge.

ED: You were the judge and had you rendered the verdict—had you granted divorce or custody, or a property arrangement?

JG: I'd done something involving custody of his children. And that was a case that I'd done by assignment over in Ashdown. I didn't remember the guy's name but he had apparently remembered me. Anyway, he was intercepted later that evening and he wound up doing some time because of the threats to the two judges. I do remember another one. I got a middle-of-the-night call. It was a female voice and it basically said that my time here was real short and then hung up. I didn't recognize it immediately, but I knew it was familiar. About a week later, the night before a scheduled case in Miller County, it came to me that this was the mother of a young man who was going to be in front of me the next day in Miller County. So I had arranged for extra security that day but nothing ever came of that.

ED: Did you spend some sleepless time with incidents like that?

JG: The only one that really bothered me was the one where the lawyer called me and I was still at the office before five o'clock. I left the office and went home and my wife and I went upstairs. Of course, the doors were locked and I had prepared for the event that somebody might try to come into the house. But after a few hours I got a call that the person had been arrested. So, actually, I didn't lose any sleep after that.

ED: Well, that would be distressing anyway and to your wife as well. I guess we need to go back. You still had the one daughter or you had more than one child?

JG: I have two children.

ED: OK.

JG: A daughter and a son.

ED: And what's the son's name?

JG: Craig.

ED: Craig. So during this time when you're a prosecutor you've got your family there as well.

JG: By then my kids are adults. It was well past my prosecutor years.

ED: OK, they're adults by then.

JG: Uh-huh, gone.

ED: They're gone. All right. So you're twenty-two years as a judge and most of that trying all kinds of cases—some criminal cases and personal injury, plus all the equity cases. By the way, did you have any other elections during that time or did you run unopposed after that?

JG: I had an opponent in my very first race and sometime in the early nineties I had an opponent, and then I had two opponents when I ran for the Supreme Court.

ED: Yes, the Supreme Court.

JG: All the other elections were unopposed.

ED: OK, all right. So do we need to take a break for a second? Do you need to get up and walk around?

JG: Yes.

ED: OK, all right.

(Pause)

ED: OK.

JG: Test, test.

ED: All right.

JG: Testing.

ED: We're going.

JG: Oh good.

ED: Well, Judge, are we getting down the point when we need to talk about the Supreme Court?

JG: Sure.

ED: Anything else to talk about in your trial court years? So in 2004 you decided to run for the Supreme Court. Let's set the stage. Who is retiring in 2004? Whose seat did you take?

JG: Ray Thornton.

ED: Ray Thornton. OK. So Ray Thornton in 2004 decides that he's past the age of seventy and I think he said he needed to spend more time with his family, but basically the retirement law says that you have to forfeit your judicial retirement if you run for re-election after you're seventy, right? The law's something like this?

JG: Yes.

ED: So he decides to retire and you announce for that seat. I've forgotten who else?

JG: Collins Kilgore.

ED: Collins Kilgore, who's a chancery or circuit judge from Pulaski County.

JG: And Paul Danielson.

ED: And Paul Danielson, who is?

JG: In Logan County.

ED: Logan County. Who subsequently, I guess, ran again—maybe two years later?

JG: Two years later.

ED: Two years later and gets selected. So, the three of you were opponents in that race. Two of you from the same neck of woods down here and then Collins Kilgore from Little Rock. And I've forgotten whether there's a runoff?

JG: Yes sir.

ED: So between you and?

JG: Collins.

ED: Collins. And did you have to go around and make a lot of speeches around the state?

JG: Yes sir.

ED: A lot of chicken fries and fish fries and so forth?

JG: A lot of fish fries, yes sir, as well as coon supper, spaghetti suppers, as well as oyster suppers.

ED: So how did you handle that race? Did you talk about Collins, the school case? Of course, the school case [*Lake View*] was the biggest case that we've had probably in the last thirty or forty years. There were other cases that preceded it going back to the seventies and all the way through and there's a lot of unhappiness over his decision and ultimately the Supreme Court's decision. Did you all talk about that during the campaign?

JG: That was one of the main things that Collins talked about in his political speeches.

ED: Yeah.

JG: I had sort of a general speech that I'd worked out with Roby Brock, my consultant. One of his advices was, no matter what the question is you give them the same speech. Just find a way to do it.

ED: Yes, exactly. Well, we see that all the time.

JG: Yeah.

ED: It works in presidential campaigns as well.

JG: Yeah. I guess my campaign speech was: Give a new guy a shot. And I didn't have to campaign on the school case because Collins did.

ED: OK. Did it seem like, "I just have to get out there and defend it?" I guess that's what his impulse was because that would not have been a popular thing out in the state.

JG: It didn't come across to me that way.

ED: OK.

JG: It came across to me that he was proud of that decision and he wanted people to know that he was the author of that opinion. What he knew was at home that was the message that people wanted to hear in Pulaski County.

ED: Yes.

JG: By and large.

ED: Yes.

JG: They thought it was a great idea. But you didn't have to get far from Little Rock before the story was quite different.

ED: Certainly.

JG: And I don't think that became apparent to Collins until we passed the primary.

ED: Well, that's surprising. It had occurred to me when he announced that he was going to run. I like Collins, though I didn't know him very well. I liked him, thought he was a good judge, but I thought he can't get votes outside Little Rock. But I would've thought that he would've recognized that and tried to change the subject.

JG: Well, as it turns out—I've said this so many times—the stars just lined up for me. You know, I couldn't win a statewide race tomorrow on a bet. And everything just lined up at that particular time. But there was a network out there that I had nothing to do with. But Collins had a lot to do with creating a network for me.

ED: Yeah, you or Danielson or anybody.

JG: Whoever else was out there.

ED: Little Rock versus the rest of the state, basically.

JG: Yeah.

ED: You've got that dynamic working ordinarily anyway but in this case multiplied.

JG: Yes. The school case was a big thing. All those small rural schools saw that as equity for me. It was like my very first statewide race. I don't think anybody voted much for me. They knew my opponent's name and they wanted an option. I kind of think that's really what happened because I was the option that was chosen.

ED: Well, I've forgotten. I was going to look it up, but I've forgotten and I'll go back and flesh it out, but in the first primary how did it filter out? You led the ticket?

JG: I led the ticket.

ED: You led the ticket?

JG: At about 38 percent and Collins had about 32 and Paul Danielson had about 31. Fewer than two thousand votes separated the two of them.

ED: That was a pretty close election overall then. And you carried pretty much all of south Arkansas and southwest Arkansas, I guess.

JG: In the primary?

ED: Yes, first primary.

JG: Yes, I did. I didn't carry Ouachita County and Camden, and there were a few counties right up the middle, Ouachita right up toward Pulaski County, one or two more counties that I didn't carry. And I didn't carry the southeast corner of the state at that point.

ED: So it's you and Collins in the runoff. Did that issue focus more in the runoff?

JG: No.

ED: So you had three weeks, I guess, by that time?

JG: No.

ED: No, it goes to the general election.

JG: Yes, it goes to the general election.

ED: By this time we're no longer having runoffs in the primaries but it goes to the general election.

JG: Well Collins and I were side-by-side at a board meeting four times a year; we're both on the Judicial Retirement Board. And he told me that no matter what happened in the primary he was taking two weeks off so I took advantage of him.

In those two weeks I worked the counties that Paul Danielson carried as hard as I could. And then wound up carrying, I think, every one of those that he carried.

ED: So his trick was basically west Arkansas north of you.

JG: Right up the river, yeah. Paul Danielson was right up the river from Conway to Fort Smith. I don't think he carried Conway but all the other counties along the river all the way to Fort Smith and either side of it and a few others scattered around.

ED: He had been a trial judge up there, right?

JG: Yes, he had been a trial judge for twelve or fourteen years.

ED: Yeah.

JG: Or something like that.

ED: Over there in the River Valley area.

JG: Yes.

ED: Arkansas River Valley.

JG: And he served Conway County, which is Morrilton, right straight west almost to Oklahoma.

ED: So you had basically six months from the end of May to November.

JG: From May to November.

ED: That's a long time. So did you have to go out every weekend around the state to campaign?

JG: Almost every day

ED: Every day.

JG: Almost every day. I went to all the events and, of course, some of the events were before the primary—things like the Coon Supper and the Oyster Supper over in east Arkansas and some things like that happened.

ED: Every day.

JG: Every time there's a political event I went to every one of those things: the Fourth of July. There's a tour up in north Arkansas. I did that one.

ED: Portia and Rector and all those Fourth of July picnics all day long, I guess.

JG: Yes.

ED: You've got a picnic every hour or two.

JG: The most focused of the antischool case came out, I think, at Portia, a little old place I'd really never heard of before. Somebody was going to introduce me that I didn't know very well, but as it turns out when the introduction was over I could've just said, "Thank you, I appreciate your vote" because that guy, I mean, he clearly…

ED: He talked about that school case?

JG: He laid it on him. And I knew Collins. Bless his heart, I was feeling sorry for him because when it came his turn he said a few things and then got in his car and immediately took off. That was one place that he was not at home.

ED: Yeah.

JG: And I really hated it. I would never have ever asked for anyone to say anything like that.

ED: He really hammered him?

JG: He hammered him.

ED: Was he a local lawyer or just somebody?

JG: He was a local politician.

ED: Politician.

JG: Yes.

ED: Yeah.

JG: You know, he wouldn't have done it except he knew that the constituents had that sentiment.

ED: Yeah. So this is a judge that's going to destroy your local schools, your small schools, take away your small schools.

JG: You know, and there's a lot of little old towns still in Arkansas.

ED: Oh yeah.

JG: Where that's the industry.

ED: That's it.

JG: The only industry.

ED: Yeah, that's it. So how did it go in the general election?

JG: Percentages?

ED: You won pretty decisively, as I recall.

JG: I took sixty-five out of seventy-five counties, 57 percent of the votes to 43.

ED: So you take office in January of 2005.

JG: '05, yes sir.

ED: And get an apartment in Little Rock.

JG: I didn't immediately. You know, I'd been driving the state from border to border on a daily basis and I thought this is easy; it's a hundred and ten miles one way. But what I hadn't counted on was how much time I needed to spend reading. I couldn't afford two hours each way. I drove two weeks back and forth.

ED: Did you know how daunting, how much time being a Supreme Court justice took?

JG: I did not. I did not have any idea how much time it was going to take. I think that the general public thinks that the Supreme Court members don't have to do anything. But it's been, in my lifetime, the most demanding job, by far, that I've ever had.

ED: Well every judge that I've talked to all say that. It just really eats takes all your time.

JG: All your time, yes it does.

ED: Weekends, nights, all day, every day.

JG: The way the distribution of the cases go, you know, you get your new cases on Thursday and you head home with fifty pounds of reading material.

ED: Yes. So after a few weeks you decided that you needed a place in Little Rock?

JG: From that point I got the upstairs at one of my wife's cousins and used it for, oh, maybe two months, and then I rented an apartment and kept it for a couple of years. Then I got a condo over there by –

ED: Round River and down by Rebsaman Park.

JG: Yes.

ED: Well, let's set the stage for the court. Who would have been there at that time, Dub Arnold, I guess.

JG: He was gone.

ED: He was gone as the chief justice. And Jim Hannah had been elected two years earlier, or it was the same election as chief justice?

JG: Betty Dickey was still there.

ED: Betty Dickey. She had been appointed by [Governor] Mike Huckabee.

JG: You're right. Jim Hannah had been. He had a term.

ED: Yeah.

JG: But in the middle of the term he ran for chief justice.

ED: Yes.

JG: And it was at the same time. He and I ran side by side.

ED: OK. So he was running for chief justice. He was already a sitting associate justice.

JG: Yes. Jim Hannah and Betty Dickey.

ED: And she's got what, two more years?

JG: Two more years.

ED: Yeah.

JG: And then Justice Corbin.

ED: Donald Corbin.

JG: There was Justice Glaze.

ED: Thomas Glaze.

JG: Justice Annabelle Imber.

ED: Annabelle.

JG: Justice Bob Brown.

ED: Robert L. Brown and you. So that's seven, right? We've got them all?

JG: Yes sir.

ED: All right. Did you know any of those before you went on the court?

JG: I did. I knew every one of them except Betty. And I had campaigned a little but for Bob Brown when he ran because my court reporter had worked for Bob Brown as

a youngster when she went to business school in Little Rock. And then she had a job working for the firm that Bob Brown was in back in those days. So she was really excited about getting him elected, so I was drawn into that a little bit.

ED: So that would've been back, I've forgotten when, late eighties or 1990 or somewhere.

JG: I think it was in '92.

ED: That could've been, he beat Judith Rogers.

JG: Right.

ED: For the Supreme Court seat.

JG: And then Judge Glaze and I had some election-related contact. I'd been assigned a case over in Mount Ida to sort out some problems with an election. When I got through with my investigation of it I ran into something there where I just couldn't find any law on it at all. So I called him and laid it out and he says, "Well, I don't know of any law on it either, but it kind of looks to me that this is what you ought to do. And that's what I did and it withstood the test.

ED: Well, was that when he was just a lawyer?

JG: He was an assistant attorney general.

ED: OK, all right. He was assistant attorney general under Joe Purcell or deputy attorney general. I've forgotten his title at that time.

JG: Right.

ED: But he was kind of the election law –

JG: Expert.

ED: Expert there.

JG: Yes.

ED: At the attorney general's office.

JG: You know, with respect to all those guys who had been trial judges before, I'd been acquainted with them because I had been involved in the trial judges organization for those twenty-two years and had been president of their organization a few years earlier. So I was well acquainted with the ones who had

been trial judges. And even the ones who hadn't been still attended our semiannual meetings.

ED: Were you familiar with how the court worked internally?

JG: No sir.

ED: Before you went on the court?

JG: No. I took the Bob Brown/Annabelle Imber course.

ED: OK.

JG: When I got there they took me aside one day for a couple of hours and said here's the way it goes.

ED: OK. And it was explained to you that all these cases come in and everybody's assigned on a rotating basis—everyone's assigned cases in rotation.

JG: Yes.

ED: And then you read it immediately and come back prepared and you analyze your case and whether you're going to affirm or reverse and you've got an opposite judge and a backup judge on each case—all of that. I think George Rose Smith worked out that system way back there.

JG: Yes. I've heard his name mentioned many a time in conference.

ED: Yes. Well, I guess nobody on the court at that time had actually served with him. Tom Glaze took his place when George Rose Smith retired in '86, but I guess nobody by that time had actually served with him.

JG: No one.

ED: But anyway, all these interviews –

JG: He's still in the conference room every time they meet.

ED: Yes, yes, yes. And he would love that.

JG: Yes.

ED: Because he was a judge, what, forty-six, forty-eight years, I think, on that court.

JG: A long time.

ED: Yeah, yeah. But as you said, you were surprised about the workload. So tell me about what your week would be like.

JG: Well, until I settled down and got an apartment and stayed in Little Rock during the week it was hectic—very, very hectic. I get my new bundle of cases and I'd read it at night until I couldn't stay awake anymore and I'd get up in the morning as early as I could and read some more. And if my wife and I went anyplace I took all my reading material with me. And even if we were overnight somewhere I'd be up in the hotel room at four or five o'clock in the morning reading until she woke up. And when I got the condo and was there every week it was almost the same thing. I'd read at night until I couldn't and then get up early the next morning and read some more.

ED: And where did you write? Did you write at home?

JG: I did that at the office.

ED: So you went to office and wrote the opinion. So you get the case on Thursday. OK, you have to read all the cases, not just yours?

JG: Right.

ED: But you had to read everybody's cases and then come back the next week and be prepared to talk about your case.

JG: Two weeks.

ED: Two weeks.

JG: Yeah. We'd get them on Thursday and actually thirteen days later we'd talk about them on Wednesday.

ED: OK. And at that time you had to be prepared to talk about –

JG: My case.

ED: Your case?

JG: Present it.

ED: And present your case and defend it and argue it but then you had to read all the others and be prepared to vote on all the rest of them and to debate as well. And particularly on the case where you're the backup judge. So you've got two cases that you're really supposed to hone in on.

JG: You quickly learn the order of things. The one that's my case I'm going to present it, so that's number-one in priority. Then the one I'm a backup on I'm going to be the second person to talk so that's the second priority. But then you also know in advance the order that the others are going to be discussed, and the last one that's going to be discussed is the lowest priority for me. And so I would begin, you know, to be prepared on my own and then work through the others in that sequence.

ED: And so you came back in two weeks and presented your case. Do you remember your first case?

JG: No.

ED: Do you remember whether –

JG: I remember the first one that I had trouble with.

ED: Yeah?

JG: It was the Fudge case [*Fudge v. State*], a 2005 case.

ED: What was the Fudge case? [Following the grant of post-conviction relief, the trial court found ineffective assistance of counsel. Both sides appealed. The court divided on the issue and also took different tacks on other issues.]

JG: And I don't remember what it was about. What I remember was the trouble that I had. I wound up having three votes for me and three votes for another position and another one in the middle somewhere. And that's the way the case wound up getting decided. It was a wasted trip. You have to have four votes to overturn. If it's not four votes to overturn, then it is affirmed by the nature of things. But what I learned about that case from the way the court works is I think the first vote was four votes for me. So I listened to the three and I think, "Well, if I tried to incorporate their thoughts into an amended opinion then I will increase the number of votes." Wrong. I lost one by doing that and never recovered it.

ED: You don't remember what the case was about?

JG: I don't even remember what the case was about.

ED: But it was titled *Fudge*?

JG: Fudge was one of the parties' names.

ED: So it came out three-three.

JG: Three-three and one.

ED: And the one was?

JG: I know who the one was.

ED: But what was the position of the one? Couldn't agree with either? [Justice Brown agreed in part with Justice Gunter but not entirely. He did not find ineffective assistance of counsel.]

JG: Right, couldn't agree with either side.

ED: So did it wind up as kind of an extension of something?

JG: Oh no, it was a concurring opinion.

ED: Concurring. It was a concurring opinion but it kind of diluted the…

JG: You've got several pieces of the pie here. Maybe there were four points, and maybe he concurred with point three or whatever.

ED: OK, OK. Well, we talked about the school case, but I guess that one of the reasons you got elected to the Supreme Court was the hostility toward Collins Kilgore, who had rendered the trial court decision that went up to the Supreme Court on appeal. But all of that had been pretty much decided before you went on the court. In about 2002 they had upheld Collins Kilgore, maybe seven to nothing. I forgot whether it was a unanimous decision. And then it got bounced around a couple of years. It went back and forth and they decided whether the legislature had complied with its obligations under the first *Lake View* decision. And I think it comes back when you take the court in 2005; it comes back again, doesn't it?

JG: It comes back in one form or another, yes, on a motion that came out from David Matthews' office.

ED: David Matthews was one of the attorneys for, I guess, the plaintiff's side.

JG: Yes.

ED: I guess they were essentially saying that the legislature and the governor had not fully complied with the order in their *Lake View* decision. I don't know whether

they had appointed the masters at that time and the masters came back and said no they hadn't complied. So you sat on that case, right?

JG: I did.

ED: And how did that come down?

JG: Well, I wound up being one of the dissenters in that case.

ED: OK.

JG: But the moving party prevailed and the court ordered that the legislature spend about $5,400 per student to comply with the fair-and-equal-education terminology out of the original *Lake View* case.

ED: So you dissented. Do you remember how it comes down? Was it five to two or…?

JG: I can remember that there were two dissenters, Justice Hannah and myself.

ED: OK.

JG: I'm not certain if there was a third one though. I don't remember there being a third one.

ED: I'll have to check on that. So on the dissent, did you write a dissent or did Hannah? Hannah wrote the dissent.

JG: Hannah wrote a dissent and I joined him.

ED: OK. And I've forgotten whether you said it was beyond the court's prerogative to do that—that it's a legislative prerogative?

JG: Well, you know, the very method for which the case was brought to the court was an anomaly. If I were to decide tomorrow to go file a motion to open a case that was decided in 1930 I'd just be laughed out of town. Or even if I filed a motion to reopen one that was decided in 2010 it would probably be the same thing, but that's what happened in that case. But as Tom Glaze once said, the court can do whatever it wants to with four votes, and there were four votes.

ED: Yes.

JG: To accept that as a case at that particular time.

ED: Yeah, I don't know whether you're familiar with Tom Glaze's history on it. Back in the early goings, in the 'nineties, he was on the other side and then came around

to being, I guess, probably the most insistent and strongest advocate of the court of issuing a mandate in this case.

JG: Well, that's kind of an interesting thing that you brought forth there—that he had been on the other side. But it seems to me that most of the judges, having come from the other side, accept the precedent set by the majority in most cases. I know of a few situations where that's not the case but I didn't like it. If I was a minority member I didn't like it but that's what the majority decided and that's the law unless it's changed. So what's different that we should change it?

ED: Well, did it come back again? That was right after you went on the court, I guess. It wasn't long after that when you went on the court that it came back before you on that.

JG: Yeah, I don't remember it coming back again.

ED: I guess it didn't, then the next thing was—what was it last fall?—that you had an entirely separate case come back that affected the small rich school districts.

JG: Oh, the ones that wanted to keep the money.

ED: Keep the money.

JG: They didn't like the turnback method.

ED: Yeah. Was that after you left the court or before you went out?

JG: We had a case like that while I was on the court [*Kimbrell v. McCleskey*, 2012].

ED: Right at the end.

JG: Where one of the school districts down in Hot Springs Village...

ED: Yes, that's right. The big fuss over that. The court split four to three?

JG: That sounds about right. I don't remember that.

ED: And I think Paul Danielson wrote the opinion and I remember that Bob Brown and maybe Hannah wrote real contentious couple [dissenting] opinions on that. Do you remember how you came down on that?

JG: I did not participate and George D. Ellis of Benton sat for me.

ED: That was right at the end of your term, I guess. Seemed like November or December of last year.

JG: The whole idea of our tax structure, as I understand it, is that the state does the taxing and requires the school districts to set the millage rate. There's some parameters where the millage rate has to fit and if they don't fit in that parameter then there are consequences, but those two school districts made the argument that we're collecting more money than we need and we ought to get to keep the excess.

ED: Yes. And the court minority, I guess, would've been Bob Brown and maybe Hannah. I don't know who else [Donald Corbin dissented, too]. But they said "Well, what we decided back there and the purpose of that constitutional amendment in 1996 was that that 26 mills belong to the state and the state should redistribute all of it. Anyway, it was a pretty nasty dispute, I thought. The court seemed to be pretty divisive.

JG: Yes, but I did not sit on that one.

ED: I hadn't seen anything like that for quite a while. All right, let's talk about some other cases. Early on, we talked about the death penalty. You had that case that came along about three years ago involving the method of execution. You wrote the decision in that case. Tell me about that. Review that because it's the latest. It's still a dispute, although it's not bothering Arkansas as much as the rest of the nation.

JG: Yeah. I think it was Ohio that recently had some issues. Interestingly, in my research Ohio had one of the ones [a cocktail of drugs] that was working at the time. But the Method of Execution Act came under attack in that case that you're talking about and the holding, as I recall, was basically that the legislature had farmed out some duties to the executive branch that they didn't give enough direction to. There was too much leeway left in the hands of the executive branch, mainly the prison officials who were going to carry out the punishment that was the focus, I think, of the decision. A couple of things I remember about it was that the statute says that the one in charge of execution can pick from one of, I believe,

four things named, one of which was a saline solution. To me there was at least an argument for why would it be written that way, leaving it up to them to decide to inject saline solution only. If saline solution only had been injected for a long enough period of time it would've killed the person but it would've been after a long period of excruciating pain. The other thing is there was in place a method that they were following at the prison that had been blessed, if you will, by the federal court system. So why that particular method was adopted by the legislature to be imposed specifically in the way that it had been blessed by the federal court system I don't know, but that's not what happened. The legislature got upset because of the overturning of that case and lots of law enforcement, no doubt, got upset about overturning that decision, but the ultimate holding, really, is to the legislature—that they had given too much leeway, too much decision making, to the executive branch on how to perform the executions.

ED: So we haven't had an execution in Arkansas in quite a number of years and it looks like we're not likely to have an execution anytime soon because of the difficulty obtaining any kind of suitable drugs that would meet the constitutional requirements against cruel and unusual punishment. So you have developed the idea that, well, maybe we ought to just abolish the death penalty and have something else in its place that's workable.

JG: Well, you know, I cannot argue that there's never been a defendant that didn't deserve, after being found guilty, to get the death penalty. I do think it's entirely possible to find that situation. But the problem is the idea that if you made a mistake as a judge it is so pervasive among the judiciary, up to and including the U.S. Supreme Court, that arguments against the death penalty don't have to be nearly as strong as arguments against some other issue in order to prevail.

ED: The consequences of an error are so terrible.

JG: The consequences of an error are final, you know. After the death penalty's been imposed, it's over. So, just because of the amount of resources thrown at

defending the death penalty it seems to me that the taxpayers would be way ahead to get rid of it.

ED: Another aspect of the judiciary is that in Arkansas we elect our judges and always have as in a number of states. I wonder, as a judge, both as a trial judge and as a Supreme Court justice, did you find that weighing on your mind from time to time. I'm going to have to face re-election, and this is a potentially politically damaging case that I've got before me. Does it weigh on your mind that how I rule might determine my political future? Should I rule this way or that way?

JG: You know, I think that the judge needs to be willing to take the facts that are presented to him, apply the law, and follow the Constitution. You know, my oath as a judge was to support both the U.S. and the Arkansas Constitutions and whether I'm elected or not I've still got to sleep tonight. If I'm a judge and making this decision I need to be able to rest tonight when I go to bed.

ED: Yes.

JG: I don't remember worrying about political consequences. If I did then I disqualified. You know, you don't have to try this case; you're not boxed in.

ED: Yes. Well, when you're on the Supreme Court there were a few cases that came along… Well, the school case would've been probably not the kind of case that you're worried too much about, but you've got some other cases like the sexual-orientation cases where I believe you all had a case, not on gay marriage but on the adoption and foster parenting for…

JG: Same sex… There was the case of *Bethany v. Jones*, in 2011. A former same-sex partner was awarded visitation. The natural parent appealed. I was with the majority [5-2] to affirm.

ED: Same-sex couples.

JG: Couples.

ED: But the court struck down the initiated act that prohibited same-sex couples from adopting or serving as foster parents. I forgot. How did you rule on that? Do you remember?

JG: I don't.

ED: I think that might have been a unanimous decision, I don't know. Anyway, there's a lot of feeling out there. That's a hot issue with so many people.

JG: A lot of times issues before the court are not the same as seen by the public, too.

ED: Exactly, it's a legal issue; you're just looking at it purely as what the laws require, what the statutes require and the Constitution. So you don't remember how you came down on that one? That's been about five years ago.

JG: I remember there was the case that I think was out of Garland County that involved a same-sex couple where visitation was an issue [*Bethany v. Jones*].

ED: OK.

JG: And I don't remember there being anything that I thought had anything to do with whether they were male or female, you know, seeking custody. It seemed to me I agreed to affirm whatever the trial court did in that case.

ED: Yeah. Well there's another case, I guess, that would come down to some local perspective. That was the SWEPCO case.

JG: I'd recused on that one.

ED: Did you recuse on that?

JG: I did.

ED: Because you were… ?

JG: I recused on that one for the very thing that you said earlier—almost but not exactly the same thing you said. Before that case ever came to us we knew it was on the way and I started getting people, locally, just going out to eat or going for a cup of coffee starting to talk about the case. I didn't see how I could be totally objective when there was so much local interest here.

ED: Yeah. To summarize, the Southwestern Electric Power Company had applied for a permit, a certificate of convenience and necessity, to build a big coal-fired electric generating plant outside Hope, I guess not far away, down at McNabb.

JG: About ten miles west.

ED: Yeah, about ten miles west of here. It went before the state Public Service Commission to get that permit. It was a big, big case that went on for a long, long time and I think all the local people in southwest Arkansas strongly supported it, or at least I got that impression, except for some people who had some property there, the hunters who had a hunting camp or something at the…

JG: Grassy Lake.

ED: The Grassy Lake area, those guys. So ultimately it goes up—they get the permit but it ultimately goes up to the Court of Appeals and they unanimously kick it back and said no, the Public Service Commission was wrong in granting that permit. They should've had a single hearing for both, to determine whether there it was convenient and of sufficient necessity and whether the environmental consequences were too great. It was on technical grounds. Then it went to the Supreme Court, but you recused because everybody you knew was involved in that case down there one way or the other, right?

JG: Yes. But yeah, I knew lots of folks on both sides of that issue.

ED: Yes. Well, that's a natural kind of case where you would recuse. What about the personalities on the court? Was there a lot of camaraderie at that time?

JG: When I went on the court that was one of the things that was so refreshing to me. You know, you duked it out, so to speak, in the morning. You told your fellow judge across the table how stupid that seems, and then go to lunch and have a good time.

ED: Yeah.

JG: You know, if you really meant how stupid it seems you can write a dissent saying so.

ED: Yeah.

JG: But there were some occasions when the tempers would get a little bit high and maybe voices would get raised. But it's a great system. As a trial judge, I got reversed about one out of three of my cases that were appealed and I, of course, thought that the court was wrong in all those cases, but maybe not.

ED: So did you have a fresh perspective on that?

JG: I had a fresh perspective and, you know, I really do appreciate the way the court works. Camaraderie is good and the folks that are there are diligent, supported by extremely smart lawyers that do briefs for the court members. It's a good part of our government, a good third part of our government.

ED: Well, who most often would get angry on the court? Tom Glaze? Would Tom be one of them?

JG: Well, I did see Tom get angry once. He and I went at it one time and when everybody left I just sat there. It was the first time I'd had that experience. The chief justice's office is right off the conference room and he's in and out. After a little while, he comes back in and he says, "Jim what's wrong?" And I said, "Man, I just had it out with Tom and it's just taken something out of me. I just can't believe it, you know?"

ED: He said, "Welcome to the club?"

JG: Yeah, something along those lines. Tom and I voted together more than separately. I can't even remember what I was upset about or why we were upset with each other that time, but it sure bothered me that I was duking it out with Tom. But, you know, I suppose like any other people who are in the same room together for a long period of time sometimes there will be things said that you wish you hadn't said. But at the end of the day the work is done and, I think, the best opinion that can come out that is the majority opinion, the best opinion that can come out of that group of people.

ED: So you had confidence that they reached the right conclusions—these seven people battling over the issues. Eventually, they're going to come out with the right decision?

JG: I'd say that a very, very high percentage of the time it's the right decision. There's seven elected people supported by twenty-one state employees, fourteen of whom must be lawyers, and they must be good lawyers to get that job. And then they're

also supported by briefs ostensibly well done from each side and sometimes extra briefs. But yeah, it's a great decision-making organization.

ED: So in 2012, you're seventy, right?

JG: I am now, yes.

ED: You're seventy, so if you ran again you would have to forfeit your…

JG: No.

ED: You weren't?

JG: I was not seventy until this year.

ED: OK, so you didn't have to do it.

JG: Third month gone before I turned seventy.

ED: OK, so you could've run for another term?

JG: I could've. My retirement had been vested five years when I left the court.

ED: Yes.

JG: I could've left five years ago drawing full retirement. Five years earlier.

ED: So you decide, I've had enough of this?

JG: No. I never felt like that I just felt that it was not productive for me to stay there after I had vested retirement, even though I could've run. It was by two months and eight days that I could've taken advantage of the state of the law.

ED: But you figured you probably weren't going to be serving eight years anyway if you'd run again?

JG: You know, I had stints put in my heart fourteen years ago and I had a heart-to-heart talk with my cardiologist before I ran for the office. Frankly, that was the one issue. I just don't know in eight years more that I would've maintained that sort of health.

ED: Yes.

JG: But, just practically speaking what does it say to others that would like to serve on the court that somebody who's vested in their retirement would still stick around? It looks like they're enjoying the power instead of being willing to serve. Now, if

their option were out there to serve without pay and just preserve the retirement that might have…

ED: That's better.

JG: You wouldn't have that same concern.

ED: Yes.

JG: It was time for me to go. It was the best job I ever had with the best, smartest people I ever worked with.

ED: Good. So you decided you're not going to run again and so in January this year you came back to Hope. Tell me what you're doing now.

JG: Before I left the court I had taken a course in the summertime to become certified as a mediator, and then I took another one later on. And I'm now certified as a civil mediator and a domestic-relations mediator and I started doing some of that right away. As a matter of fact, I did one mediation in January; I think I did maybe six this year. I opened an office right away but I didn't keep any hours at all until this summer. I opened this one September 1st and I've been trying to keep pretty regular hours. I've done some wills and I've done a couple of cases. I've completed a foreclosure on behalf of my bank and I've got another one pending. Every now and then somebody wants a little bit of legal work done and I have the luxury of saying no. For the first six years I was a lawyer I didn't think I could say no to anybody.

ED: Yes, yes. Well that is a luxury. Well, we didn't cover the rest of your personal life, so you and your first wife got a divorce sometime back there and then you remarried?

JG: Yes.

ED: And tell me about your wife. When did you all get married?

JG: We got married in 1992.

ED: And her name is?

JG: Judee. She was born Judith Thompson from Morrilton. She was born and raised up there in Morrilton, went to college on a Rockefeller scholarship.

ED: OK. Rockefeller, of course, lived in Conway County and so she got a scholarship from Rockefeller.

JG: Yes.

ED: So she was not a part of the Marlin Hawkins faction, I guess.

JG: Well, I suspect that she might say yes she was.

ED: Yeah. Well, down there everybody was.

JG: Her daddy was making $5,000 a year as a mechanic and Marlin Hawkins got him a job as a rural mail carrier. He jumped to $15,000.

ED: Well everybody in Conway County got a job because of Marlin Hawkins.

JG: And so, you know, in their family it's kind of hard to get away with cursing Marlin Hawkins.

ED: Yes, yeah. Well, all the gals up there who were on Tom Glaze's team. They were all Marlin Hawkins' people. And then they had a little personal falling out with Marlin and all of that got started. So that was his strength as a politician. I mean, he wrote a book called *How I Stole Elections*.

JG: Uh-huh.

ED: And it was by being a good sheriff and helping people. There was a lot to that. I mean, I think he did steal some elections but his strength was what he had done for so many people.

JG: Yeah.

ED: Going back into the Great Depression. Well, all right. So this is your life now. Do you still farm?

JG: I do, I raise cattle. I raise cattle and this past year I cut a little hay of my own for the first time in several years.

ED: And when did you get into farming?

JG: I went into… You say farming. I have to be sure and qualify that. I don't till any soil but I raise cattle.

ED: Yes.

JG: I got into the cattle business with my dad, oh, twenty-five years ago probably. And somewhere along the line he decided he was done and he gave me an opportunity to buy his stock and I did.

ED: So do you live out there. Do you live in town or do you live out there?

JG: I live in town.

ED: You live in town?

JG: Uh-huh. The place where my cattle are is about seven miles south toward Patmos.

ED: OK. Well, Judge, anything else that we need to cover?

JG: If there are any of those that I can't remember and you want to go back to them, I'll do some research.

ED: Well, we may when we get the transcript back. We'll look and see…

JG: OK.

ED: Whether we need to fill any details on all of that. Well, then, we'll wrap it up here.

JG: OK.

ED: Until maybe we have another discussion later on.

JG: Very good.

ED: Thanks Judge.

JG: Yes sir.