This oral history with former Justice Ray Thornton was conducted in two parts, on September 20, 2011, by Scott Lunsford of the David and Barbara Pryor Center for Oral and Visual History at the University of Arkansas and on February 21, 2013, by Ernest Dumas. The second interview goes into more detail on some aspects of his political career, particularly the Supreme Court. The Dumas interview follows the end of the Lunsford interview.

Arkansas Supreme Court Project
Arkansas Supreme Court Historical Society
Interview with
Ray Thornton
Little Rock, Arkansas
September 20, 2011

Interviewer: Scott Lunsford

Scott Lunsford: Today's date is September 20 and the year is 2011 and we're in Little Rock at 1 Gay Place. I'm sorry, I don't know the name of the person whose residence we are at, but we decided we wanted kind of a quiet, withdrawn place to do this interview and Julie Baldridge, your loyal helper…

Ray Thornton: She and I have worked together for many years and she is really an extraordinary person. And on this day she has just been named the interim director of the Arkansas Scholarship Lottery Commission staff in Little Rock.

SL: That's a great honor.

RT: Well, it is for her and she deserves it.

SL: Well, we're very grateful for her help in finding this place and getting us together. Let me say first that it is a great honor to be sitting across from you and I've looked forward to this for some time. Now, let me give you a brief description of what we're doing here.

RT: OK.

SL: We're recording this interview in high definition video and audio and you will get a copy of all the raw footage of all we do so you can look at it. We will also transcribe this interview and when that's ready, in its first draft, we will send you that transcription. Between those two elements, we'd like for

you to look and read and if there's anything, anything in the interview that you're uncomfortable with, you just need to tell us and we'll remove it.

RT: Or you might substitute a more eloquent or articulate interviewee. I suppose that would not be in keeping with the purpose.

SL: [Laughing.] No. We don't do that. We won't do that. We won't substitute for you. But, really, seriously, if there are any problems that you're uneasy about, just let us know and we'll work it out. The transcript you get will ask you to make sure we got the spellings right and that the places are right and maybe the dates. If there are any questions…Joy will have questions for you after each break to help along with that, to speed up the transcription process. Now, once all that is kind of taken care of, and you're comfortable, and we've done what we need to do to make you feel comfortable, then we will post this stuff on the web, on the Pryor Center website. And we'll have selected video clips. We won't do the entire video because it takes up so much space, but selected highlights, and you'll know what those are going to be before we do it. But we will post the edited transcript in its entirety and we will post the audio portion of this interview in its entirety. We will also post the pictures that Chris is scanning in the back so that people can see these things that we are talking about as well. We'll let you know when that's about to happen and we will encourage Arkansas students of history, both in the grade schools and secondary schools, and the universities. We'll encourage researchers and documentarians to use this material to proliferate Arkansas history. We think that we're having great success with it and people are really going to our site. We already have teachers that are using it in their classrooms. So we're excited about it. Now, Ray, if all that's OK with you, we're going to keep going.

RT: Oh, yes. I am very honored that you would come and want to interview me. I have looked back and I think I have had a remarkable set of parents and loved ones who have steered me and guided me and I'm glad to have an opportunity to talk some about that.

SL: OK. Well, let's get going.

RT: OK.

SL: And let's remember, also, that anytime you need to take a break, we're going to take a break. Now, we'll take breaks about every hour anyway, because that's hell on the tapes' lives and I'll encourage you to get up and stand and walk around, get up out of that chair.

RT: Sounds good.

SL: OK. Well, I usually start with where and when you were born.

RT: I was born in Conway, Arkansas, in a house that my father had bought for his mother. He paid six hundred dollars for the little house on Ash Street in

Conway because she had lost, through a separation, her husband. She was selling pins and needles and other materials like that in a little cart she pushed around the city of Conway. Mother and Dad thought that she needed more, so they paid six hundred dollars for this house on Ash Street. I was born there and then went with them to Leola, where my dad was superintendent of schools, and mother, after a while…Well, she had been a teacher before I was born and we had a little house in Leola that we paid about eleven hundred dollars for. My earliest memories were of Mother in that house, and they were teachers and they spent their time teaching me. I don't want this to sound like I was just a bookworm, but I was reading by the time I was three and reading the newspaper to my grandfather, A. J. Stephens, who lived at Prattsville, by the time I was three or three and a half. He was a great influence on my life as well. When I ran for Congress from the Second Congressional District, there was some talk that I had chosen to move into the district in order to run. We countered that pretty effectively by asking Mr. Kitchens, who owned the little house that I was born in, if we could open up the campaign there and he said, "Certainly, if you'll tell me you won't do anything to cut my rights to use a gun for hunting." I agreed to that, and we had the campaign kickoff on the steps of the house where I was born in Conway. With that, the criticism of my being an outsider seeking a district to run in kind of disappeared.

SL: You know, that is a very, very appropriate way to start a campaign, even if there hadn't been that controversy.

RT: Yes.

SL: That really says something about the family.

RT: Dr. [Jeff] Farris, who had been president of U.C.A. [University of Central Arkansas], had been reared across the street from where my grandmother's house was. I choked on a banana and hard-rock candy, and this was Mr. Snow, whose mother ran across the street and took me by the heels and shook me until the rock candy and banana came out. So my life was saved there. Dr. [Silas D.] Snow, president of Arkansas State Teachers College, [later U.C.A.] was always pleased that he could claim credit for his mother saving my life.

SL: You know, I don't think we got the date that you were born.

RT: Say?

SL: The date that you were born.

RT: Oh. I was born on July 16, 1928, before the crash on Wall Street. The dates of the house purchases may seem remarkable but six hundred dollars for a two-bedroom house on Ash Street was the going price at that time.

SL: So you were born just right at the head end of the Great Depression.

RT: I was and because I was carefully taught, I remember clearly many aspects of the Great Depression. I learned to read when I was three. I got special teaching from my two teacher parents and as a result of that, I was a university student when I was sixteen years old. Again, attending what was a state teachers college in Conway. I had been kind of a bookworm in high school and my classmates were always good to me, but they would talk about checking me out to help get their lessons. I sensed that they thought I was maybe showing out. But I really wasn't. It was just easy for me to read and get the information out of the books.

SL: I want to go back to your…Let's talk a little bit about your mom and dad.

RT: OK.

SL: But I also want to talk about your grandparents on both sides. So your mom and dad, where were they from? Where did they come from?

RT: My father was from the Conway area. He actually lived out on Gold Creek, which is now submerged under Lake Conway. He was bright. He was the oldest of six children. His mother, Sally Thornton, was a remarkable lady who had been left by her husband (who was a nice guy, kept up with him through the years), and she had a tremendous will, and Dad, as a result, became the first member of our family to go to college. He graduated from Teachers [Arkansas State Teachers College] in about 1925 or so. He got a job as superintendent of the Poyen School District. He was the first person in Grant County to have a college degree and they called him "Professor Thornton" and he was very, very smart. I think he was very smart in marrying Mother, who was also a brilliant person who later became a schoolteacher of more than forty years experience. Harding University in Searcy has named their College of Education building the Wilma Stephens Thornton Building after my mother. So I was fortunate, in that I was a child of two schoolteachers, and they didn't have enough members in their classes so they spent their time teaching and indoctrinating me. And without my having any idea that it was unusual, they had me reading at the age of three. While I was that age, I would go to Prattsville and read the newspaper to my grandfather.

SL: Now, was your grandfather in Prattsville? Was that your mother's father?

RT: That was my mother's father, Mr. A.J. "Jack" [Albert Jackson] Stephens. In 1932, he ran for state representative and I got involved in that first political campaign by standing at the gate of the little house we lived in Leola and making a speech to anybody or any group that came by to "please vote for my Papa; he's the best man in the race." Papa took a special interest in me and we developed that kind of friendship that may be unique to a grandfather and a first grandchild. He was a remarkable guy.

SL: Well, did you ever get to meet any of your great-grandparents?

RT: Yes. I remember Mama Stephens' mother and father. I only remember his death and funeral but I remember Ma Pumphrey being around for a couple of Christmases. My grandfather Thornton, Lashley, lived to nearly a hundred, so I got to know that great-grandfather well. My Papa, A. J. "Jack" Stephens' father was Lorenzo Dowd Stephens. He traveled with Fremont to California, and came back and was with General Fremont when he signed his premature emancipation proclamation. [General John C. Fremont was a soldier in the Mexican-American War, was the first Republican candidate for president, in 1856, and commanded the western armies for the Union in the U. S. Civil War.] He was older and he died when my grandfather was fourteen or fifteen years old. So Papa had an early run at being the senior member of the Stephens family. They lived in Mountain Spring, Arkansas, which is just north of Cabot. In fact, I think it's now surrounded by Cabot. Papa would tell me stories of life as it was in the 1800s. I learned from him not book knowledge but knowledge about people. He was so interested in people and what they could do. And, of course, I was interested in him because he, after all, had become the representative from Grant County. He and I would talk politics and he told me, and I remember this because it did have an effect on me, he said, "The best job in politics is to be a congressman, because when you're a congressman, you're not a part of political party. You don't have a single unit of government to run. You're one of many people who have been selected by their fellow citizens to represent them in Congress. So you are the people's representative. So I hope if you ever decide to go into politics, you will seek a congressional position." Well, that was kind of a civics lesson. I didn't realize the difference between being a governor or a state senator. But those people all represent blocks, groups of people. The governor administers policies. The one public official in the United States that can only be selected by the people of his district is a United States Congressman. A United States congressman cannot be appointed, is not elected by a legislature, is not appointed by a governor, but must be elected by the people who live close to him and select him or her as their representative, their ambassador to Washington.

SL: Well, it is a truism that all politics is local—in this case. It is the case.

RT: And especially in the people's House of Representatives. Now, I don't want to get too far ahead, but I have been distressed that in recent years the people's House acts more like a political group or a set of people who are bound by instructions that are binding on them and not to represent the people. I became good friends with David Pryor when we were both at the

University of Arkansas. He was an example of a person who believed in the people's government. He taught me a lot. But going back to Papa, I really had a special relationship with him and his words of advice meant a lot to me. I don't know if you want me to go on with that but I have one remembrance of…

SL: I do. Yes.

RT: Of him. We had a centennial of the state of Arkansas's admission into the Union in 1936. We had it at Jenkins' Ferry, which is the site of a Civil War battle in which the Union Army retreated from Camden and was savagely beaten at the Battle of Jenkins' Ferry. They were able to make an escape across the Saline River at Jenkins' Ferry with the loss of…Well, the historical papers of the time put the dead and wounded (and many of them did not survive) at Jenkins' Ferry at two thousand people.

SL: Oh my gosh.

RT: Now that's a battle that, in light of three thousand people being killed at the World Trade Center…it's remarkable that you had that kind of terrible battle in Arkansas, and near Prattsville. My great-grandfather, Levin Pumphrey, sat on the porch of his house in Prattsville. He was too young to fight. But he listened to the savage booms of canons, screams from Jenkins' Ferry, which were only a couple of miles away from his home. The Civil War was a terrible war for Arkansas and its people. Families split. Some members of the Pumphrey family sided with the Union and wanted to remain loyal to the flag. Others, maybe a majority, thought that the Confederate side was correct, that it wasn't right for us to be told what to do. Didn't want the Yankees telling us how we should behave.

SL: Yeah.

RT: Well, my grandfather, Jack Stephens' father Lorenzo Dowd , I think I mentioned, served with Fremont, General Fremont…

SL: Yes.

RT: And was with him when he wrote his premature emancipation proclamation and fought in the Battle of Shiloh. So Papa always told me, "Don't talk too much about your great-grandfather. He didn't have a popular view in Arkansas."

SL: Well, now how far did that predate the accepted Emancipation? How many years?

RT: It was right at the outset of the war. Fremont came back from California to fight, to dispose of some of his property. He had the idea that by freeing the slaves, we would cause them to revolt and the cause would be over. Lincoln did not think it was proper to make that an early declaration. In fact, he probably did not have the political capital to make an emancipation

proclamation. So it was about three or four years later before Abraham Lincoln's proclamation was made.

SL: That's a very proud moment in your family history.

RT: Yes.

SL: That's really, really good. You know, I'm always interested in details. You mentioned remembering a funeral of one of your grandparents or great-grandparents.

RT: Yes.

SL: Can you describe that funeral for us?

RT: Yes. It was Levin Paul Pumphrey's funeral. It was at the little church at the Philadelphia Cemetery. Prattsville was named after John Pratt, who traveled with a group of about forty families from Alabama to Arkansas in 1850 or so. John Pumphrey and John Pratt married sisters. So the Pratt family and the Pumphrey family grew up very close together and the Pumphrey Plantation, which was not like a delta plantation at all, but a suitable place where they could raise some cotton. They did have slaves, but many of the slaves took the name Pumphrey and continued to live there, and many members of the Pumphrey family had funerals that were well attended by the blacks in the community. Levin Pumphrey's funeral was one that was like that. The singing was beautiful. The circumstances of the funeral itself were austere but fervent and hopeful. The Philadelphia Cemetery is a beautiful place just outside Prattsville, and it is still active and one of the most beautiful cemeteries anywhere. I remember it well.

SL: So by that time there were automobiles and an automobile hearse.

RT: I remember the first automobile that my grandfather had. My dad had become superintendent of county schools in 1933, about the same time that Papa became a state representative. Dad had a car because it was his job to be the active superintendent of all the little country schools in the county. It was a working job and he had to travel from one school to the other to do the administrative work for Prattsville and Leola and Tull and Grapevine and…

SL: These were all county dirt roads?

RT: County examiner is what the name of the superintendent's position was. And these were dirt roads, yes.

SL: Yeah, yeah.

RT: Yeah. And I remember, speaking of dirt roads, my grandparents, Stephens, had six children. The first, Albert, was born without a left leg. His left leg ended around the knee with a stump below that. Witt would carry Albert on his back and I remember…No, I don't. My mother has told me how the family celebrated when Albert got into his teens and he got a prosthetic leg to fit on his left leg so he could walk and get around like others. Despite that

handicap, Albert was a good baseball pitcher and he could throw, according to Halbert…Bill Halbert told me that Albert could throw as hard as Dizzy Dean. Of course, I don't know how they knew that, but only Witt could catch it at the ball games. One instance there is that Papa had told Witt and Albert to go clear up the river-bottom field and wanted to be sure they got it done today. Well, on the way to the field, they saw a baseball game going on. So they turned off and went over to the ball game and Witt became the catcher and Albert became the pitcher. Albert could really throw using that prosthetic leg to hike up and he could sizzle it in there and only Witt could catch it. They were having a pretty successful game when Papa came by and noticed that they were out there. He didn't let them know he saw them, and they weren't sure that he had seen them. But, that evening, Papa said, "Well, did you boys get the field cleaned up today?" and they swallowed hard and said, "No sir. We didn't quite make it through," and he said, "You think you can get it done by noon tomorrow?" "Oh yes, sir. Yes sir!" He motivated them to get out the next day. Witt loved Albert and helped him to overcome some of his difficulties, and Albert got married and went to Florida. His wife left him and he came back to Prattsville and married Helen Halbert. They lived happily until now because Helen is still living and has one son named Mike, who is taking care of all the cattle and farm operations that Albert had developed over the years. I'm rambling. Sorry.

SL: No, no. This is good. You know, you mentioned you were born on Ash Street. Was it pretty urban for the times back then?

RT: No. Ash Street was, of all things, paved. It was a concrete street. But it ended at the block where the house was located: 202 Ash Street was the number. Right across from that now, in the field that I played in, is an elementary school. I believe it's the Cone Elementary School. Right down the street, about seven or eight blocks, was Teachers College, later, Arkansas State Teachers College, [State College of Arkansas and then] University of Central Arkansas. My mother did most of her collegiate work there at U.C.A. in the summertimes. So I spent a lot of time in Conway with the Thornton family.

SL: Now, did you have any siblings?

RT: Yes. One sister [Betty Lou]. Born…I kind of think this has something to do with me becoming a reader at three. She was born when I was three years old. She is a very bright and lovely girl who just celebrated her eightieth birthday and she married a professor Dr. Evan Ulrey at Harding University. She taught English there for many years. She reared two fine girls, Anne and Bonnie. And her son Robert Ulrey works here in Little Rock for Stephens.

He is a brilliant young man. They have two children, Robert and Jill, who are among the new generation that's coming on now.

SL: Now, the house that you were born in is not the same house you were raised in.

RT: That's correct. It remained my grandmother's house until her death. Then it went to the Kitchens family. Now the Kitchens family, the members I knew, have died and I am unaware of what part of the family may still own the house.

SL: Well, let's talk about the house you were raised in.

RT: OK, that was in Prattsville first.

SL: Now, where is Prattsville in relation to Conway?

RT: Well, it's actually in Leola, in Grant County. You go to Sheridan, which is the center of the county, and you head west on 270. The next city you get to is Prattsville. Then the next little town is Poyen. It's Poyen, where my dad had his first teaching job, and met my mother, who was in Prattsville. Then the next stop is Malvern. South of Poyen, toward Camden, is Leola and Leola was the place where the Battle of Jenkins' Ferry commenced and came back up toward Sheridan across the Saline River. And, as I say, was a horrible battle and it's just remarkable to me that you'd have two thousand casualties there in a battlefield that's not really mentioned much.

SL: Americans killing Americans.

RT: Yeah.

SL: That's what's sad about that.

RT: Right.

SL: So, how much time, in your early years, did you live in Prattsville?

RT: OK. My grandparents lived there and Leola was ten miles away. Mother was very much a homebody so we spent time every week in Prattsville and I would spend summers there. My Uncle Jack was the youngest of their children and he was about six years older than I am. We were raised almost as siblings. He's a remarkable person. Well, like I say, we were all pretty much in poverty. When I was speaking of my early years at Leola, I remember Witt coming by to take me for a ride in his little convertible called Buckles. Now, why would it be called Buckles? It would be called Buckles because he was traveling the west selling belt buckles. He was a good salesman and he had followed the crops north into North Dakota and Montana, and he discovered that it was easier to sell belt buckles than to get out and help make a crop. So at Fort Leavenworth, Kansas, he got thick with the paymaster and the paymaster allowed him to…This was a group of people who were given military duties. It was in the heart of the Depression. It was a way to get some money as a young person. So he was a pretty good

sergeant-type and he talked the paymaster into letting him put up his stand to sell belt buckles at the end of the pay line. So as the soldiers would come through and get their pay, he was the next person they saw. He said, "Now here's where you get your belt buckle to commemorate your time here at Leavenworth." Well, most of them didn't know they weren't supposed to buy one. So they automatically did. Once in a while, some guy would say, "Oh, country! I don't have to have a belt buckle." So Witt would shut it down for a bit until that guy had worked his way on through then he'd start it up again. He sold over five thousand dollars worth of belt buckles and his commission (and that was about five thousand belt buckles). His commission was such that he got to keep about two thousand of it, or three. Brought the rest of it home and wanted to buy a jewelry store at Malvern and Papa said, "No, son, you're not going to make what you make there. If I were you, I would consider selling those belt buckles or something on a broader scale." And Witt said, "OK, what can I sell?" And Papa said, "Well, our Arkansas bonds have all defaulted. They're selling for ten cents on the dollar. What I'd do, I'd get out here and people don't have any money and offer them ten cents a dollar. Banks, New York institutions, have written Arkansas off. Buy as many of them as you can and then you sell them for twice that down here, for everybody that buys them from you will want to buy more of them because eventually Arkansas will pay them off." Well, that was the germ of the idea that led Witt, in 1933, to establish W. R. Stephens Investment Company. The first three or four years were magnificent. Witt went down to Prattsville and told Papa he had achieved more than anyone could ever imagine, that he had enough money that he could take two hundred and fifty thousand dollars, sell out, and buy a farm down at Prattsville and the family would be set up forever. Papa…Again, according to Witt, Papa said, "Well, if I were you, I would consider that you just now have enough money to start an investment company. You're doing well with what you're doing and you ought to keep it up." Well, Witt always followed Papa's advice and he did. And it was a good thing he did because the market turned sour and they had another little mini-Depression and it nearly wiped him out. But, he kept going, and so by the end of World War II, he had made one important, big purchase and that was the Fort Smith Gas Company [later Arkansas Oklahoma Gas Company]. That company, up in Fort Smith, remained his, one hundred percent ownership, until many years later when he and Jack divided up the company between them. I didn't want to talk this much about Witt. But it's important to know that by 1950, when I graduated from Yale, Witt had earned enough money to be considered a very influential person in Arkansas. But that's something that I ought to mention

because it was not Witt, it was my mother and dad, who taught me how to read and who impressed on me how important it was to collect knowledge and get to be aware of what was going on. So I became a good examination taker. I didn't know I was anything special. My mother and dad never allowed me to think I was any smarter than anyone else. They told me, "You've got some gifts and you use them." So I took an exam on graduating from high school and I got a scholarship to Fayetteville. I went up to Fayetteville at sixteen years old, taking twenty, twenty-one hours a semester, including my first chemistry class under Doctor Wertheim, who had a reputation for being the hardest grader up there. Doctor Wertheim gave a test at the end of the school year in which he said, "Now, this has never happened, but I always give twenty-one questions and you can get five points for every question you get exactly right." Well, I made a hundred and five. I got all twenty-one questions right and he urged me to consider chemistry as a career. The scholarship resulted in the fact that by the time I was eighteen, I was enrolled in law school, real properties, under Doctor Meriwether, and wow! He was a hard teacher. Dad called to my attention that Admiral Holloway had started a recruitment program for Navy officers. It was a scholarship program that paid all of your books, all of your tuition, fifty dollars a month, and gave you a summer cruise as a regular midshipman. And, after graduation, you became a regular Navy officer, served side-by-side with Annapolis officers. Dad insisted that I take that exam. Well, I thought I was pretty well along but I said, "OK, I'll take the exam." I don't know how to say this without being immodest. But, it was their fault, Mom and Dad, for teaching me how to take exams. I took that exam as an eighteen year-old law student, and having had chemistry and analytical geometry, solid trig, all kinds of mathematical and engineering background courses. I took it in Little Rock and, not long after that, I got a letter asking if I would come down to New Orleans to make application for the Holloway Plan, and I did. Went down there on the train. When I got there, they told me that I'd made, I think they said, the highest score in the United States. But it may have been one of the highest scores in the United States and that is because they had taught me how to take exams. I was a law student with freshman and sophomore courses in science and engineering under my belt, competing against eighteen year-old high school graduates. So I don't think it's miraculous. But they said, "You can go to school anywhere in the United States." I said, "I'll go to Yale." I knew that was a good name. That was the only influence that I exercised. Now, what the Navy had to do, they had a really difficult time talking Yale to accept me with any…Because I wasn't a freshman, you know? They talked them into

accepting me as a sophomore at Yale. I graduated from Yale in three years. While at Yale, I remembered my debating, which mother had gotten me in as an elementary school student. I got on the Yale Debating Team and debated with Bill Buckley and Brent Bozell [L. Brent Bozell Jr.] and Rod Hamel and others. I was on the varsity team. I beat Bill Buckley at the sophomore, junior and senior year contests. Rod [Rodolphe] Hamel beat me for number one on the junior and some guy from literature beat me in the senior orator contest, talking about a poet, [William Butler] Yeats. I have to admit, it was an awfully good speech. But it wasn't about politics so I didn't really believe it was fair. I finished second in the senior oratorical contest. My classmates in the Navy selected me as the Outstanding Naval Student that year. I applied for admission to the Yale College Law School and failed despite Dr, [Rollin G.] Osterweis' [taught speech, debate, oratory at Yale**]** personal plea that I should be allowed to go. But they didn't admit students until just before September class and I had to know. So I found Texas willing and happy to accept me as a student down there. Applied for and went to the University of Texas Law School, where I met Professor Joe McKnight, who is still my great friend, three-year Rhodes Scholar, Professor Emeritus at S.M.U. Jack Locy, who helped Texas Instruments develop the transistor, had a wonderful career there because Mom and Dad had taught me how to take tests. It was really remarkable. It wasn't me. It was the result of the great adventure.

SL: You know, it all kind of goes back to how mothers and dads raise their kids…

RT: Oh, absolutely.

SL: And what they emphasize. I want you to talk a little bit about the home life that you lived in. So, are you in Leola or are you in Prattsville when you're growing up?

RT: Leola and Prattsville until Dad was elected county schools superintendent. Then we moved to Sheridan.

SL: And how old were you then?

RT: Five.

SL: Five. You remember reading when you were three. Do you remember much about the house before you moved to Sheridan?

RT: Yes. The house at Prattsville did not have a fireplace when I was a kid. Of course, none of the houses—Conway, Leola or Prattsville—had utilities. They didn't have electricity. They didn't have water. We didn't have indoor plumbing. The thing I remember about the house at Prattsville is that there was a stove in the middle of the room that they took down in the summertime. We would eat there. Mama, and by mama I mean my

grandmother, was a wonderful cook and she could outwork anyone I ever saw. The most difficult thing I ever got into was building a fence across the pasture behind the house, which Mama and I built. I didn't know how this frail little lady could work me so hard. But, it was really a revelation to me. And Papa was a brilliant man, self-educated. He didn't have a degree, but he could quote Tennyson, Longfellow, and Kipling. The books that we had were mainly westerns. The radio we listened to there…We had a battery radio. We would listen to Lum & Abner, and I remember how hard it was to read at Leola because we had just a kerosene lamp. At Prattsville, they had Aladdin lamps, which had a wick and fuel came up and lit the wick and gave you about as much light as a forty- or sixty-watt light bulb. That was a revelation. At Sheridan, after a few months, we got electricity and that was a revelation to me. And Mom and Dad, because they were schoolteachers, got offers to buy and sometimes gift books and they got *Encyclopedia Britannica Junior* given to them, which we kept at home. And I read it.

SL: A to Z.

RT: Yeah. Yeah. It was remarkable. I started reading books from the public library and everything from *Moby Dick* to the *Adventures of Tom Sawyer* and *Huckleberry Finn.* I checked out a book or two every week and enjoyed reading. I can't imagine why. Well, there was nothing else to do. Nothing else to do. Mother was not going to assign me to a full-time job of feeding the chickens and milking the cow, although I did both of those. She encouraged me to study and read and, in fact, when she went back to teaching, she occasionally took me along to her one-room assignments. After a while she had to tell me to quit contributing because…

SL: You were dominating.

RT: I was dominating.

SL: So, her school, was it a one-room school that she was teaching in?

RT: Yes. It was at Dogwood, Arkansas, which is between Leola and Sheridan. She taught at Dogwood for two or three years and at Moore's Chapel a year. Finally, the schools all got consolidated into Sheridan and they had to take Mother with them because she had been teaching them and they couldn't let her go. Well, she quickly became the best teacher at the Sheridan schools. Ran a student council where the students were fully responsible for behavior. Had a student government, student cohort, took students to Florida and Texas and Missouri and everywhere where the student governments would meet. The Sheridan school program was identified as being the best, or one of the best, in the country. We were always featured. Mom was honored with a fountain put up outside the school and dedicated to her. They've let the water quit running on it. They just forgot about it.

SL: Yeah. Well, student government-wise, didn't you run for president of the student body?
RT: Oh that was…
SL: At University of Arkansas?
RT: Yeah, that was after I spent two years at Fayetteville and then three years at Yale. I got the awards up there for scholarship. I had one year at Texas, which was a wonderful experience. Then, I went into the Navy for three years active duty. I was top-secret control officer of the aircraft carrier Philippine Sea. I recommended our transcribed communications for the admiral. At special sea and anchor detail, I was the officer on the bridge of the ship responsible for talking to the captains of the tugboats and telling them what they were supposed to do as far as pushing the ship and lining it up to make a good landing. I never missed. Of course, the pilot of the ship would tell me what to tell them. But I could also see what was happening so that was a good experience.
SL: Well, we'll talk about the Korean War…
RT: What's that?
SL: We'll talk about the Korean War here in a little while. Oh, we've gone an hour. We need to change tapes.
RT: OK.
SL: So you and I are going to stand up and take a break.
RT: OK, good.
SL: We've started our second session here. Today you're holding up really well and you've already told us great stories. I love the way you've talked so far. You've kind of given us a preview of things that we can kind of go into detail a little bit later. But, I want to keep going back to the home for a while. I'd like to spend some time in the communities you were raised.
RT: OK.
SL: Get some descriptions there. One of the very first things that you mentioned early on in the first tape is that your grandmother, when living in Conway, was actually pushing a cart.
RT: Yes.
SL: Selling needles and…
RT: Thread and thimbles and marble oil (and that was a liniment that she would sell). She had the responsibility of raising the five children, other than Dad, who had gotten out and was making money as a schoolteacher. By the way, that payment was not too high during the Depression years when Dad was county school superintendent. His salary was fifty dollars per month. It's incredible that we made it on that. My grandmother, Sally Thornton, tried to be sustaining and she would get up in Conway with her cart and go person to

person by the houses and knock on the door and see if the mistress of the house, the lady of the house, was interested in some thread or needles or thimbles or liniment or other things that she had in her push cart and she did that each day. That was their source of money.

SL: Now how large of a community was Conway back then?

RT: Say…?

SL: How large was the community?

RT: The community was about two or three thousand people.

SL: That's a pretty good size town.

RT: Yeah, it was. It was far from what it is now, which is a metropolitan area. But it had then, as it still does, the advantage of being close to Little Rock and having some very vibrant leadership. The Dunaways were very influential. The Hope family were in Sheridan mainly, and Prattsville. The advantage of Conway was that it had these two, three, great colleges. My dad worked on the [Central] Baptist College, helping to build it. Dad went to school at State Teachers College, and Hendrix was an outstanding institution. So Conway's key to success has been education. By the way, education is my love. While they were teaching me to read, my parents also taught me to value education.

SL: Well, you know, you were really blessed to have that emphasis so early. Really, at the time when you were that age, there was still a lot of pioneer kind of hardscrabble determination that was pervasive in Arkansas back then. That your grandmother was out there pushing a cart…

RT: To make ends meet. There was no Social Security then. There were very few charities. The idea of most people was that they didn't want to have charity. They wanted to do it themselves. It became the responsibility of the oldest boy, my dad, to take care of his mother. That's why he spent six hundred dollars to buy her a house because they were living in a hovel. These were hard times. As I mentioned, we didn't have electric lights until I was in Sheridan, after having lived in Leola and Conway and much of the time in Prattsville. The effort that everybody made was to be independent and self-sufficient and my chores were to milk the cow, or cows (we had one and I also helped with Mama and Papa's cattle), feed the chickens… You had a flock of about fifteen or twenty chickens and one reason was, once in a while, you had the preacher over for lunch and you had to have a chicken to feed the preacher. It was a very rigorous religious setting. We didn't work much on Sunday and, worse than that, I couldn't go to the movies on Sunday, had to go on Saturday, and I had a job as the movie-projector operator. My pay was that I got to watch the movie free.

SL: Well, that was when you actually had to load up film.

RT: Load up the film at the theater, change the reels, and ignite the carbon arch that cast a very brilliant light on the screen.

SL: Do you remember what theater that was?

RT: Yeah, it was Jack Banes Theater on Oak Street in Sheridan. Jack was a good boss. I think after a while he started paying me ten dollars a week or something. But the main thing was I helped him, and right down the street from Jack Banes Theater was a radio shop and in those years you couldn't get new radios. But the manager of the radio shop had a big bin full of radio equipment and I built…I made radios and he sold them for ten dollars apiece and they were both running on batteries and on plug-ins. Some of those radios are still in existence. I built not only a radio for everybody I knew, but after I started selling newspapers I became an entrepreneur. Before I stopped my newspaper career I was responsible for delivering every copy of the *Gazette*, the *Democrat*, of the *Pine Bluff Commercial* that came to Sheridan. I was the delivery boy for all of those. I had to keep them separate and had to collect individually for each of those papers. Isaac Mayhugh was the owner of the radio shop who let me build those radios for sale and Vernie Lowman was the owner of the Ford Motor Company, and his cousin, Duffy Lowman, encouraged me to learn how to weld and work on motors and helped me. When other people were buying motorbikes, I built one. I didn't use a frame or anything. I built a box grid case and bought a washing-machine gasoline motor. Now, you may not know those, but when you had automatic washing machines and you didn't have electricity, you had to have power. So the power was a little one-cylinder, one-and-a-half-horsepower motor, and I built a box frame to cover that motor, developed a variable-pulley drive to connect it to the rear wheel, used the new departure brake that was in the wheel, developed hand signals or grips for braking and I built my own motorcycle that had a top speed of about thirty miles an hour. I used it in high school and it was still running after I graduated. It went from one person to another. It stayed in existence, laughably, for ten or twenty years and everybody was proud of it. It was a washing machine on wheels.

SL: You know, in all my interviews, I've never heard anyone say anything about a gasoline-powered washing machine.

RT: Yeah, well that's what you had if you didn't have electricity and you wanted to have a washing machine out in the country.

SL: Well, and gasoline was so cheap back then.

RT: Oh! We went to Corpus Christi one time and bought gasoline for nine cents a gallon, eleven cents a gallon, down in the Texarkana area.

SL: Well, so how big a town was Sheridan when you were growing up there?

RT: Seventeen hundred.
SL: So that's sizable.
RT: It was half the size of Conway.
SL: Uh huh. It was there that you had the movie-theater projector job?
RT: Yes. Right.
SL: So, I guess we can talk a little bit about…
RT: And the mechanics job. I mean, my first real making-money job was there with Vernie Lowman and Duffy Lowman and building the…I couldn't call it a motorcycle, I couldn't call it a motor bike. It was a running washing machine.
SL: That sounds great. So you had… You were a projectionist, you learned welding and how to build…
RT: I learned how to repair motors.
SL: Learned how to repair motors and then also radios. You built radios.
RT: Yes.
SL: And there were papers.
RT: Yes.
SL: So you were working all the time.
RT: All the time. All the time. I earned money from the time I was ten, I suppose, maybe before. Well, one thing I felt a little guilty about—my granddad paid me two dollars to sow the back garden (two acres) in clover. I took off and I scattered it and got through in about, oh, forty-five minutes or so and came back in and got my two dollars. And he said, "Now, son, you've done this very fast and very fine. But I guess you know, after it rains, we'll find out how much of that ground you actually covered." I thought a minute and said, "If you don't mind. I think I'll give you this two dollars back."
SL: You know, two acres is a lot of garden space.
RT: It is. And he raised corn for the pigs and for the horses. Amazing thing there, he had this little black pony that he kept on that two acres. I wasn't smart enough to know that the reason for that pony was for me because I could use it. I'd go over there and ride that pony and Papa was looking after what I needed and everybody was trying to be self-sufficient. It was a great experience.
SL: You know that's what the Depression really made clear. That the folks who were self-sufficient did better during the Depression than those that were not, that were dependent on paying for services.
RT: That's right.
SL: I am just wondering, earlier you mentioned that Witt had some success with the buckles and then had success with the bonds. Sounded like a couple of

times he was thinking, "What can I do to guarantee that the family is going to be OK?"

RT: That was really a key thing. He was so interested in getting away from Depression, the tough times. He had a loyalty to his family that was incredible. Witt and my Dad were the two leaders of the family, in that regard. My dad, with his schoolteacher salary of fifty dollars, and mother, with her schoolteacher salary of fifty dollars, we had more income than any of the other family members, except for Witt through his sales. Witt loved the way my dad would buy timber. Dad would buy the timber at a price where he could sell most of the timber out of it and come out even. Keep the land free. As a result, he was able to accumulate several thousand acres of timberland on a schoolteacher's salary. When Witt really became wealthy with the Arkansas Louisiana Gas Company purchase…Now he had already had the purchase at Fort Smith and he was doing well. But, he wanted to rebuild the family farm like it had been during the Pumphrey days. So he got with Dad and Dad made the arrangements and bought, with his money, and sometimes with Witt's, he bought several thousand acres of land around the Prattsville home place and they worked together to develop what is now the Prattsville home place for the Stephens family. Witt was so interested in family that the first thing he did after getting the repurchase of family land was to build a home for his mother and dad and a lake so that Mama could fish without having to go out somewhere. It was family self-sufficiency. I was always proud that Witt considered Dad his intellectual equal, at least. At Witt's suggestion, Dad surveyed timber for the Arkansas State Hospital grounds at Benton and helped Witt throughout the years in purchasing and selling real estate. Dad never made a profit on that. He said, "You've done so much for us that I'm glad to do whatever I can do for you." That was the family deal. If one of us prospered then we felt like everybody had prospered.

SL: That's really something, that the family ties were that strong. Again, it's almost the…Yes, before the Depression, you had folks that were hard-working and believed in doing the right thing and all that. But that Depression kind of solidified.

RT: It really welded a lot of us together. I don't mean to leave out the other members of the family because everybody did what they could. Lois Lowe, second to Mother in terms of age, they developed a dairy farm that produced a lot of milk and a lot of poultry at their place. And Harry and Jewel had a wonderful career. He was a tax man. There were a lot of good conversations about taxes in our discussions. All of the family felt like Papa and Mama were the central focus of our well being. Now the same was true of Dad and

his family, but that was in Conway. The Prattsville scene…We began to think of Prattsville as being a Hyannisport or a family retreat. It was a great time.

SL: Well, it became that.

RT: Yeah.

SL: You know you mentioned…We've kind of touched on chores around the house, some of the things you did. You mentioned that you all had some pigs, some hogs. Do you remember hog days where…

RT: Oh yeah. I was forgiven for not enjoying the slaughtering of the hogs. But that happened. We'd put the hog in a smoke house to cure it. Refrigeration was a problem and a smoke house was a necessary way of preserving the hog meat. The gatherings not only included everyone working, but also chess and checkers. My dad and Witt would play checkers and it was always a good contest. My dad and Keeling Lowe, Nancy Baker's father [and husband of Lois Stephens Lowe, Ray Thornton's aunt], would play chess. That was hilarious. They were both pretty good. But my dad would use psychological warfare to try to rattle Keeling and Keeling could take it. It was almost like watching a football game. This was not chess as practiced by the masters. But it was chess in the hands of two country boys who really loved to win.

SL: Yeah. That's rich. That's really, really good. OK, you did mention a little bit about the role of religion in the home. There are a couple of questions…

RT: My Papa was superintendent of the bible schools at Prattsville, in the Baptist Church. He had been reared after his father, Lorenzo Dowd, died. He had been reared by the Hogan family up in Conway and they were members of the Church of Christ. Papa knew the religious feelings of both religions and Dad had settled on the Church of Christ and became the person who first constructed the first Church of Christ church building in Sheridan. His name is on the foundation of that. After some time went by, and with the help of a wonderful Harding student named Jim Bill McInteer, they started the Church of Christ in Sheridan. Lawyers will have a fit at this, but we chose, or Dad chose, as the meeting place of the Church of Christ, the courtroom of our county courthouse 'cause that's where Dad's office was and we took that over each Sunday. Brother McInteer was a wonderful preacher who preached the funeral services for both my dad and my mother, saying that they had the greatest influence of anybody alive on his career. Dad told me…I worried because I said, "What about Papa, who is the superintendent of the Baptist Church?" And Dad said something that was unusual, I thought later. He said, "Son, we don't decide who are Christians. I personally think Christians worship in a lot of different houses. It depends on their

relationship with God." He taught us that we should do the best we could to live a Christian life but that we were not in the position to judge other people or the adequacy of their religion. And Papa and Dad got along fine. They appreciated each other and I appreciated them. I'm a Christian and I can worship in the Christian Church, the Church of Christ or the Baptist Church or the Episcopal Church. I have no hesitancy in worshiping in a Catholic church. I think the issue is your relationship with God and with Christ and that is the result of teaching of my two parents in large part.

SL: Was there any Bible study in the home?

RT: Yes. We studied the Bible at home and, in fulfillment of Dad's principles on that, I became one of the teachers of the Men's Bible Class in the Methodist church. I would go there and teach the Men's Bible Class and then go over to the Church of Christ for the worship ceremonies in the Church of Christ. No hesitancy on the part of either congregation about my being willing to tell the story as I understood the story at both places.

SL: When it came time for meals at your home, were there times set that you needed to be at the table?

RT: Yes. And you didn't get to the table unless you were there at the right time. The Sunday noon meal at Mama Stephens' house was superb. The cooking was mainly done on Saturday so it was just a question of making sure it was warm and served properly. Mama's meals were fabulous. In fact, people would stop at Prattsville to spend the night at their house and enjoyed the meals. There was a little compensation for it. I don't know what it was. It wasn't exactly a hotel. But they didn't lose money on the deal and the people loved going to Mama's for dinner. We were there often, mainly because my dad had a good appetite and he thought no one could do it better than Mama Stephens. The times were hard but we didn't know it. Times seemed to be very good.

SL: Many times people talk about how they didn't realize it at the time that they were either poor or challenged because they really had everything that they needed.

RT: Yes. We didn't feel poor. We were not poverty-stricken. Those were good days. There were some bad days. But, by and large, the family ties were so important that we got along. Papa said this: He said, "There is nothing that will unite a family more than having the wolf at the door. If you have the wolf at the door, everybody will lock arms and you'll put up a fight and you'll get by." But he said, "The thing that will destroy a family is if you put a pot of gold in the middle of the table and brother will start fighting against brother and sister and excluding mother and father because everyone wants that pot of gold."

SL: Hmm hmm.
RT: "A pot of gold in the center of the table will often wreck all but the best families." Well, I didn't realize how true that was until later experiences have shown how today's families, when they are surrounded with wealth, they don't care for each other. They fight among themselves.
SL: And keep to themselves.
RT: Yeah.
SL: Don't share or support each other.
RT: Yeah.
SL: Well, I'd like to go back to the dining table because I think it's where families gather.
RT: It was.
SL: Was it your father or Papa that always said grace?
RT: It was that we always had grace. If we were at Prattsville, it would most likely be Papa Stephens. Though, it might be that he would call on me. If we were at Sheridan, it would be my dad, except that Dad believed that women were not being treated fairly in the Church of Christ and he would ask mother to say grace, or my sister, and by his actions prove that he felt women deserved a seat at the head of the table. And taught me that women were teachers in the early church and that Priscilla and Aquila…Priscilla was the female and her name came first and he was a very liberal person, even though he was a member of the Church of Christ. He thought women were not being given fair treatment by most of the Churches of Christ.
SL: That was a very liberal stand for the time.
RT: Yes. And he was the elder so that became the standing at Sheridan. And I grew up really not understanding how strict some of the Churches of Christ had become in that regard. I consider myself to be a Christian. I'm perfectly comfortable in a Christian Church or in a Church of Christ because neither of them try to impose on me my own reflective belief in the word of God.
SL: Well, that's the way it should be.
RT: That's the way it should be.
SL: Well, I guess after the meal, did the women generally clean up the dishes?
RT: Oh yes, that was tradition. Men turned to the checkerboard or the chessboard or to stories about where it would be good to go fishing. Now, we didn't go fishing much on Sunday. It was a very strict religious view.
SL: That was kind of God's day.
RT: Yeah.
SL: So chess, checkers, stories after the meal. You mentioned that you all had a radio, a battery-powered radio.

RT: Oh yeah. Well, of course, you knew I built radios. But Papa and Mama had a radio at their house in Prattsville and we used it mainly for listening to Lum & Abner. They loved listening to Lum & Abner. Lum & Abner gave us a collection of tapes that are lost now, I think. But that was a delightful radio show.

SL: Well, now what about music?

RT: Music was very important. Dad had never had formal training but he could sit down at a piano and play "Red Wings" or other songs by just having experimented as to how they ought to go. My mother didn't do that but she loved hearing that and my sister became an accomplished pianist. We had a piano in our home and Brother McInteer and his bride, Betty, would come to the house and they would play and sing. Dad loved the Grand Ole Opry. We would listen to Nashville and I learned to play the clarinet saxophone and did so in college. Then, when I went to Texas, I began to play the guitar and I became pretty good at it.

SL: That's my understanding.

RT: Yeah.

SL: Did you have a name you went by?

RT: Cowboy Ray.

SL: That's what I thought.

RT: Cowboy Ray.

SL: Were you ever in a studio at all?

RT: Yeah, I have some recordings but I mainly did it for fun. That was in Texas, after I graduated from Yale. As I said, after three years, I went down to Texas and became friends with these marvelous people and almost adopted Texas. I learned to play the guitar there and took the name "Cowboy Ray."

SL: That's really good. Now, I know that you spent some time in Fayetteville.

RT: After that.

SL: After that, too. Do you remember…First of all, what was the music scene in Sheridan and Conway? Was there any…

RT: Grand Ole Opry is almost characteristic, plus pop music. There was a hit number one on weekends that played all over the country. "The Eyes of Texas Are Upon You" was a…I can't think of the names of some of the songs. "Deep in the Heart of Texas." I'm surprised that I can't think of more of those songs.

SL: Well…

RT: "Tennessee Waltz."

SL: "Tennessee Waltz." Also, at that time, was Texas swing coming into play?

RT: Yes.

SL: You had Bob Wills.

RT: Oh yeah. Yeah. Well, of course, the thing I really enjoyed was folk songs. Harry Belafonte was an idol of mine. I took Papa to see Harry Belafonte up at the National Convention, 1956, when we nominated [Adlai] Stevenson for another run at the presidency and Jack Kennedy was there and he and Papa met and I got Papa in to see Harry Belafonte and those kind of singers. The music was good, wholesome music. I think that's why I liked being cowboy. I played folk songs and became good friends with Ronnie Hawkins, who is the songster of Canada. He is a remarkable musician and he and I became friends at the University of Arkansas, but this is after I got out of the Navy. I came back to Arkansas and, for the first time, Witt had decided that he wanted to put me on a salary and I became a salaried employee with the duty of selling securities while I went to law school. I loved it. It was very encouraging. He told me I didn't have to go to law school. But if I wanted to, go on back there and sell securities as I could. I got back up there and met a couple of people who have been very important to me. I met three people. One was not at the university. My wife, Betty, and I met when I got out of the Navy. I am much older than she is and we fell in love and married after a couple of years. But the first person I met up there was a fine young man named David Pryor and I have enjoyed my relationship with David over the years. I worked with him while he was editor of the paper down in Camden. We went to school together. We sat down one day on the patio of the Coachman's Inn in Little Rock. I had formed that corporation for Witt and David had been disappointed because he had not been hired for the summer by Senator John McClellan. And we sat back there and decided that it would be an awful good thing if he and I could go to the Senate. We talked about that and enjoyed it and have enjoyed our relationship through the years. He, on the other hand, remembers coming up to Fayetteville and seeing Cowboy Ray running for president of the student body with Ronnie Hawkins doing the singing, and Ronnie Hawkins is a great friend of mine. He really loves calling me Cowboy and we picked and sang some together. I'm not going to take much credit, but I taught him a few little ditties and he could do them better than I could. Ronnie became a "go to" fellow in Canada. When I was in Congress, the Canadian Embassy had a concert with him being presented as being in charge of it. When I was elected attorney general, Ronnie called me about two o'clock a.m. in Little Rock at my house and said, "Cowboy!" And I said, "What is it, Ronnie?" He said, "I got a fellow here I want you to meet. We've been out and he's the best one of us I've ever run across." I said, "Well, I appreciate your call. I was awake waiting for your call." He said, "Cowboy! This fellow is Gordon Lightfoot and you don't know him but you are going to know about him. I picked him up here and we're

enjoying Canada and we want to come down and visit you in Little Rock." I said, "Come ahead. We're ready." He said, "He's written a song that I want him to do for you." I said, "OK, what is it?" And Gordon Lightfoot cut loose with "In the early morning rain, with two dollars in my hand, sitting on the runway number nine, waiting to go." Sang the whole "Early Morning Rain" song and I loved it. Oh! He was good! Ronnie said, "Now you come up here. You kick that attorney general's office out and you come up here and join Gordon and me and we'll have us a band."

SL: He's something else. He's always had a knack for gathering the greatest musicians around him and he still does to this day.

RT: Oh yeah. He is marvelous. I guess I'm the only person who's had Gordon Lightfoot sing an original composition to me at two o'clock a.m.

SL: Over the phone.

RT: Over the phone.

SL: You are. That's an exalted position right there. That's really good. Well, so in your home growing up you all had a piano?

RL: Yeah.

SL: Now, for the most part when then that piano was played, was it popular music?

RL: Popular music mostly.

SL: Was there ever any hymns sung on it?

RL: Mostly popular. I got to where I could play a little by ear…Guitar. I could play guitar chords on the piano. My sister became a very good player and could play classical music as well as popular.

SL: So we've talked about the technology of radio and it being both battery-powered and plug-in kind of stuff. We've talked a little bit about the music going on. Now, what about telephone? What about telephones when you were growing up? When did you first have a telephone.

RL: We had a telephone at Mama and Papa's house because Witt always liked to talk to them and it was at the end of an eight-party party line. Mama and Papa's telephone ring was two longs and two shorts. It was fun because you rang out and a call came in with two longs and two shorts and you'd pick up the phone and you'd hear "Click. Click. Click. Click. Click…" And it was people picking up all the party lines to make sure they knew what was going on the Stephens' phone.

SL: Isn't that funny? You know, kids today probably don't know what a party line is.

RL: Yeah, well there were eight people's phones on this line and everybody could hear the two long and two shorts and everybody knew that's the Stephens number and so everybody wanted to hear what was going on on the

Stephens' number. It was a marvelous thing. The Sheridan Exchange was owned by Pete Bailey. His wife was the operator. If you wanted to get Dr. Hope on the line, you'd call and say, "Can I speak to Dr. Hope?" and Ms. Bailey would say, "Well, he's not at home right now. He was at McCoy Drugstore a minute or two ago. I think we can get him over at Oklahoma Tire and Supply." You'd say, "Well, can you connect me?" And yes. So long before today's modern technology, Ms. Bailey could connect you with Dr. Hope or Dr. Kelley or whomever you wanted and you didn't have to forward or anything like that. Everybody loved them. There's just one bad thing. Witt couldn't always get good service to talk to his mother and dad. So about this time, Hugh Wilbourn and Charlie Miller had left the Bell Company and started a little repair store named Allied Repair Store. They went down to talk to Witt. Oh, Witt had bought from Pete Bailey the Grant County Telephone Company and he was still having trouble having the connection made to Prattsville. So they went down to talk to Witt about repairing the thing and they listened and didn't come to any agreement and then they left to go downstairs. Witt thought of something and caught them at the front of the door as they were leaving and said, "Hey, I want to ask you something. Why don't you buy that telephone company? You can fix it up and know what you're doing and I'm just sitting on it as an investment." They said, "What do you mean buy it?" He said, "Well, we'll agree on the price and then I'll finance it for you and let you pay me for it." So they did. That was the beginning of Allied Telephone Company. Basically Witt financed the thing for Hugh Wilbourn and for Charlie Miller.

SL: Two things: Allied became Alltel.

RL: That's right.

SL: And is Hugh Wilbourn…Is that Randy Wilbourn's [and Jo Ellen Wilbourn Ford, Mrs. Joe Ford] dad?

RT: Yeah.

SL: OK.

RT: Randy.

SL: Randy Wilbourn. Randy sits on the Board of Advisors for the Pryor Center.

RT: Yeah. That's right. So he talked him into it. They worked out a deal where they took over the little Grant County Telephone Company and named it Allied Telephone Company. It started off and they needed some help legally. I had my own law practice. They came to me and asked me to help them. I just started working for them when Hugh Wilbourn walked in one day and said, "Ray, I've had the most amazing thought and I want you to help me with it." I said, "What is it?" He said, "I want to become responsible for long-distance service out of our Sheridan exchange." I said, "Well, doesn't

Bell do that?" He said, "Yes, because they control the lines and the switching equipment. Now I have a way to initiate, start up, local calls that can go on the network and won't require us to pay any carrying charge (I. T. & T.) because we'll have the origination and we'll have the termination of the law of the thing. The only thing we may need to rent is some interstate circuits. But that will not be subject to the Bell that will be at a rate prescribed for regular service." I said, "Well, it sounds good to me." So he hired me to develop that. We went to Chicago and talked with I.T.& T. and, amazingly, they thought it was a grand idea and put us in touch with their counsel and they thought it was a good idea. So working with counsel for I.T.T., we set out to patent Telfast (telephone fully automatic switching and ticketing). I.T.T. had a plant in Tennessee and we got the patent work started and contacted that plant and started building the machine that would be in Sheridan and which you could dial either a "1" to automatically go anywhere (and that was fine), or you could dial "0." When you dialed "0" you went into the automatic telephone ticketing apparatus and you got recorded as to what you were trying to do: person-to-person, collect, or whatever. Then you completed the call yourself and the recording machine knew how much to bill you for those connect charges. You didn't use an A.T. & T. operator to get through. It was an automatic machine and it worked. McSweeney of Chicago and I worked together on the bargaining agreements and we were well along toward using it because there wasn't any restriction on doing that. But A.T. & T. and Bell sued us for degrading their service by putting these unmonitored calls on the line. Well, they took us to the Public Service Commission to restrain us from connecting that system to theirs. Well, we defended and I was in charge of the defense. We got an unfavorable P.S.C. decision, two to one. The two people basically said you couldn't put something on Bell's line without their approval. So we took that a next step and went to the state Supreme Court and there we should have won it. But we had the defense that we were just going to go through those lines to other independent telephone companies and we had all these companies signed up, that they would like to use it. Oh, while all this was all going on, we got the equipment built and installed at Sheridan and when the Commission said you can't degrade service to Bell we made a real quick change and it was to only terminate in non-Bell exchanges. It would go to New York. It would go to Columbus, Ohio. It would go to San Francisco. It would go to Texarkana because Texarkana was in a private company, non-Bell. So we had them sandbagged where we could use our equipment to make connections all over the United States. P.S.C. didn't have jurisdiction all over the United States. We could make connections all over the United

States as long as it didn't terminate and degrade service to some Bell customer in Arkansas. Well, we hooked it up and it worked like a charm. Bob Wilbourn, no relationship to Hugh, worked with Reynolds in Indiana and he started using the phone for contact there. Other people picked Texas. Other people picked…And it was working just like it was designed and it really frosted them. So guess what they did? They cut off service to Sheridan, Arkansas, Fordyce, Prattsville…About seven or eight interconnected Allied lines. In Fordyce they severed service and said "Your call cannot be handled by this automatic equipment" when it was entirely over our lines and when it was going to Indianapolis. They kept the service interrupted for quite a while and I filed the biggest anti-trust suit that had ever been filed in Arkansas and we finally got their attention. We kept it in court. They tried to get us out of court and Judge Oren Harris, thank goodness, could not understand why we should be barred from presenting our case, that using our own equipment, consistent with the rules of Bell, why they had a right to stop all service to Sheridan. Well, it ended up that Bell, whose vice president, Mr. Black, had said when improvements like this are needed, Bell will supply them and we had a case that was a winning case. So A.T. & T. and Bell entered into a settlement agreement, which gave the beginning to Allied Telephone Company's growth, becoming Alltel, and eventually becoming the largest independent telephone supplier in the United States. I am proud to have been a part of that and it all happened because Witt wanted to talk to his parents with a clear connection and I'm grateful I had a part in it. I am terribly distressed that the Arkansas Supreme Court, in a four-to-three decision, held that we couldn't go on that nationwide telephone service.

SL: Well, what's also amazing is that technology came out of a little telephone repair shop.

RT: Yes.

SL: And that shop is in Little Rock?

RT: No, it was in Sheridan. It was a brilliant decision. It had Howard Able of I.T. & T. and others just in awe that Hugh had invented this thing and that it had the possibility of making the telephone system of today better than it is.

SL: That's a great Arkansas story. Oh, we're done with our second hour.

RT: Oh really?

[Break to change tapes.]

SL: OK, so we were just talking about how we've been doing this interview and how we've been jumping back and forth and going back to the way you were raised at home and how that manifests itself throughout your career and we just finished talking about Allied, which became Alltel, and the case

that was rightfully won for them. But I do want to go back to the home because I think there are some things that folks did in their lives growing up in the challenges of the times. You were growing up right before the Great Depression so you were kind of tossed out of the pan into the fire as far as struggling to earn a living and people getting by. Now you all's family did very well with that. You were kind of self-sufficient in many ways. One thing we haven't talked about at length is, back then, when you didn't have electricity, you didn't have refrigeration. In fact, refrigerators weren't really happening at all. What was happening was that we figured out how to make ice. So tell me about how you kept things cool.

RT: Well, what we had was an ice chest. As a matter of fact, at Papa and Mama's house we had a Servel refrigerator. As you may know, Servel works on heat and not on electricity and, by burning kerosene in the Servel, it would heat the salt and run it through a couple of compressors and boilers and it would become cool. So we were really pleased to have a Servel refrigerator at Papa and Mama's house. It happens that, later on, they bought Arkansas Louisiana Gas Company and they bought the Servel manufacturing plant and that became the basis of the gas-powered refrigerators that were sold, for years, by the gas utility companies. Of course, out of the lighting part of it, we had Aladdin lamps, which gave a very warm and distinguished glow, and it was better than candles or kerosene lamp. So when Witt bought the Servel plant he turned them to making gaslights and promised to light the streets from Little Rock to Shreveport with gaslights, if they wouldn't raise his franchise taxes. So things worked together. The Arkla Village Development down at Emmett, Arkansas, where they made rocking chairs for President Kennedy and where the Conestoga Prairie Schooner patents were held, we made Prairie Schooners and wagons there that were useful during the centennial years. Most of those came from Arkla Village and that gave me the idea of making cars, for an example. These historic things, like the Arkla lamplights, the Arkla lamps, the Handywagon, the Razorback Boat Company, all of these things happened after I had completed my Navy career. But they all dated back to a remembrance of the years from Arkla lights using oil and refrigerators like Servel, things that we dealt with. I think it all ties together.

SL: You know, Ray, I have to tell you. I've never heard of the gas-powered, kerosene-powered, refrigerator.

RT: Yeah? Really?

SL: Yeah, I never have.

RT: Servel. Check the history books. The refrigeration was an absorption cycle where the salt exerted such a draw on the liquid that if flashed into a vapor

and the cooling process would refrigerate. In fact, that is very similar to the ice-house-making machinery involving the cycle where ammonia is used to make ice and which was distributed to houses by horse-drawn wagons. We would get, in our house, where we didn't have a Servel…We would get a forty-pound block of ice and put it in this ice chest and keep our meals cool there. You had to fill it up with ice about twice a week. We made do with a lot of things you don't hear about it.

SL: Well, ice was delivered. Was milk delivered too?

RT: Absolutely. Ice was delivered. Milk was delivered. The ammonia icehouses supplied ice for commercial practices. That's the way you got air conditioning in the theaters. You didn't have an air-conditioning unit. You melted ice and blew air across it to cool the theaters.

SL: Big fan?

RT: Big fan blowing across the ice. Yeah. I appreciated it because, with the duty I had for changing the film for Jack Bane in the movie house, I got to be in a cool place, notwithstanding the very heated light that was lighting up the film.

SL: It's becoming increasingly clear that hearing your involvement with all these mechanical things that you had a very strong grasp of physics and mechanical engineering. Did that start to accumulate at home?

RT: That started from early years at home and throughout my college. I kept advanced in engineering, science, technology, chemistry. I think it always surprised colleagues of mine that I had the engineering background that I was fortunate in getting.

SL: All that engineering is near and dear to my heart because my son is an engineer, got a degree from Lehigh, and I'm really proud of him for that. And it does take an analytical mind…

RT: It does.

SL: …To do that.

RT: Well, I just loved it. As you know, I made radios and sold them. I built my own motorcycle out of a gasoline-washing-machine motor and a few pipes. I did well in my Navy engineering courses. I became the operations officer of ships of the Navy. I was top-secret control officer in charge of communication for the admiral, and for the fleet in Korea, for the aircraft carrier Philippine Sea, of which I was the signal officer. So I have, mostly unknown to people of my acquaintance, I really have a strong engineering background and that became useful to me when I went to Congress and became chairman of the Science and Technology Committee, the Subcommittee on Science, Research and Technology. It surprised my colleagues in Washington. But when they found out I had built a fleet of

automobiles called Handywagons and had developed a knowledge of recombinant D.N.A. at a time when that was becoming an issue, my career nationally really moved toward science and engineering. But we've gotten there awfully fast. Before I got there, I got out of the Navy and, for the first time, went to work for my Uncle Witt and he put me in charge of development of various enterprises. I formed Arkansas C-Net Corporation, Arkansas Chemical Corporation, Razorback Boats, the pipeline connecting to Helena for the chemical ammonia-producing plant over there and the forestry plant at Gurdon. He really gave me a lot of enterprises to work on that were very exciting, including the development of the Handywagon.

SL: Well, we just need to go ahead and talk about that Handywagon.

RT: Go ahead?

SL: Yeah. What was the idea about the Handywagon?

RT: Well, the idea was that, at that time in America you didn't have anything besides Cushman Motor Scooters below the size of a full pick-up truck. And, in the gas company, we had constant needs for men servicing gas lines, for meter readers, to go from house to house, hopefully with a vehicle that you could leave running while you went and examined the meter. In talking with Witt about it, I told him that with our Razorback Boat Company, coupled with the Servel Manufacturing arm that built refrigerators, and which had built airplane parts during the war, coupled with the Conestoga Prairie Schooner patents that we had, that we were in an ideal position to build a lightweight quarter-ton truck that would get thirty-five or forty miles per gallon and serve for meter readers and that kind of enterprise. He checked it out and was told by people in the company that there's no way we could do it. He told me that and he said, "I'll allow you two hundred thousand dollars to build me a hundred." So I said, "Well, I'll go after it," and we did it. I got the help of a pipeline foreman named Ed Handy, who could build anything that I could draw or design. We worked together at his privately owned shop out on Rinke Road here in Little Rock. I did most of the sketching and he did most of the building. We came across a Dutch manufacturer named van Duren Automobile Fabricen in Eindhoven, Holland. And the van Durens were adventurous and they had built a passenger car with a two-cylinder horizontally opposed gasoline engine that would go about forty miles an hour and was in use in Holland and some in other European cities. But it was too small for American people. So I found Ed Handy and he could build anything I could describe and we went to New York and called on Jan Sooten, who was their representative, the van Durens' representative in the United States. We explained that we wanted to build a lightweight utility truck and would like to experiment with his two-

cylinder motor and the automatic transmission that they had developed. So we bought two vehicles, brought them back to Ed's shop, dismantled them, substituted for the stamped-out press a sturdy box-girder-connected frame with coil springs for the rear wheels and torsion-bar springs for the front end. Both of those together allowed us to add seven inches of driving space to accommodate American-sized people. We built a couple of those and Witt had said go for a hundred, so we did. I thought to myself, "What better name could we have for these than the pipeline foreman who has basically reduced everything that I could draw to a machine?" So we called them Handywagons and I was very proud of them. We still have a couple of them in the museum in Grant County. Many others were sold to private people after we went down on the project. The little trucks worked fabulously. They got about thirty-two miles per gallon, had a top speed of about seventy. People who had seen the Cushmans were startled by how much superior these were to the Cushman vehicles that were then being used by the Post Office and others. Witt came to me and said, "Ray, you've amazed everybody. If you can guarantee me a unit cost of a thousand dollars per vehicle, I will authorize you to buy and build a run of one thousand of these machines." Well, I was tempted to cheat, but I never have. I came back to him and said, "It'll cost twelve hundred dollars per unit to build it." He said, "Well, I don't think I can sell them for a price sufficient to pay for replacements and to maintain parts if you can't get the price below a thousand dollars a unit." So, reluctantly, we went out of the Handywagon business. About two or three years later, the oil embargo hit, the price of gasoline skyrocketed and he told me that we had made a mistake. If we had kept going we would be on top of the market now for lightweight, fuel-efficient vehicles and it was too late. Our equipment had been basically abandoned, sold off. We pulled the project down. Jan Sooten, the Dutch man who was high in the van Duren family circle, was disappointed and urged us to try to renegotiate the price of seven hundred dollars that they had given us for the engine and the drive (and we had done the rest for around five hundred or six hundred dollars, which put our price up to twelve hundred dollars per unit). Well, we abandoned it and should not have because, without my knowledge, the Dutch were as excited about the project as we were and the van Durens had authorized a purchase of one of our Handywagons, which they took and brought it up to new standing, took it to Eindhoven, Holland, where it sits today as a beautiful example of Dutch-American engineering. I have a copy that Julie Baldridge found in the computer of one of those vehicles that they have. As I say, we have two in Grant County. But what it illustrates to me is that they were as excited about

this use of their automatic drive…It was an automatic-built drive, variable transmission…They got the idea that this little vehicle would have been an exceptional niche player in the scheme of automobiles. Now there are lots of units in that niche: Toyota, and a bunch of others that fit that niche. But it wasn't filled then. Had I had Jack's wisdom about the future I would have said, "Well, why don't we go to Eindhoven and talk to them about bringing their plant to Arkansas and we will work with them to produce this larger fiberglass economical truck here in Arkansas? And I bet you, with McClellan's help and with Wilbur Mills' help, that we could have sold them to the Post Office for their delivery vehicles." I didn't have enough gumption to make that step because, if I had made that step, and knowing what I now do, how proud they were of their work, they would have been glad to come here and go partners with us in building a plant in Arkansas to supply the Post Office's need for that kind of delivery vehicle.

SL: It almost makes you wish you just go ahead and fire it up again anyway.

RT: Well, I found out, to my dismay, three years after I had built this fleet (in Washington, the Arab oil embargo made this kind of vehicle very imperative)…But, unfortunately, the equipment we had put together to do this limited production run had been forsaken. Witt left the gas company and Sheffield Nelson [his successor as president of Arkansas Louisiana Gas] didn't see much future in it. So we didn't have the capacity, at that time, without doing it all again.

SL: So what a great engineering feat that is and what a great partnership that could have been.

RT: Well, Witt thought so and corresponded with me about it many times, how we messed up on our timing on that and why we should have recognized we needed to develop a partnership with the van Durens. And I don't think that there is any question that, with the presentation like I just discussed, that they would have been here, ready to go.

SL: You know, there's another cultural element that we haven't talked about at all and—I don't know how things were in Sheridan or Conway—but that would be the segregation side of life growing up. I just wonder, as a child, and going through the public schools…It seems like, the way that I hear this, the African American and Caucasian American relationships were fine with the children growing up. In many instances they played together out in the street or the yards. But once they became public school-age the paths divided. Were you aware at all of the segregational…?

RT: I was aware in this sense: Papa Stephens, Jack Stephens' father, Lorenzo Dowd, had fought with Fremont and was with Fremont when he issued his premature Emancipation Proclamation. Our family did not believe in

slavery. Now, there was some doubt about how quickly you overcame that. But Papa used to tell us, "It won't do to go too closely into Lorenzo's attitudes there, because he thought that the slaves ought to be freed and that the North was on the right side." Well, now that's true and I had that background very much taught to me. We didn't do everything we should have. But the few blacks that lived in Grant County will tell you that the Pumphrey family, which was my mother's family, were very generous and not in the typical slaveholder-slave relationship. Papa certainly knew that that was not the valid way to make a government and I appreciated that. In other words, we had black friends who would come to our house. Some of them would help cook a meal, some would borrow food for their table. We were taught, and it was mainly Christian, that it was wrong to have people of inferior standing caused to be slaves. Now we knew that it didn't matter if…They didn't have to be a free person to be a Christian, but we knew that, in our view, being Christian meant you didn't own anyone else's soul, that they had their own free soul and should be honored and respected just like everybody else. So we were known as a family that was not part of the violently segregated side of the struggle here in the South.

SL: The African American population in the county was pretty small?

RT: Yeah.

SL: So you probably didn't see much confrontational stuff.

RT: No. That's right.

SL: Were you aware of the different drinking fountains or bathrooms?

RT: Yeah. You couldn't help but notice that there would be a "coloreds only" or "whites only" sign in front of restrooms and there was discrimination in eating places and I was uncomfortable with that. At Yale, I became friends with Levi Jackson, who was an African American football star. My roommate on the aircraft carrier was Lonnie Marshall. He was one of the first black midshipmen to serve and we had a true friendship. So I can't speak for everyone else. But I grew up inoculated against the idea that whites were superior to blacks.

SL: Let's see now…When did you enter the Navy program?

RT: OK. I graduated from Yale in 1950, went one year to the University of Texas at Austin, and that was the turning point in my career. At the end of Yale I was Ivy League. I was a bookworm. I was good at reading and answering questions. At the University of Texas I became Cowboy Ray. I had friends who opened my eyes to a different way of living and that's a year I truly treasure. As a result of that, I went into the Navy with my eyes open and had a good three-year span, two combat tours of Korea and a tour on the Independence passenger ship, of which I was operations officer—

electronics officer and top-secret control officer. We lived a good life and I was a bookworm, except for the Navy and the guitar. When I came back to Arkansas, as I told you before, after the Navy Witt had given me a job as a salesman and I met David Pryor, who is a wonderful product of Arkansas public schools. I met professors that were so smart and so good and I became an average student. I studied people. At the end of my first year back on campus, I got the idea, which David Pryor played a part in, and Harlan Perryman (and others), of running for president of the student body. I did so as Cowboy Ray Thornton, picking and singing on the steps of the library to get a crowd to appear, then I'd turn the singing over to my friend, Ronnie Hawkins, and he would keep the crowd and enlarge it when I went around and shook hands with everybody and asked for their votes. Ronnie and I made a good team, a result of which I ran as a "write-in" candidate…I mean a petition candidate against two established candidates of the two political parties and I wound up getting sixty percent of the vote and letting them divide the other forty percent.

SL: Landslide.

RT: And as president of the student body I had some good things happen on the campus there. One was, I happened to have an uncle, Jack Stephens, who was a trustee [the University of Arkansas Board of Trustees, appointed by Governor Sid McMath] and so we got a lot of recognition for the student government that we might not have otherwise have gotten.

SL: Sure.

RT: And David was a leader there, a natural leader, and we went to the Chicago presidential convention [Democratic National Convention in 1952]. I took my granddad and David went along with us. We had a good time and David often tells about the night that I wanted to get my granddad to see Harry Belafonte, who was entertaining at the Chicago hotel. David had tried and they had no seats. So I went over to the maître d' and David saw the conversation and he didn't see the size of the bill, but I tipped the maître d' a fifty-dollar bill and all of a sudden a table came out and we sat right in front of Harry Belafonte. David and my granddad and I sat there and enjoyed Belafonte's performance. It was a great convention and we nominated [Illinois Governor Adlai] Stevenson. My granddad, my Papa, met Jack Kennedy in an elevator and Kennedy asked him whether he should ever run for president or vice president how would he do in Arkansas, and Papa said, "Well, you'll do all right. We had a Catholic [New York Governor Al Smith] run when [Arkansas Senator] Joe T. Robinson ran for vice president [1928] and I helped him carry Arkansas. All you have to do is remind people that we are in a free country and that no one should be excluded from

striving for the highest office in America because of the fervency of their religious belief." I watched Kennedy register all that and it's basically what Kennedy said down at Houston a couple of years later [1960] when he turned the mood of the country onto the question that you shouldn't be disqualified for presidency because of your belief in the Catholic church.

SL: That's right. That's right. You know, we've mentioned David Pryor several times in this interview.

RT: Yes, he's one of my dearest friends.

SL: It's plain to see that you all have great fondness for each other. But at the same time you ran against each other in a political primary.

RT: Neither of us wanted to run against the other and we ended the campaign closer friends than we started because neither of us took an unfair poke at the other. It was terribly close. It was one that could have gone either way. There were three of us who finished with thirty-two percent of the vote then there was a spoiler—A.C. Mowery, I believe, [actually, A. C. Grigson] from Texarkana, who got just enough votes from me to let Jim Guy [Tucker] finish second. At midnight, I was running ahead. By about four a.m. it was David and I. Then Jim Guy sneaked in in front of me.

SL: Now who was the third candidate?

RT: A.C. Mowery [Grigson] I believe. Please look that up.

SL: OK, I'll look it up. That's a remarkable…That's got to be very, very rare, especially in these days. It's impossible in these days.

RT: And David has constantly reminded me of our friendship. When I decided that I needed to leave the University to go back to Washington to carry what I called a Marshall Plan for America, to use the technique that General [George C.] Marshall had used to rebuild Europe [after World War II] to rebuild America, David signed on to be the chairman of my congressional campaign.

SL: Unheard of. It just doesn't happen, does it? It really speaks well of your all's respect for each other and your friendship. That's a good story.

RT: Well, he's a great man.

SL: Well, you know it's a shame it's not like that anymore.

RT: It's too bad we couldn't have called those Coachman's Inn days forward where we both sat there and we talked about how great it could be if we could both be senator.

SL: Yes. Yep. That's something else. OK, well maybe we should start talking a little bit about…First of all, were there any…I'm going to go back to home, speaking of friendships.

RT: OK.

SL: Early childhood friendships. I know that you had them.

RT: Oh yeah.
SL: I know that you also worked yourself like a dog between four or five jobs at a time. But, did you have good childhood friends?
RT: Jimmy Koon is today one of my closest friends. He was the son of the jeweler. He set my eyes on fire when he built a motorbike. Of course, he had an advantage. He had a bicycle to start with rather than a washing machine. But he also had a motorbike. He is maybe the most careful and efficient jeweler I have ever known. He repairs everyone's jewelry to this day. He spurred me on to build the radios. We built a line of airplanes, some of which had motors, and all of which had our steering mechanism made up of gyroscopes, and we would launch our gyroscopic airplanes from the clock window of the Grant County Courthouse and watch as they followed the directions we had given those gyroscopes as they traveled for a good distance. Now, I'm not going to claim that we had it fixed up as well as these drones that are operating now, but it was the same idea.
SL: Same idea.
RT: Same idea.
SL: Remote control. Boy, what are the chances someone could get up in those towers today?
RT: Roswell Hill, who was part of our group, predicted that we would see people go to the moon and I was incredulous and Jimmy didn't see how it could be done. But Roswell had the confidence to foresee Wernher von Braun and his ability to lift people up to walk on the moon.
SL: In Sheridan, Arkansas?
RT: In Sheridan, Arkansas.
SL: So, besides inventing things and being the entrepreneurs that you guys were, did you play sports? Did you…
RT: Sheridan stopped its football program when Frank Koon was drafted. We played disorganized sports and I was good as a scatback. I never did get to play high school football. I was not tall enough to play basketball and I was stymied because my classmates kept wanting to check me out to help them with their homework. I hate to say it, but I was kind of a resource for the other students. They thought that all they needed to improve their grades was to talk with me.
SL: What about, you mentioned clarinet and saxophone.
RT: Yes, I played both.
SL: And was that in marching band?
RT: Yeah, that was in marching band. I was the best clarinetist. The teenage orchestra played for the servicemen in the teenage club and I was good enough to play in the university band in the first two years after I got out of

high school. I took my clarinet to Yale with me and found that with the military program and my Yale studies, that I didn't have time for the Yale band and, regrettably, I admit it, I hocked my clarinet because during the early recesses up there, I was working in addition to my scholarship. I had a bursary job, which means I worked in the library filing things and doing things like that for my food. They shut the food line down over Thanksgiving and other days, so I had to hock my horn to pay for meals during one of those vacations.

SL: That was hard I bet.

RT: Well, I didn't like it. But I preferred it to going without food. My mother and dad did everything they could to help, but during my years at Yale they could send me twenty-five dollars a month and everything else came from my bursary job and from my Navy scholarship and living allowance. I wouldn't have it any other way. It worked out well. My bursary job eventually turned into working at the library, the main library. I found that a good place to study and a good place to read extensively. So I really had become like a full-time student.

SL: The Yale library, I would assume, has a very impressive collection of archival-type materials.

RT: Yes. Of course that helped me while I was on the debating team. That's why I was able to do the research and compete with the Ivy League debaters.

SL: You got it while you were on the job.

RT: Yeah.

SL: That's good.

[Another voice not identified: Scott, what about the Civil War play that he mentioned earlier, by the riverside?]

SL: Oh, yeah. We were talking about the crossing there and the ceremony, I think it was marking the battle there at Jenkins' Ferry.

RT: Jenkins' Ferry. No, it was the celebration of the Centennial of Arkansas. We went into the Union in 1836 and this was 1936 and I was the speaker of the occasion and my granddad rode up on the opposite bank, on a gray horse that I didn't know he had, and proclaimed that he was glad to see the crowd, that he was Hernando de Soto, that he had recently left the Mississippi River and he was trying to find the fountain of youth, the labeled and famous hot springs, which were somewhere across this river and he wondered if anyone could be of help in guiding him. The reply was, "Well, this is the gravel crossing that the Indians, Native Americans, have used in going east and west and if you'll go across here and keep going you'll come to the fabulous hot springs." Papa said, "Well, I don't see any reason for stopping here. I haven't seen any gold or any silver or any magnificent villages. All of this

looks like wasteland to me." He went on across the river and proceeded to the west. Then Papa said, "But you know folks, he missed the true value that we celebrate here. He missed the riches of this fertile land that can grow cotton, corn, and sweet potatoes, of these magnificent trees, which can be used as timber, for the construction of houses, the families that can live and educate their children here in these fine schools. So we have to say that de Soto did not look at the true values that were all around him and that he could have stopped right here and found that this was the most fortunate place that he could be."

SL: Couldn't see the forest for the trees.

RT: Yeah.

SL: Kind of thing. Well, that era was all about finding gold and silver.

RT: It was.

SL: And the fountain of youth.

RT: But, the point is that Papa recognized that we should find our treasure wherever we were and that De Soto had missed it, by looking for it in some distant place, that you found your treasure where you were located. I always thought that was so smart of Papa to tell us that at the celebration of de Soto crossing the Saline River.

SL: Well now, you said that you were a speaker at this celebration. What was your role at this celebration?

RT: Well, my mother and dad taught me the importance of democracy and of the values that we celebrated together. Papa had told me that government and making sure that the will of the people be done is the thing that we ought to all be reminded of. I had a pretty good speech made up in my mind of praise for our teachers, for education, and for the opportunities that we enjoyed.

SL: So you speechified.

RT: I speechified.

SL: How old were you?

RT: Well, let's see. It was '36. I was eight years old.

SL: You may have been the youngest speaker in the entire state for that celebration.

RT: Well, I may have been. I think they thought it was miraculous that I could stand up and make a speech at all. But I won…Mother saved, and I ran across them at the time of her funeral, the pins and medals that I won from 1934 until 1939 at speaking contests. They used to have contests within the county and I won debate-speaking contests and government-speaking contests and even an English-speaking contest. Those medals, I can produce them. They are still there where mother put them.

SL: Well, they're priceless. So were you on the speech and debate teams when you were growing up?

RT: I was on the debate team when I was growing up. I was on the debate team at Fayetteville with Marcus Halbrook, who later became clerk to the House of Representatives [actually, director of the Arkansas Legislative Council], Bill Arnold of Searcy, Phil Carroll [Phillip Carroll, later of the Rose Law Firm] of Little Rock. When I went to Yale—and I think I already mentioned this—I was on the varsity debate team with Bill Buckley, Brent Bozell and the other luminary debaters at Yale.

SL: So, all right, was there any teacher growing up, outside of your house, that really helped light up some light bulbs for you?

RT: Yes. Alice Hope was my senior class teacher. She was magnificent. Sadie Koon taught me math, got me interested in science. The experience under Mrs. Alice Hope was incredible. She taught me things that seniors in high school don't ordinarily have. She could recite much of T.S. Eliot's poetry and would quote part of his poems. I remember some of those quotes today. I'm not going to bore the crowd with reciting them, but she was a magnificent teacher. When I ran for attorney general, she wrote to every teacher in Arkansas that she knew and talked about me and what a fine example, she said, I was for education and for public office. Alice Hope: tremendous. Frank Koon, Sadie Koon's husband, went to the war and that's why we didn't have a football program, because he was the coach. Mrs. Calloway was tremendous. I can name all of them. A.R. "Mack" McKenzie was…A book can be written about his influence on education in Arkansas and should be. He was a strict disciplinarian who loved America and who insisted on student self-governance. I often wonder how Mack would do in today's environment. I don't think the discipline…Well, let me just explain. Teachers don't like for you to smoke in school and Robert Crutchfield ("Johnny") came walking up to the front door of McKenzie Hall and he had a cigarette in his mouth and Mack bolted out the door and said, "I told you that you couldn't smoke in this school. Now you leave this campus and throw that cigarette away and don't come back with one." So Robert did and Mack walked back in and our teacher Velma Lybrand said, "Mack, he graduated last year." Mack said, "Well, he's not supposed to be smoking," and didn't relinquish his demand that Robert put his cigarette out. But, Mack didn't consider just the school ground as being his. He could be driving downtown in front of the pool hall and see some student smoking and he'd stop the car and get out and make the student snuff the cigarette out. You didn't disagree with him. He was like Father [George] Tribou was a few years ago here in Little Rock. You minded Mack wherever he appeared and

what a great influence he was on young people and how terrible it is that we've denied to our good teachers the ability to really exercise discipline on some of the students.

SL: When you were done with high school and you're heading to the University of Arkansas, right?

RT: Yeah.

SL: You get a scholarship to go there?

RT: Yeah.

SL: And what happens when you get to Fayetteville? What's the difference between where you came from and when you got to Fayetteville.

RT: Well, I found that I could make it at Fayetteville by working on my courses. Virgil Baker was the speech teacher. A professor of chemistry taught me that I could do the chemistry thing. The thing that was interesting to me was that I found out I could compete. Now, that's not my fault. I'd been well educated at that time. But the result was that when the Holloway Plan came open and I was competing on a national level with students who were, for the most part, graduating from high school at eighteen years old, and I was eighteen but I was already in law school, it's no wonder that I got to choose where I wanted to go to college. Now, Yale balked about it for a while. Not sure if I said that. They didn't like the idea of admitting me without my freshman year being done there. But the Navy was able to prevail on them and, as I said, I graduated in three years from Yale with a degree that was in international law but also had elements of engineering and mathematics in it to help me with my Navy work.

SL: So, in Fayetteville, the culture is different though, wasn't it?

RT: Yeah.

SL: It was a bigger town for one thing. The student population…Let's see, is this…

RT: 1949.

SL: 1949?

RT: Yeah, I graduated in '50.

SL: So you were there when Clyde Scott was there?

RT: Who?

SL: Clyde Scott?

RT: Oh yeah. I was at Fayetteville when Clyde Scott was there and he was a good friend of mine.

SL: Do you remember watching him play?

RT: Yes. And I remember riding back in the school bus from a Memphis game when we had a little fender bender and Clyde's wife was in the bus and I reassured her that she'd be all right and she was. We were close friends.

SL: Small world.
RT: Yeah.
SL: Small world.
RT: Aubrey Fowler was there. Cob Fowler. Buddy Bob Benson was there, who was the scatback of all scatbacks. He died recently. But Buddy Bob was playing in a game with Bud Brooks [of the Razorbacks] and Earl Leggett of Louisiana and Buddy Bob got the ball and Brooks bounced Leggett on his rear and Leggett got up and Bud Brooks knocked him down again. Third time Leggett got knocked down, he looked at Brooks and said, "All right, you beat me on this play! Why do you keep doing it?" And Bud Brooks said, "Buddy Bob Benson's got the ball, he may be back this way again."
SL: He could scramble, huh?
RT: He could scramble.
SL: So let's describe what a scatback is.
RT: Well, a scatback is somebody who is not quite as fast as a sprinter, as Clyde Scott was, but he was quicker on his feet. He could dodge and make people miss him. He [Benson] was a great football player and had a good career at Ouachita, where he coached.
SL: We're done with hour three.
RT: OK.
SL: You want to stand up? Let's take a break.
[Break to change tapes.]
RT: You might kind of give an opportunity here, say something to the effect of, "We've talked a lot about your career in the private sector. How did you make the decision to go into politics?"
SL: OK. That sounds good. [Crew requests that Mr. Thornton's tie be straightened.]
RT: I'm going to refer to some advice that Witt gave me.
SL: OK. Ray, we're starting out fourth hour. I want to commend you for putting up with us this long.
RT: How many are there? Are there going to be a couple more or not?
SL: We'll go as long as it's good for you.
RT: OK.
SL: But I do think we've done a pretty good job of covering early years. Early influences. We may dip back and forth. We've got you to the University of Arkansas.
RT: Yeah.
SL: We've established that you knew some of the football players at the time.
RT: Yeah. Of course we've gotten in my first knowledge of David Pryor, who has been very important to me. We dealt with David Pryor and the

Democratic Convention in Chicago and I want to do the Democratic Convention in Los Angeles, 1960.

SL: OK.

RT: Very briefly.

SL: OK.

RT: It was with Papa.

SL: You want to go ahead and talk about that now?

RT: Yeah.

SL: You can.

RT: If that's where we are.

SL: Well, we're actually…We're in Fayetteville at the University of Arkansas and you're there in 1948.

RT: But then I come back in 1950.

SL: There was something going on in the law school about that time. I believe it was '48 when Silas Hunt was admitted. [Silas Hunt was the first African American student at the University of Arkansas.]

RT: Oh, yeah. My Uncle Jack was instrumental in that and I advised with him, thought it would be a good idea to admit him.

SL: How is your Uncle Jack involved with that?

RT: What's that?

SL: How is Uncle Jack involved with that?

RT: He thought it was the thing to do and he took a lot of heat from people who didn't like the idea of admitting him. Jack was strong in support of giving Hunt an opportunity to go to law school there.

SL: Was your uncle on the board?

RT: He was on the Board of Trustees at the time.

SL: Well that's good to know. I don't know…Did you actually get to see Silas Hunt on campus?

RT: Uh, no because he enrolled at the same time I transferred to Yale.

SL: OK. So you kind of missed that.

RT: I didn't miss it. I missed it only that I wasn't on campus while he was there. The controversy and everything I was fully aware of.

SL: OK. So you go to Yale. You have really great success at Yale.

RT: I did.

SL: Seems so, I can tell.

RT: A lot of these people who went to Yale barely got out, you know? I was amazed that I could come from a little country school and do as well as I did up there.

SL: Well, then again, you go back to your folks stressing the importance of education and it's paying off for you ahead of schedule really. You're quite young to be where you are in your academic career.

RT: It's a good thing I built that up, that head, because I took three years out for the military.

SL: [Laughing.] Well, it's a different kind of learning there.

RT: Yeah.

SL: But you graduate from Yale and you're waiting to hear from Yale if you are going to be admitted to the law school.

RT: So I enrolled at Texas.

SL: Texas made you an offer.

RT: Yeah.

SL: It was there that you kind of experienced a different lifestyle.

RT: I found a different lifestyle and it wasn't better or worse. I was dealing with a Rhodes scholar and other brilliant people. It wasn't nose to the grindstone to the books. All of a sudden it was "what's behind this?" I was getting insight. Joe McKnight would ask the question not "What is the law?" but "What was the judge thinking? What was he trying to accomplish with this?"

SL: So you're reading humans now instead of…

RT: Yeah, reading humans instead of books.

SL: Invaluable. That's an invaluable kind of education. Probably one that you also…

RT: Now, I don't much want to use this because it's still a matter of joy to me. At Yale, I met the first love of my life: Beverly, who had graduated the same year I did ('50) from Wellesley and she was down there doing graduate work and we hit it off. We were the Ivy League contingent. We became pinned, or engaged, as I left down there. We never had sex. That's different, I guess. I had decided that she was my lifetime companion and she had decided the same. But it lasted only about a year, writing letters. I don't know whether she suggested or I suggested we ought not to just date exclusively. Anyway, I had it in my mind that when I got out of the Navy I was going to go back down there and marry her. Trouble is, some Texan stepped in the last few months, and I was heartbroken. But, not so much that we haven't talked and corresponded on occasion since then. She says that this was "the most fabulous time of my life, you were my first real affair." I said, "Beverly, if you don't remember, let me remind you we didn't have an affair." She said, "That was your fault."

SL: [Laughing.] Well, you know it was a different time back then.

RT: Yeah.

SL: It's not like it is now.
RT: And Betty Jo is not jealous. I talked with Beverly about a year ago and she's head of a school down in Texas and has had a very happy and wonderful career and I'm happy for her. So I don't want to put her name in this I don't think.
SL: We can take it out later if you are uncomfortable.
RT: I don't want to.
SL: It is interesting and it is revealing that you speak and feel so highly of each other still.
RT: Yeah, that is amazing.
SL: The honorable nature of your relationship speaks well for both of you so I could be comfortable either way.
RT: I'm not going to do it. It's too incredible for the audience today. I really think it is.
SL: It might be. I miss that kind of honor. I miss hearing about that kind of admiration.
RT: Yeah, and it was mutual.
SL: It raises the bar to a relationship.
RT: If I called her and she was able to get to the phone she would be just as excited to hear my voice.
SL: There you go. True love. Well, all right…
RT: But I think I'll bring Betty into this next phase when I come back in and we don't need to explore that. She knew about Beverly and knew that I was fond of her when I asked her to marry me. She didn't have any trouble with it. Though she was jealous for a while, but she's over it.
SL: But, you know what? That speaks well of your wife now.
RT: Yeah. It does.
SL: Good folks.
RT: The funny thing is: Beverly sent me a picture three or four years ago with other members of her family. They had been in Europe. And Betty Jo got the biggest kick because Beverly has gotten fat.
SL: [Laughing.]
RT: And Betty Jo just thinks the world of her now.
SL: [Laughing.] Not worried about the competition. That's funny. OK, so you go to Texas. You start thinking in terms of education in a slightly different way, more of a human relationship, how humans relate to each other and what is not being said or what is not being written.
RT: Right.
SL: It's a great science that's embedded in the art of getting along. So you leave Texas and you go into the Navy now, right?

RT: Yeah, the aircraft carrier Philippine Sea.
SL: And you had entered this program, was it a scholarship program?
RT: Yeah.
SL: And you were given an officer rank at the end of this program.
RT: Regular Navy. I wasn't a reserve.
SL: Regular Navy. You get on an aircraft carrier and this aircraft carrier is stationed off of…
RT: San Francisco. But I had two separate tours of duty in Korea on the aircraft carrier and then I was transferred to a transport ship carrying troops and family back and forth from San Francisco to Japan, to the Philippines, to Hong Kong…No! To Taiwan. We sailed by Hong Kong. The Philippine Sea…What happened there, and I don't want to put this in, when my two years of duty on the Philippine Sea were concluding, I got a remarkable opportunity. I was asked if I would agree to come on the faculty at the Navy Academy in…
SL: Annapolis?
RT: Baltimore.
SL: Oh, Baltimore.
RT: You know, Annapolis. Dad was thrilled. I had to extend for two years, but I knew if I made that commitment my life would be a Navy career and I still wanted to get back to Arkansas and had, in the back of my mind, some politics, deep in the back of my mind. So I declined appointment from the Regular Navy onboard a carrier to become a teacher at Annapolis. And I don't know if I was the first Holloway Plan student to get that invitation. I don't know. Usually they draw from the best of their Annapolis graduates. So I was tremendously complimented, but I did not want to make that career choice—that going for Navy admiral is the career that I want. So I didn't. Dad thought I had lost my mind. He couldn't understand staying out in the operating zone when I had an opportunity to come back and teach. But I think I made the right choice because the career I've had would not have opened to me. I don't have any doubt that I could have become an admiral because I was on that track. They had really singled me out and pushed me heavily within the Navy. So, I don't think I want to…There is too much speculation there and too much "Why didn't you take the appointment to Annapolis?" and the reason is because I wanted to get back into the private life that I had before.
SL: I think all that is perfectly acceptable. One: It's your mind turning over your paths that you could have taken. You're not really saying that any of this is accurate or what would have happened or could have happened. You're not declaring…

RT: Well, I had to weigh those alternatives and I did a pretty good job of weighing them. I had a good career either way.
SL: Let's talk a little bit about your service in the Navy.
RT: OK.
SL: First of all, you're on an aircraft carrier in the ocean and there's no ocean in Arkansas. So you are…
RT: Far from home.
SL: Far from home in many respects. What was life like on an aircraft carrier, for one thing?
RT: Well, I had a good group of friends and they were smart. Jack Scanlon won citations for his work on a dosimeter to detect radioactive fallout. His inventions were put in wide use throughout the Navy. Gene Witmer was a talented writer. Fred Tebough was a gem at seeing the humor in life. Then Paul Smith of San Antonio and Reese West of Wichita, Texas, saved my life. I had a near-death experience.
SL: Let's hear about that.
RT: They saved my life and they've been constant friends since that time. I'm very grateful for the Navy years I've had.
SL: What was your near-death experience?
RT: It was that I had been studying for the Navy U.D.T. program and I had my training similar to what the ducks, or whatever they are, go through. I could hold my breath and swim under water for three minutes without taking a breath and other feats of body discipline and I had done that on a trip to a swimming facility in Japan and Paul Smith observed that I dove in one end of the pool and wasn't paying too much attention and came back from all the way from that end to the front end, a total of about fifty yards or so, swimming under water and then Paul said, "Well, you quit swimming. You just went to the bottom of the pool and didn't move any. I began to think you were showing out and then decided something might be wrong." He jumped in and pulled me out and after he got me out, my eyes flared with anger because I was being pulled out of heaven. I had gone unconscious, settled on the bottom of the pool. The miracle that I never could understand until reading about a near-death experience a few months ago, I learned that there are occasions when you shut down so completely that you do not breathe even after you go unconscious. And that's what happened. I didn't get water in my lungs. I never breathed. I went unconscious, stayed unconscious for a good period of time and Paul, in getting me out on the bank, pulled and tugged at me some way that caused me to breathe and I didn't inhale any water but I was angry at being pulled out of this blissful experience that was unlike anything I had ever heard of. And I didn't know anyone else had ever

had an experience like that. Since that time, I've learned that it happens occasionally and sometimes, like my case, you don't recover. You don't drown because you don't take in water that destroys your lungs. I was mainly startled, embarrassed and afraid to go to sleep that night because the experience had been so blissful and I had gotten there without strangling or fighting. I was so afraid that I was going to stop breathing again and be done with it. I didn't really want that to happen, although I would have loved to have gone back to that blissful experience that I was having. Well, that had a huge effect on the rest of my life. Just as going to Texas had taught me to study people instead of books, this taught me that there was nothing more important that I could do than to be helpful, in some way, to people who are living. My ideal, from that point on, was not to make a lot of money, but to get into a position where I could have a beneficial effect on society. That's it.

SL: That's a great story. Is there anything about the blissful state that you can remember?

RT: Oh yeah. I can remember that I needed a breath and I started to go to the surface and I saw the end of the pool about ten feet in front of me and I said, "Oh, I can finish this." I went unconscious but I was elevated and I could see everywhere. There's a phenomenon called "rhapsody of the deep" and it is when you deprive yourself of oxygen and it's the source, I think, of all near-death experiences…where you don't want to get out of it. You're through and you're experiencing some connection with the afterlife. There were figures there and I saw my dad, my granddad. It was blissful. When Paul woke me up I was furious because I wanted to go back to that blissful condition. I didn't want to fight him or anything like that. Let's just say, if you read near-death stories you'll find that they are all very similar, when you come to that point of thinking that you're dead and living in eternity. Let me describe: It's not that I was living in eternity. It was that I was living in infinity. That the whole universe was open to me and I was part of a fabric, an infinite fabric of the universe and that it was blissful. Now, if that's not heaven, I don't know what would be. But it was as though you were traveling along a line, and instead of the line being chopped off, it expands until you're infinite. [Emphatic sigh.] It's scary, even now, to think about it.

SL: But it was comfortable for you there?

RT: What?

SL: It was comfortable? It was…

RT: Oh, yeah! I wanted to stay there. I was through. I was infinite. I was infinite. Not measured by boundaries.

SL: Well, that's certainly…

RT: It's too mysterious.
SL: Well, it's probably a bit unknowable.
RT: What?
SL: A bit unknowable.
RT: Yeah.
SL: Just can't quite define it or know it in its entirety.
RT: Well, it made an effect on me. I no longer felt that personal achievement or aggrandizement was going to make much difference. That I had found the peace we ought to strive for. Have you been recording this?
SL: Yeah.
RT: Wow.
SL: It's great. I mean, this is good stuff. This is honest stuff. I wouldn't worry about it. If you decide later on you don't want this in there, we'll take it out. But I think you should leave this kind of stuff in there because, first of all, you admit it changed your life and it gave you a different perspective.
RT: It gave me a different perspective.
SL: I suspect, it's going to dovetail into to what you did with your life from that point on.
RT: Right.
SL: So, I don't think there's anything to be ashamed of or anything to be defensive about here.
RT: OK.
SL: I think this is something that really happened and your life, your career, is good with or without it. But it is a turning point and it's important to you. Obviously it's important to you. It's OK that's it's in.
RT: It was a wonderful time for me and I came out of that experience, and out of the Navy, with the basic desire of "What can I do to be of help to the people that I am associated with?"
SL: All right. So you leave the Navy and you go to the University of Arkansas.
RT: Yes. I returned to the University of Arkansas. Choices were to go back to Texas or go to the University. For the first time in my life, Witt and Jack had decided they wanted me to join the firm. So they had invited me to join the firm and I could pick my choice. I could either become a salesman, or an officer of some of their subsidiaries, or I could go back to law school and they would contribute to my legal education, the remaining two years, or I could write my own ticket. And it was a very generous offer and I deeply appreciated it and decided on going back to law school at Fayetteville. That's where I met David Pryor, Harlan Perryman and Bob Gilstrap, both from Salem, and Dean [Ralph] Barnhart [dean of the University of Arkansas School of Law] and renewed my acquaintance with Bob Leflar [Dr. Robert

A. Leflar] and set out to become a good lawyer and had great support from all of those people. Harlan Perryman was an interesting guy. He came from Salem and came across as country as turnip greens, but he was smart. He was elected to the Arkansas Legislature while he was going to school, and then he practiced law for many years in San Jose, California, and made a lot of money. I completed my work at Fayetteville, as you know, taking time off to run for president of the student government and to win, and to develop friendships that have stayed with me all the rest of my life. After graduating from Fayetteville and going to work, or while at Fayetteville, I went to a fraternity party and met a young, beautiful girl who had been in the third grade when I had left Sheridan, but she had grown up into the most beautiful, sweetest girl I've ever known. That was Betty Jo and she became my date and after a couple of years we got married on her 21st birthday, January 27, 1956, and I graduated later that year. Our first daughter was born a year later and I have two other daughters. Nancy was first; Mary Jo and Stephanie were second and third. They've all been a joy, and Betty Jo has been a constant joy to me. She has taken good care of me now for about fifty-four years. She is the sweetest girl that I have ever known. I am very lucky that she chose me. Now, she was also from Sheridan and was the daughter of Mr. and Mrs. Lee Mann, who owned a dry goods store, The People's Store, in Sheridan, and they were good people and always kind to all of us. I've been very fortunate. Betty Jo said, "There's one thing I won't do…." I mentioned politics. She said, "I'm not going to make any speeches," and she really hasn't. She could. They honored her as the Florence Crittenton Mother of the Year and she did a beautiful job with it and everybody would rather listen to her than to listen to me. She has a flare for knowing people. And, as you know, my perspective changed a lot and I began to study people and wonder what I could do to make life better for people. Betty Jo was a constant adviser to me on that and has been through all these years.

SL: You know, it takes a very strong partnership to survive a political career.

RT: Oh, yes.

SL: Sounds like…

RT: We have a strong partnership.

SL: Sounds like it was a perfect fit at the perfect time in your life and it sounds like many people have benefited from it.

RT: I am very fortunate. She's very fortunate except she fusses at me a little bit when, after having a lot of good experiences working for Witt and the gas company and the boat plant and the cement company and the buggy plant, after all those good experiences I found myself one day going over to Witt's

office and say, “You know, I can’t tell you how much I appreciate all that you’ve done for me since I’ve come to the firm.” He looked at me and said, “Well, what is it?” I said, “Well, I really want to become a candidate for public office and I can’t ask for any better employment than you’ve given me. I’ve made a lot of money and I’m happy.” He bit on his cigar and said, “Well, let me tell you this. If you are coming for advice, I’m glad to know you are making good money and if it were me I know what I’d do. I’d stay right where you are and make a pot full of money and you’ll probably have more effect on politics than you’ll ever have as a candidate. But, if you decide you really want to be a candidate, then I’ll support you, and all the family will support you, as long as you don’t use your politics for making money. Now, if you want to make money, you stay right here and you’ll make a bushel basket of it. But, if you go into politics, the only thing I have, or the family has, to gain is your reputation for honesty and integrity and that isn’t the same as making a lot of money. So you think about it and if you want to go into politics I’ll support you, and if you want to make money stay right here.” Wow! I hadn’t really thought that going into politics would mean giving up on making money. But he had it right. He understood it—that going into politics is not the way to make yourself a fortune. It’s a way to do public service. There he was reflecting Papa’s ideals about the role of politics and how you should go in as a public service rather than as a promotion of personal goals. Well, it really made me think hard. But I decided I wanted to go into politics and I chose to go into a race for the attorney general. You’ve referred to David Pryor. He encouraged me in that pursuit. David and I have truly been friends and he said, “Ray, you’d be a great attorney general.” So I ran for attorney general and I haven’t turned back. I kept going. David and I ran against each other one time and he won the Senate and I won the presidency of Arkansas State University and the University of Arkansas. We both had good careers. Then, when I decided I needed to go back into politics again, David was there to be my campaign chairman. So my life has been enriched by the quality, not only of the people that supported me, but people who ran against me. Same with Richard Arnold. Richard Arnold and I ran against each other to succeed David Pryor as Fourth District congressman [in 1972] and Richard was asked if he wanted to try to get a runoff (and of course I had enough votes not to have one). But he said, “If I could choose the person to represent me, other than myself, that person would be Ray Thornton.” I said, and truthfully so, that on the morning of the election, I reflected on the campaign and analytically as to who had shown the best qualities for a congressman. I had convinced myself that he had, that Richard Arnold had shown more skills and abilities

and I was terribly torn up as I went to vote. But I overcame my scruples and voted for myself. But I really mean that. I had become so convinced of his great qualities that if I had just made the judgment on who had done the best job as a candidate, I would have voted for him. But I overcame my scruples. But he liked that. He appreciated that as much as I appreciated knowing that, other than himself, I would be his candidate for Congress. Well, I went to Washington on the heels of having started the Consumer Protection Division in Arkansas and so I wanted to get into the judiciary because that's where consumer rights would be held. And because I had done the revision of our criminal code, and gotten others to work with me on drawing a new criminal code for Arkansas, I wanted to go on the Judiciary Committee. And I got both of those assignments thanks to Wilbur Mills [chairman of the House Ways and Means Committee] and I had no idea that the Judiciary Committee would become involved in the most heavy constitutional crisis of modern times [Watergate and the impeachment of President Richard M. Nixon]. I immediately studied the thing, like I often do, and decided that my role was there, not as a representative of the will of the people, but as a grand juror, a person who was charged with making the judgment based on the information you have on the law as to what the law requires. And I never would tell how I was going to vote because I couldn't do it until I saw all of the charges and decided for myself whether any of them reached the threshold of being impeachable offenses. That frustrated a lot of people. But I was one of seven people, four Republicans and three Democrats, who took that position. We were later called the "Fragile Coalition." But the truth is that we all faced our job as being to measure the actual facts against the requirements of law and to decide what the Constitution required. Well, we started our thinking early in committee, but we didn't discover that there were seven of us who felt the same until late in the committee process. I made a speech in a Democratic caucus in which I said, "I can't go with these articles that we have that are scattered out on tax returns and who was postmaster and who did this. The only impeachable crimes that I can see are obstruction of justice and abuse of power and the refusal to honor the subpoenas, the lawful subpoenas, of the House of Representatives. And Barbara Jordan [congresswoman from Texas] said, "Well, that just about sums it up." And George Danielson [congressman from California] says, "Can I have the notes you are looking at?" And I decided to let him have them. George Mann [Congressman James R. Mann of South Carolina] and Walter Flowers [congressman from Alabama] came to me after the meeting and said, "Ray, you're right on track with what we've been talking about with Caldwell Butler and Bill Boyd and Hamilton Fish and we've called a

meeting for in the morning…" I believe it was in Tom Railsback's office. [Congressman Thomas F. Railsback of Illinois] "And we're going to go over it. Will you join us?" So I did and my one article contained those three offenses: abuse of power, obstruction of justice, and refusal to adhere to a congressional subpoena. We got there and all of us decided that was what summed it up. It was those offenses against the fabric of the Constitution that required that we bring it to trial in the Senate, as to whether he had obeyed his responsibilities under the Constitution of the United States. Out of that, we came up by dividing it into the three parts and the other six Southerners voted for number one and two while I voted for all three of them because they were in my original raft and because [Congressman Robert F.] "Bob" McClory [of Illinois] and another group of Republicans were very upset about the failure to follow the subpoenas. As a result, those were the articles that were adopted. I voted for each of the three that were adopted and none others. McClory and his group voted for my article on failure to obey the impeachment inquiry of the House, the subpoena authority, and we carried all three of those articles in the debate that happened in the next few hours. Then, there was a hoorah about that and I came down to Arkansas and attended the Dierks Pine Tree Festival and also stopped by Kirby, Arkansas, where Ernie Dunlap had a store. I often stopped there to visit with him and there was a curbside bench where everybody just sat around and solved the problems of the day. Well, as I got out of my car and came walking across the street, all the people got up out of their seats on the bench and walked away. I said to Ernie Dunlap, "Where are my friends all going?" and he said, "Ray, they didn't like your vote to impeach the president." I went on down to Dierks and the people there weren't very welcoming either about my vote to bring the articles of impeachment. As you know, Nixon had carried that district by a vote of about sixty-seven percent only two years earlier. So I went on national television that Sunday, or the next Sunday, and they asked me, "Now, your district voted nearly seventy-percent for Nixon. What do you think that does to your opportunities for reelection?" I said, "Well, it's an acceptable risk. Obeying the Constitution and living by the rule of law is more important to me than my career in Congress or anyone else's tenure in any office. So I'll take that risk." Anyway, all that to explain why everybody walked away. And I said, "Well, Ernie, I'm glad you're still here." He said, "Well, I've got to keep the store open."

SL: [Laughing.] So he left you too?

RT: He was also uncertain. Well, I went back to Washington knowing that I was not very popular in my district. But, soon after getting back, the court ruled

that the tapes were open to review and the tapes clearly showed President Nixon making the orders that sent the spies into the headquarters with the directions to get that information and that Nixon was already reading reports that had been coming out of that. But they weren't sufficient. It was the second group that went in and got the more complete standing. Well, all of a sudden, it flip-flopped. All of a sudden Americans knew that we were fighting for the Constitution and the separation of powers and the authority to operate within the law and that Mr. Nixon believed that the president was above the law, that he didn't have to follow the law. Well, that was pointed out in David Frost's interview with the president after a while. In the meantime, it had a tremendous effect on local politics and I survived my next race because people had thought I had done the right thing. I'm very grateful for that. But, if anyone thinks that I was trying to find the popular way, they're mistaken. The popular way was to vote for Nixon because he had the majority of the district. Well, that wasn't the question. The question was whether he had followed the Constitution and I'm glad I made the decision that I did.

SL: Well, I would say that your role was pivotal, though, in reducing the articles to three that were very clear and well defined.

RT: All constitutional. All dealing with performance of your duties in accordance with the law. That everybody is subject to the law.

SL: Personally…Here's the serendipitous part of this for me. I was married on that Watergate break-in day.

RT: Oh.

SL: June 17, 1972.

RT: Oh. Of all things.

SL: Of all things.

RT: Of all things. Then you remember it then?

SL: Oh, absolutely!

RT: Well, did you fault me for deciding as I did before finding out that the Nixon thing was right? That he had misled the whole American people?

SL: I was not a Nixon supporter in any way so I was chomping at the bit to get him out. So I was probably not an impartial participant. I was ready for the change. Anyway, you know, since that time I've probably gained a little bit more respect for President Nixon than I had at the time.

RT: Oh, Nixon was a good president in foreign policy.

SL: Yes.

RT: And he opened China. Everybody has good and bad. But what he did not understand was that the president has to obey the law. He really believed,

and he told his interviewer, that the president is above the law. He was flawed. That was just wrong.

SL: Now, Ray, did that all take place in your first term?

RT: My first term.

SL: First? What an initiation into public service!

RT: What an initiation!

SL: Now, you also did some work with term limits, is that not right?

RT: Oh yeah.

SL: Was that in your first or second?

RT: It was really wound up in my second term [his second stint as a congressman, this time from the Second Congressional District] where I was the named congressman who supported the opposition to the term-limits law. It was *U.S. Term Limits vs. Thornton*. [The Supreme Court in 1995 struck down a provision of Amendment 73 to the Arkansas Constitution, adopted in 1992, that prohibited a member of the U. S. House of Representatives who had served three times or a senator who had served two terms from being re-elected. A member of the Arkansas League of Women Voters, Bobbie Hill, sued on grounds that the amendment unlawfully barred her district's congressman, Thornton, from being re-elected by voters in the district.] I hired a former Republican solicitor general to represent me and the League of Women Voters selected their counsel and we got into a deal where we couldn't decide who would present the argument to the Supreme Court and my man lost and I regret that because we wouldn't have lost by five to four…I mean, we wouldn't have won by five to four we would have won by six to three if our lawyer had handled it. The lawyer for the League of Women Lawyers made a mistake (and you will want to correct this in the body of the transcript). The League of Women Voters' lawyer took the position that requiring that no one who had served more than three terms, more than two terms, was eligible to run for Congress. And the lawyer that got to make the legal argument said that's not a condition of service and that lost at least one of the votes. The solicitor general, Clinton's lawyer, said, "That does not go for us. We say it's clearly an expansion of the qualification clause to say that a person who has had more than three terms cannot be a candidate. That you are dealing with the qualification to run." Well, I was terribly disappointed that my lawyer didn't get to make the closing argument because it would not have been as close a case. We won it five to four with Judge Kennedy [Justice Anthony Kennedy] making the decisive vote and I am thankful that we won it because that would have been a terrible precedent to say that you can have qualifications for running for president that were beyond those that were established in the Constitution.

One of the qualifications might have been that you be Caucasian in order to run. Well, that's ridiculous. All of us knew that but the League of Women Voters lawyer didn't get it.

SL: Well, wasn't there also…Didn't your case, your argument, also involve the state's role in determining what those term limits would be and how that wouldn't be uniform?

RT: That's right. Wouldn't be uniform. That's exactly our position, that it had to be a body made up of people of similar qualifications and that you couldn't separate them into those who had won one, or two, or ten races because it would make the body unhomogeneous. They wouldn't be elected by the same rules.

SL: Ray, I have to tell you, I think that's one of the greatest services that you were a part of.

RT: Thank you. I guarantee you it wasn't easy to find a member of Congress that would go on the record and produce the record in that case. I'm still upset that my lawyer didn't get to make the closing argument.

SL: I can tell. I can tell. I'm not sure what the…

RT: Well, the League of Women Voters thought that they had provided the leadership and that their lawyer ought to do it. Trouble was, he didn't understand it. That's why they lost, I guess, and why we won in Arkansas.

SL: Yeah. OK. Now, congressional career-wise, there's also the science and technology end of your service.

RT: Yes.

SL: So let's talk a little bit about that. I mean, there's also some D.N.A. stuff that was kind of early on in the D.N.A. field. So, can you talk about that?

RT: Oh yes.

SL: OK.

RT: The science part of my experience we've gone into. I could have been an engineer or a scientist without needing any more formal education. Tiger Teague [Representative Olin Teague of Texas], chairman of the Science Committee, recognized that I had the skill. As we organized the committee, he had [Representative] Mike McCormack from Washington involved heavily in energy matters and he had me involved in research and technology. At the beginning of my sophomore term, I became chairman of the House Subcommittee on Science, Research and Technology. In that position I wrote much of the law relating to patents, getting a uniform patent law. I wrote the laws concerning recombinant D.N.A. [deoxyribonucleic acid]. I held the hearings on the Department of Health, Institutes of Health, rules concerning recombinant D.N.A. I had…At that time, there was a movement afoot to say that we're going to suspend, or hold, all of our

research. I fought against that because I thought that the deal was to develop laws that respected morals, found useful the efforts of recombinant D.N.A. to make human insulin, for example. And to make medicines and to advance the cause of science. And my hearings became almost the bible for those who believed that we should continue research on recombinant D.N.A. After I left the Congress, it was appreciated enough that I was called up by the secretary of health and human services and asked if I would join the Recombinant D.N.A. Advisory Committee to the National Institutes of Health. Well, I did and they gave me a lot of respect. And, in fact, within a year, I was selected as chairman of that committee, which was made up, mostly, of Nobel laureates in science and research and medicine. As chairman of the Recombinant D.N.A. Committee, I represented the United States in conferences with Japan and other countries that were dealing with their own versions of the recombinant D.N.A. rules. I went to England to the Royal Society of London and participated in an international convention describing the different proposals that were being introduced around the country. Without being immodest about it, I was a strong force for developing a set of rules that guided the United States (and other countries followed) in permitting research to go forward and it was a most valuable contribution. There's some excellent work by the chairman of the National Science Foundation, and others, about my efforts there. But it's not widely known in Arkansas, but I don't know of anyone else who had more impact on our country moving forward with a solid and dependable set of rules for moving ahead with recombinant D.N.A. research than I did. I've gotten a lot of credit for that in the scientific community. Most people outside of Arkansas, if asked if they know anything about me, probably will relate to the work I had to do with recombinant D.N.A., both as chairman of the House committee that dealt with it and later as a member of the National R.A.C. (Recombinant D.N.A. Advisory Committee). That work is…I'm very proud of my efforts in that field and it caused me to be acquainted with people like Dr. Luther Williams, who was provost at Purdue [University] at the time I got to know him, one of the few African Americans who was involved with recombinant D.N.A. And I first talked Dr. Williams, after I became president of A.S.U., into coming down to A.S.U. to head our division of arts and sciences. He decided he couldn't do it because he got an invitation to go to Washington University as dean of arts and sciences. That was a better offer. I then made him an offer when I became president of the University of Arkansas to come head up our division of arts and sciences there. Again, he got a better offer and he couldn't come. I tried to get him considered by the search committee at Pine Bluff and, frankly, they were

scared of him, even though he was African American. He was too well versed for them to be comfortable with him as chancellor. That one got put aside. So then he was offered a job at N.S.F. in charge of all undergraduate science programs and he did well at that. Now, he is provost at Tuskegee University, where the airmen went, and he came up about a year ago to take Betty and me out to dinner and to compare notes. He is a brilliant scientist who I really regret we weren't able to get here to Arkansas while I was at A.S.U. and then University of Arkansas and then to come down to help during the last few years. But he is a marvelous man. Hope you meet him sometime.

SL: Me too!

RT: Luther Williams.

SL: And he's in Alabama now?

RT: Yeah. He's provost of Tuskegee.

SL: OK. That hour went by pretty fast.

RT: Yeah, it did.

SL: You want to stand up. Walk around a little bit?

RT: I'm game.

[Break to change tapes.]

RT: Johnny Cash. Now Johnny's cousin, Jimmy Cash, lived next door to me in Sheridan and Raymond Cash was one of his brothers. And Jimmy Cash sang on the Fibber McGee and Molly Show back in the '30s and he had a beautiful soprano voice.

SL: Is that right?

RT: Yes.

SL: Wow! What a difference.

RT: And, of course, it was the Cash family from down around I guess it's Cleveland County before they moved up to Diaz. That was part of the family. And there was a Raymond Cash in that family. But the fact that both of those talented singers came from the same family and neither knew the other.

SL: I know. That's one thing we gained with Ronnie was we got to meet his cousin, Dale, and I never knew anything about Dale. And we got two interviews with Dale as well.

RT: Now, did you interview like this with Ronnie?

SL: Yes. Now, Jim Blair did the first interview with Ronnie.

RT: OK.

SL: Then the second interview we did out at Hawkins Holler in Madison County at a family reunion, and this woman just walked up into the middle of the interview and started asking Ronnie and Dale questions and we just let her

do it. It was funny. It was really, really good. It was out there in the Holler side and it was kind of rainy and we had a little tent set up where you could see the background, the Holler. It's beautiful. I am sure Ronnie would let me send you a copy.

RT: Yeah, I need to see that.

SL: OK, we can do that. Now we're on tape five and we're rolling. So we got a little bit of this Johnny Cash and stuff on tape but you know we are in our fifth hour and you're holding up pretty good.

RT: OK. Good. It's because of you.

SL: I forgot to warn you that the worst part about this interview is that you have to look at me from time to time.

RT: It's been a pleasure.

SL: Oh, thanks. You know, I want to kind of pick up some areas we ought to revisit just a little bit.

RT: OK.

SL: We talked about the Watergate.

RT: Yes.

SL: Well, we didn't really talk about Watergate so much as the impeachment process and the finer points—the articles of impeachment and how that was developed.

RT: Right.

SL: And adopted. One of the central figures in all of that Watergate crisis was John Dean [White House counsel, fired by President Nixon in 1973]. Now, do you have a John Dean…

RT: Well, I have a very special memory there because I had listened to John Dean make very precise answers to the questions that the committee was giving to him and I had become very impressed with his intellect. He's really a smart guy. We had the procedure where [John D.] St. Clair, the counsel for the president, would examine the witnesses after John Doar [chief counsel for the House Judiciary Committee in the Watergate hearings] had examined them for us. Doar had finished his examination of John Dean and Chairman [Peter] Rodino [of New Jersey] said, "Well, we'll take a recess for five minutes and Mr. St. Clair, when we come back I'm going to let you begin your cross-examination of Mr. Dean." Fine. Recess. We had the room cleared already because this was not being publicized, this part of the questioning. So we came back in and I got my seat and everybody else got theirs and Chairman Rodino said, "All right, Mr. St. Clair you may begin your questioning of John Dean." Well, Mr. St. Clair started in on this question he had prepared during the recess and it was long and complicated, that somebody was here and somebody was there…They said this, they

replied this. “Now, when all of these things are considered, Mr. Dean, can you claim, as you did in your testimony, that such and such and such and such…” And about that time, Mr. Albert Jenner, the counsel for the Republicans, was up waving his arms saying, “Mr. Chairman! Mr. Chairman!” and Mr. Rodino said, “What is it, Mr. Jenner?” We thought he was maybe having a stroke. He said, “Our reporter didn’t get back.” Well, the reporter, of course, was not a newspaper reporter. It was the official reporter that was taking the transcript of the hearings. Of course, that was a real casualty because we had a good bit going there and no reporter. So Chairman Rodino said, “Everyone keep your seat. I’m going to request that the sergeant at arms go out and find the reporter and ask her to come in and pick up her microphone.” So they did that right away and got back in there and Chairman Rodino said, “Well, Mr. St. Clair, I don’t know what we can do about this hearing since we are getting sort of an unusual start. Would you repeat your question to Mr. Dean?” And Mr. St. Clair said, “Well, Mr. Chairman, I’m not sure I can repeat it exactly,” and John Dean said, “Perhaps I can be of some help. Mr. St. Clair said…” and he started quoting St. Clair’s question word for word, identically, to what St. Clair had said three to five minutes before. There were thirty-eight trained lawyers in the room. No one in there could have done what he did, which was to say, verbatim, every word of the question. Rodino said, “Mr. St. Clair, is that a faithful rendition of the question?” He said, “He got it word for word, Mr. Chairman. I don’t know how he did it, but that is the question.” John Dean said, “And my answer is...” Crisp. Crisp. Crisp. He had a magnificent telegraphic mind that enabled him to say exactly what had been said a few minutes earlier and it explained to me how, instance after instance, we had listened to the tapes of conversations and John Dean’s version of the tapes—he hadn’t listened to them—had been word for word, what had been said in the tapes. His credibility as a witness was elevated sky high. But, of course, John Dean’s problem was not his memory, but it was that he didn’t recognize what a terrible breach of law was occurring in talking about fixing the grand jury and doing this. But it really breathed integrity into the testimony he was giving. The British Broadcasting Company picked up on my question and on Dean’s response, which was to say that he just recited it word for word because he had that capacity and wanted to help out. The problem with John Dean was not his memory. His testimony was precise. It was in not recognizing the enormous consequences of the breach of ethics and the obstruction of justice that were going on in the president’s mind during these questions and answers. Of course St. Clair was devastated because he had intended to attack Dean but he reestablished his

understanding. That was the point at which I really began to realize that the problem was that President Nixon did not believe that the president had to obey the law. He thought the president's power gave him the authority to set in motion spies and to make enemies lists and to use the power of government to destroy people's reputation. It was an important point in my consideration of the articles I wrote for abuse of power, obstruction of justice and refusal to cooperate with a congressional inquiry. The thing I'm most proud of is that the four Republicans and three Democrats who came to view it as I did, we carried the day and we made the charge one of failure to abide by the Constitution of the United States that created the president as a co-equal power with the Congress and with the judiciary and you couldn't have a presidency that was immune from review by a congressional inquiry. That's why the articles of impeachment were put there, to act as a check on the abuse of power by the executive officer. Let me just say, in passing, that they never found an instance where Bill Clinton had abused the power of his office, to close down the rights of the Congress to inquire or overturn the enemies list, or to make a list of enemies. The article that I remember well out of that was an article that the chairman of the Judiciary Committee, the Republican chairman, inferred that what they were really doing was turnabout was fair play and that they were trying to get back at our impeachment inquiry by finding one against President Clinton. But the John Dean matter was one that really surprised me. Now, when we brought the articles, as I told you, I was very unpopular. But we then had the court decide to release some tapes, which proved our position. And I remember that Congressman Wiggins [Charles E. Wiggins of California], who was an articulate spokesman for the Republicans, saw me in the hallway and said, "Ray, you had it right. It's an abuse of power." And, as you know, we got a unanimous vote in the House of Representatives to bring the articles of impeachment against President Nixon. He had been told by Senator [Barry] Goldwater [of Arizona] that Goldwater could not find two senators that would agree to vote against articles of impeachment. So people who say Nixon was not impeached, or convicted, missed the point. It was unanimous against him and I think he made a deal with President Ford that it should all be put behind them, that he would resign and Ford would, in due course, pardon him, and the matter would be over. That's good, except for one thing that troubled me, as I said. That is, we had produced a case where Nixon had falsely accepted tax benefits of half a million dollars for some of his gifts and that would have been a crime. But he was forgiven for that instance by President Ford's pardon. As it turned out later on, after Nixon began making

some money, he felt guilty about that so he paid back that half million dollars. But at the moment, he was pardoned for failure to pay income taxes.

SL: All in name that it was better for the country to move on.

RT: What?

SL: All in name that it was better for the country if they just moved on.

RT: Right.

SL: Let it lie.

RT: Well, John Dean was a brilliant guy but did not have the ethics that was taught to us in Sheridan High School. The thing I couldn't understand was how we had slipped as far as he had in thinking that some Americans didn't have to obey the law.

SL: Richard Nixon was a complex man, though.

RT: Yes he was. And I admired him on his policies in China and he was good at foreign policy. Henry Kissinger has always been good. Richard Nixon was smart. But, you see, he was applying rules of foreign policy to warfare between parties and that's not what we do. We're supposed to have parties that try to work together to advance the ideals and the goals of Americans at large. Carl Albert…When I first went up to Washington, Carl Albert [of Oklahoma] was speaker and [Arkansas Congressman] Wilbur Mills was real thick with him and Carl called me over and said, "Ray, when it comes time to vote I hope you'll vote for me as speaker. But when it comes time to vote on issues that affect your district, I want you to vote in the interest of your district. Don't you listen to any whip or anybody like that. You do what Wilbur Mills does. Don't follow him either, but do what he does for his district. He tries to determine what is best for his congressional district and to vote that way." And so I took that to mean I ought to act like Wilbur Mills and so I did, in part. You know, these tours and visits overseas that all the congressmen go to, Wilbur told me, "Ray, don't ever do that. If you have a day or two off from your congressional duties, go back to your district and talk to them. Travel your district. Find out what they're thinking. Your job is to help them, not to help the Department of State to run the nation." So I said, "Well, that's good enough for me." I made a policy that I would never take an overseas trip because I wanted to spend every moment back talking with people in my district. I thought that worked out real well until in my senior term I was chairman of the House Subcommittee on Science, Research and Technology and we had some good reasons to visit our base in Antarctica, and I'd always wanted to go to Antarctica, and I didn't think that any of my voters would object to my making a little trip down there. I got nearly ready to go and my staff said, "You can't do it. You said you're not going to take a congressional junket and you can't go to Antarctica." I tried

to explain that that wasn't a junket, that I was going to be down there with the icebergs and the penguins and they wouldn't hear of it. So I had to give up the opportunity of going to Antarctica because of that commitment I made to always go home for recesses when we weren't in Congress. And I'm not sorry. I still think I did it right.

SL: Yeah. You did. You did. You know, I guess while we're in the science and technology area, I wonder if you might give a definition of recombinant D.N.A.

RT: Ah! Yeah. Well, that was almost accidental. I do have a science background and at about this time the scientists had become disturbed about the experimentation in D.N.A. manipulation. By that I mean we had just discovered that D.N.A. was the molecule that passed on genetic information from one generation to the next and, that by going into genes, you could adjust the life form that would come out of it. Well, we've been able to do that for centuries, breeding dogs and horses to have different characteristics. But it's manipulation by choosing the parents. All of a sudden we had the ability by scientists of making changes and putting into an E. coli bacteria half genetic information that makes human insulin so that instead of getting insulin from cattle or swine or horses, you breed these bacteria with a fragment of human insulin in two different vats of E. coli that grow like yeast and fill up their vats with E. coli that have a strand of human insulin in it. Then you harvest those strands and take one from this vat and one from this vat and put them together and you have manufactured a strand of human D.N.A. and it can be used for insulin and it's human insulin that you've developed with the use of E. coli bacteria. Well, that seemed to me to be quite a reasonable thing to do because a lot of people need insulin and are uncomfortable with horse insulin or pig insulin and being able to develop, through this bacteria, strands of human insulin, seemed marvelous. I went to Eli Lilly and I was chairman of the committee and we held a hearing at Eli Lilly and Luther Williams, who I mentioned earlier, was there and we studied this and came up with rules for having safe experimentation go forward in this field. I've been given a lot of credit for my position on the Recombinant D.N.A. Advisory Committee. By the way, I guess I was the first non-scientist to head up a National Institutes of Health statutory committee to study recombinant D.N.A. Well, hey! I can't even pronounce all that stuff. But the truth is I did know something about it because UA Chairman Wertheim worked with me in chemistry and my work in biology and the information I'd gained from listening to Luther Williams and others who were familiar with it. And so Don Fredrickson has given me a lot of credit in his book about the gene wars, the recombinant D.N.A. struggle.

Don Fredrickson has said how good it was to show that an intelligent layman could comprehend science principles and deal with Nobel laureates in matters of public policy. That was about the best compliment I could have ever received.

SL: It is a good one. And it was pivotal work that laid the groundwork for…

RT: Who?

SL: It was pivotal work.

RT: Oh yeah. Oh yeah. It was *the* scientific battleground and, similarly, in the Science and Technology Committee, I kept alive the use of nuclear energy in outer space so we could send these missions beyond our familiar planets by using nuclear energy in our space vehicles. It's also why I've really become disturbed that we don't rely more completely on scientific knowledge and nuclear capabilities in our ongoing independence efforts. Everybody wants to do it, but they're scared to death of nuclear problems like this occasion over in Japan. But the thing that they forget: for thirty years—forty?—we've used nuclear propulsion systems in aircraft carriers, ships of the line, submarines, and we haven't had a leakage case in all of those instances. And I proposed that we use some of our government safety precautions to build nuclear generators like we would build a great dam—Hoover Dam, Boulder Dam—and use water. The private utility can't build a dam like that. But government can and deliver the electricity to the utility. Well, you can do the same thing with a nuclear power plant that was built up to Navy safety standards and generate the electricity and deliver it to the private sector and not pollute the atmosphere. Have a safe, clean, environmentally sound method of producing electricity like France has done. We have really missed the boat by not using the nuclear capability that we have to make electricity safely and cheaply. Arkansas has spent something like three billion dollars, maybe a year [actually, $4.5 billion total], to pay for the cost of the Grand Gulf nuclear generator [at Port Gibson, Miss.] when we have been generating it all this time at our facilities up near Russellville. It has been very frustrating to me and, in fact, I proposed legislation to let the United States do the same thing as they do in water utilities. And that is, to build the plant, make sure it is the safest it can be built, don't spare anything. Make it as safe as an aircraft carrier or a submarine. Take the safe production of electricity and deliver it to the private sector and let them distribute it. It's the same electricity as everywhere else. The only trouble with that is that nobody supports it. It's a real good idea, but it leaves the utilities out of the profit of making the nuclear energy and it leaves the government out of the principle that the government ought not to do whatever can be done by

private concerns, like aircraft carriers. So that's one of my ideas that I don't have much hope for. It would be a good thing if we could do it.

SL: My son says that's the cheapest form of energy that we can get.

RT: It is.

SL: One of the downsides for the moratorium of building nuclear plants is now we've got nuclear plants that are at their age limit, built on technology and standards that are forty years old.

RT: Yep. Yeah. We could redesign, build new plants up to military standards, and sell the electricity to a grid. There would be no desire to shortcut the construction of the facility. We'd do it in a first-class way. You wouldn't want to build the Boulder Dam or the Hoover Dam with a crack in it. You'd want to build it as a good, viable enterprise. I'm pleased to say that I agree with your son, that we're missing a bet as Americans in not going for safe and dependable nuclear energy.

SL: You know, we also kind of just glanced over your career in Arkansas as attorney general.

RT: Ah.

SL: You know, I know there was some effort there on your part that made a difference in people's lives.

RT: Well, thank you.

SL: So I think we ought to talk a little bit about it.

RT: Well, let me just say that I was so pleased to win the job of attorney general because I had worked on a new constitution for Arkansas. I had been chairman of the Executive Branch Committee and we'd made a much-improved product. I thought it would be good if the chairman of the Executive Branch Committee of the Constitutional Convention were in a position to help implement it as attorney general. It was a good idea and the people voted for me but then they didn't pass the constitution. So I had to turn my attention to some of the things that we'd worked toward. I developed the idea of a consumer protection division. Joe Purcell [Thornton's predecessor as attorney general] had thought about that and talked about it but I wrote statute to create it and got [Representative William E.] "Bill" Beaumont [of Pulaski County] and Representative Gean McDonald [of Grant County] and others to get together and push it through the legislature and we got a consumer protection division. McDonald left his hospital bed and was brought to the state Capitol to cast the deciding vote. [Purcell created the Consumer Protection Division in 1969 but it had no statutory authority, including subpoena power.] I also was concerned about our criminal code where the penalty for stealing horses or chickens was more serious than mistreatment of a child. It seemed to me that was

reversed and that we ought to have a revision of our state's criminal codes so that we redefined what were serious crimes and what were less serious. Bob Moore of Arkansas City, [Desha County] Sheriff [Robert S.] Moore, agreed to chair that part of it. Ed Bethune helped on the procedural part and we developed the criminal revision statutes of that year. Then we were faced with the reapportionment of our legislators from multi-member districts. We used to have maybe twenty representatives elected from Pulaski County and one each from every little county and there was no comparison between someone in Grant County with one representative and that person having the same influence as a representative from Pulaski County with two hundred thousand people. So we had the duty of forming a reapportionment, which gave one man one vote. I drew the first single-member district reapportionment plan that was ever seen in Arkansas and we carried it for the Senate. But it got a little too hot to handle for all of the seats in the Arkansas House so I lost my vote on the House redistricting, I'm sorry to say, with my good friend [Governor] Dale Bumpers and [Secretary of State] Kelly Bryant voting for some multiple-member districts. But they weren't bad or they weren't bad enough. But I was able to go to federal court and make the apology that I couldn't get single-member districts throughout but that I had all but about five districts single-member districting. I was pleased that I was able to persuade the court [U. S. District Judge J. Smith Henley] that the districting was all right and since that time I've never had…I've worked on several redistricting plans and all of them have been sustained. So the idea of one-man, one-vote and following the Constitution requirements that we preserve that equality has been a matter that I've been very pleased about.

SL: I've got two or three things here but I want us to eventually work our way toward your educational, your university service.

RT: Yeah.

SL: But before we do that, you've mentioned the Constitutional Convention a couple of times. This took place in Hot Springs.

RT: No, it took place in Little Rock.

SL: Oh, it did? In Little Rock?

RT: Yeah.

SL: Was this the same one that Bob Leflar was involved with?

RT: Yeah. Well, it was. We were the seventh Constitutional Convention. Bob Leflar was chairman. There were four regional vice chairmen and then the committee each had a chairman. I was chairman of the Executive Committee and Bob Leflar was the overall chairman. At the same time we brought that new constitution forward, I decided to run for attorney general, mainly

because I wanted to get into a position of serving in that office, and in the consumer protection, and other things. But also because I thought it would be good for a member of the Constitutional Convention to be there to transfer powers and duties from the old Constitution to the new one. So that's why I ran.

SL: So what was it about the new Constitution that kind of doomed it? Why did it not pass?

RT: Well, I think it may have been that people were a little concerned about things like single-member districts, concerned about changing the old Constitution…Better leave it alone. I really thought that it would pass. I was surprised.

SL: There were many that thought it was going to pass. There were a lot that thought it was going to pass.

RT: Yeah.

SL: You've mentioned Wilbur Mills a couple of times and we can talk a little bit more about Wilbur Mills. But what about John McClellan and Bill Fulbright?

RT: What an opportunity to go to Washington and to be good friends with John McClellan. John McClellan was the first person to tell me I ought to practice law and his father, Ike McClellan, told me that I ought to run for politics. They were both familiar faces around Sheridan. Bill Fulbright was almost an idyllic figure to my dad, who thought Fulbright's interest in education and abilities in statesmanship were such that he would be a giant in the Senate, and Dad was right. Bill Fulbright became one of the finest senators we have ever had. My dad also thought highly of Sid McMath. In fact, when Sid ran for governor, Dad was, according to Henry Woods, their main representative in Grant County and he thought that Sid McMath was the kind of voice for the future that we all ought to support. He contributed his time and effort to Sid's campaigns. Now, with that kind of background in Arkansas, and with [Ezekiel C.] "Took' Gathings [of West Memphis], who was Mr. Agriculture for all of East Arkansas, W. F. Norwell [of Monticello], who represented the timber district in which I lived at that time. Oh, from Texarkana…I can't think of his name right now [Representative Boyd Tackett]. But Judge Oren Harris from El Dorado headed the Commerce Committee. The judge from Bentonville or the town up on the Missouri border, the little Swiss…Eureka Springs [He refers to Representative James W. Trimble of Berryville.] These people all had the philosophy that Wilbur Mills had, which was to represent your district, and I had become convinced that that was the best job a person could have. To go to Washington and represent the views and aspirations of the people who were your employers.

SL: You know, it was so honored back then. It was an honorable profession. The men that were in Congress back then honored each other. There was a real gentlemanly…

RT: There was a nobility about it.

SL: Yes.

RT: John Paul Hammerschmidt came along and he was a Republican and us Democrats. We were all representing Arkansas and we usually voted alike. One thing that has been disturbing to me is how Washington politics has been corrupted into a form of adversary against adversary. If you don't see it exactly like I do we're going to oppose you. It's out the door. That is very damaging to our system of government. I can't imagine that early American citizens would have thought we would ever get in a position where people will do roll calls to see what is the current political advantage of a certain position and everybody lockstep moves to one side or the other.

SL: Take an oath with nothing to do with the government.

RT: No.

SL: It's to an individual. I can't believe that those guys swore an oath to some lobbyist.

RT: Yeah. It's discouraging. It's deeply discouraging. Now I'm not a pessimist about this country. I think we'll come to our senses. But I know that the idea was that you select someone you had good confidence in and somebody you thought would study the issue and vote your interest. And that was the idea of a representative—that everybody couldn't know everything about every farm bill or every aid bill or where there ought to be a dam built. But that you would look at the project, measure what it cost, measure where the money was coming from, and decide it not on the basis of what political party you work for but on the basis of what is best for your district. That's what Carl Albert told me when I went to Washington. He said, "Ray, I'm going to ask you to vote for me when it comes time to elect the speaker. But I've got confidence in your judgment and the people of your district have confidence in your judgment and I want you to vote the interest of your district in every matter where your district is most important. And if it's a matter of conviction then vote your conviction. Don't vote anybody else's idea or thought. If it's about capital punishment, vote your conviction on it." It was good advice and Carl Albert remained my friend until his death. And he gave me good compliments. He said, "Ray, you did a good job."

SL: That means a great deal.

RT: Yes.

SL: I'm not sure if that's even said anymore to anybody. Listen, wasn't there a gap? There was a gap between your first congressional…

RT: Oh! Twenty years.
SL: Twenty years?
RT: Twenty years. I'm one of the very few congressmen who had two different congressional careers. My first was after I became attorney general and I ran into David Pryor at Nashville, Arkansas, and he said, "Ray, I'm going to give up the congressional seat and I want you to get ready and run for it." So I did, and he did, and he got beat by John McClellan and I won. We should have talked like that before every race. 'Cause later on we ran against each other and he won. But neither event changed our friendship, our respect for each other.
SL: Were you in three terms?
RT: Three terms. Then I ran for the Senate. Lordy! There was a fellow on the other side named David Pryor and it was a close race. And David appreciated my stance and I appreciated his and we came within a few votes of having identical votes. I was proud of that race. I would have liked it a little better if Mowery [Grigson], or whatever his name was, hadn't got in and taken a few thousand votes out of my column.
SL: Yep.
RT: 'Cause that was out of my district and his votes came right squarely out of mine. Anyway, I don't do that. I don't do bittersweet or recriminations. I ran a good race. I nearly won and didn't lose a friend over the thing. Then, amazingly, I got offers from Ouachita Baptist University and Henderson State University, to do what? To come down and put together a public university and a private, religious-based university in programs that they could cooperate on, like a unified library where Henderson would take care of the mathematics and Ouachita would take care of the fine arts and the humanities. Got it to where you could take courses from either university while enrolled at the other and, developing out of that pair, a stronger university that covered the field. And that consortium was Jane Ross's idea and she got it going and got me involved in it. They relaxed the tension enough between the two campuses that they had a civic meeting and had people from both Ouachita and Henderson there and the Ross Foundation had hosted it and everybody was having a good time and Dan Grant from Ouachita sidled over to Jane and said, "Now Jane, I know that you have this party for the good of our people and I was just thinking how grand it would be if we could have a Jane Ross Arts and Music Center over on the Ouachita campus," and she looked at him and said, "Well, Dr. Grant, I'm here for the benefit of the students. I didn't come out to pick one university over the other." She caught Dr. Garrison [Dr. Martin Garrison, president of Henderson State Teachers College] out of the corner of her eye and he was

laughing and she asked him to come over and said, "I noticed you laughing and I want you to know that I'm not interested in helping you with your science programs. But if you'll find a way that you two can put your resources together for the interest of students in this area and make both institutions responsive to those needs, then my pocketbook will be open." Well, all of a sudden she got their attention. They decided they would form a consortium of Henderson State University and Ouachita Baptist University and develop programs that were applicable to both campuses, invite lecturers in to come to both campuses, do civic enterprise things. And Martin Garrison and Dan Grant shook hands on it. They even started saying, "Let's start having our recesses at the same time so that both colleges go home at the same time." And they began doing things that were in the interest of the students at both campuses and Jane Ross's Foundation was the foundation that hired me to come down and help to accomplish that and we did a pretty good job of it. They've never gone back to the cutthroat days where the ravine was the battleground between the two schools. As a result of that effort, when A.S.U. lost its new president they decided, without much question, and called me. Several of the trustees said, "We want you to come up here and head our campus." So I did and we went through the search process and I got that job and I loved it. They were so good to me. And I developed their programs of independent study for science and for fine arts. The idea of developing programs in chemistry…Ed Bennett got an electron microscope that I was able to get as a result of my connections in Washington. We developed a theory of "We can do anything that we have smart enough professors to attend to" and we really got a lot of people thinking of A.S.U. as being Arkansas's state university and we looked on our role as being a counterpoint to the University of Arkansas. The University of Arkansas, under Jim Martin, had been reluctant to join in the E.P.S.C.O.R. program [Experimental Program to Stimulate Competitive Research, a project to help the National Science Foundation promote scientific research] that I had been chairman of in Washington. And that program was designed around presenting government support to institutions in areas where they could achieve greatness. [Thornton's license plate on his car always read "EPSCOR."] And Jim Martin wasn't going to become a party to the E.P.S.C.O.R. program until I said, "Well, if Dr. Martin doesn't want to, then A.S.U. would be glad to be head of that program and we'll operate it in the interest of all the colleges and universities in Arkansas." And Dr. Martin said, "Well, I didn't mean to absolutely give it up." He decided it was better to participate in what looked to be a ship that was getting underway than to stay out and say only we're going to do the

research. Because that was where he was first—that all of the research needed to be done in his house. Well, that rocked along and I had that experience at A.S.U. that was very enjoyable. Then Dr. Martin ran into trouble with chancellors and it became a powder keg at Fayetteville with the President and the chancellors fighting each other. The chancellor at Little Rock left. The chancellor at Fayetteville had been hired and left. Jim Martin left to go home to Auburn. On the day that he made that decision, Jack Williams [of Texarkana, a member of the University of Arkansas Board of Trustees] caught me in Dallas, Texas, where I was attending a meeting of the Southwest Conference Coaches deal, and asked me if I would consider coming to Arkansas as the president of the system. And I said, "Well, I'll consider it. I can't come up for a search. I can't treat A.S.U. that way. If all of you want me to come, I would consider it because I think a lot can be done for the University of Arkansas to become what it can be for the state of Arkansas." Well, I got on an airplane and came up. Brad Jesson [Bradley D. Jesson of Fort Smith, a member of the board] and Jack Williams met me at the airport. I went out to the campus at MacArthur Park and we pretty soon got into an executive committee and they said, "We want to know to know if you'll become president of the University of Arkansas." I said, "Well, what restrictions?" They said, "None. You can choose where you live. You can help us choose who is going to be the leader of the different campuses." There was a vacancy at Fayetteville and Little Rock, I think. So I decided I would do it. We shook hands on it. Within twenty-four hours of the time Jim Martin left I had been named president of the University of Arkansas system. Or, they didn't call it the system. They called it "The University of Arkansas" with subsidiary campuses. Well, the first thing I had to do was to develop the idea of community, where we acted like a family, and where the role of Fayetteville was to be the premier campus but to help U.A. Monticello with their forestry program (because they needed that strength down there, and to help U.A.P.B. with their fisheries program), to superintend and work with U.A.M.S. in heavy science and medical programs, to work cooperatively with U.A.L.R. in developing masters programs and eventually programs in computer technology and using the resources of the Graduate Institute of Technology. Sounds like a big plate but we got it done. We actually formed there what became the University of Arkansas system where there was an overreaching body called the University of Arkansas and all of these campuses had their specific roles and duties to perform and it's worked well. I'm so proud of the way the university has developed and, in particular, I would size Dan Ferritor [chancellor of the University of Arkansas at Fayetteville] as one of the keys

of our present good university system. Willard Gatewood was real good but he liked teaching too much. So after he had become chancellor for a while, he told me he had to step down because he wanted to return to teaching, I talked Dan Ferritor into becoming the chancellor. And what a beautiful job he has done through the years.

SL: That took some talking, didn't it?

RT: What's that?

SL: It took a while to get Dan.

RT: It did. Dan was reluctant. Well, he remembered how it had been and how there had been warfare between the different campuses and institutions. Dan didn't want that any more than I did. We wanted to show the university as a thriving, intellectual community with a family whose brothers and sisters were helping each other become better. I am so proud of Dan and all of the other chancellors: Harry Ward [University of Arkansas for Medical Sciences], enormously talented and successful; Jim Young [briefly chancellor at the University of Arkansas at Little Rock], good; Joel Anderson [chancellor of the University of Arkansas at Little Rock], who is truly a remarkable leader; and, of course, at U.A.P.B. you have one of the landmarks of the original University of Arkansas at Pine Bluff. The chancellor there is the son of the longtime president, Lawrence Davis, of that campus. Fred [Taylor] was chancellor at the forestry division at Monticello and he told me, "Ray, they're going to strip our accreditation." I went to Washington with Fred and they were saying that Monticello is just not suitable for holding a forestry program. I said, "Well, now, let me see. What resources does it take?" "Oh, it takes strong resources." I said, "Well, would you say that Yale University has strong enough resources?" "Of course! Of course!" I said, "Well, did you know that Yale has the School of Forestry at Crossett, Arkansas, which is just about forty miles from Monticello?" "Yeah, but that's Yale." I said, "Yes, that's Yale and their professors are good and their colleges well-recognized and surely you don't think they need to be disaccredited." "No." "Well, did you know that U.A.M. is part of the University of Arkansas? That it has the resources of the University of Arkansas standing behind it, just like Yale is standing behind Crossett?" All of a sudden they got a different view of it. And it wasn't that Yale wasn't qualified to have a forestry program in Crossett. And it wasn't that the University of Arkansas wasn't qualified to have a program at Monticello. And all of a sudden they looked at it differently and it was the university's program of forestry, which is housed at their campus in Monticello.

SL: [Five-minute warning from audio guy.] OK, we still haven't talked about your position on the Supreme Court of Arkansas. I don't think we can cover

that in five minutes. But, I think you could say something about saving Old Main.

RT: About what?

SL: About saving Old Main on the University of Fayetteville campus.

RT: Oh yeah.

SL: Dan Ferritor said you wanted him to take that on and get that done.

RT: Yes. Yes. Yes. It was a great experience for me. I was associated with such bright, even brilliant, people. Geniuses. Dan Ferritor. Jim Purdue, who had been the chief academic officer for the State University of New York System. Willard Gatewood, a fabulous intellect. Joel Anderson with a heart for community service and an understanding of people. Look, the thing that I think about is that my career kind of moved from enjoying being able to do things faster and making higher grades than other people, to understanding humanity. To understanding what made people work and how I could help people to achieve the best that was in them. That is what I tried to bring to the different campuses in the university. After a successful career of education, I went back to Washington, carrying back with me the idea of a Marshall Plan for America. We had let our infrastructure drift away. We were not educating our students. We were falling behind China and Japan. I recognized that we needed to do in America what we had done for Europe after World War II, and that was make an investment in education and lifting the minds of students so that they could develop a modern Germany, a modern Holland, that could make D.A.F. Trucks, to encourage brother and sister countries around the world to make more of themselves. And this idea of a Marshall Plan for American helped rewrite the Clinton years of success in politics. Now, I don't think we ever called it the Marshall Plan, but much of these ideas of focusing our efforts on education, rebuilding our infrastructure, helping to ensure that every person had an opportunity to get an education, which, by the way, is why I agreed to start up the lottery in Arkansas—because I wanted every individual to have a good chance of going to a good college…

SL: All right, we're going to have to stop right here and change tapes. We're out of tape. So we've got to start one more tape.

RT: OK.

SL: And we'll finish this up where we're at now but we still need to talk a little bit about your tenure on the Supreme Court. We haven't touched that.

RT: OK.

SL: I'm sorry that we're…

[Break to change tapes.]

SL: OK. So, I'm sorry we had to interrupt right there at the end.

RT: That's all right.
SL: It's better to do that than run out of tape.
RT: Were we on the Marshall Plan?
SL: We were talking about the Marshall Plan and the idea of guaranteeing an education for those that want an education, rebuilding infrastructure, kind of the same idea of rebuilding Europe after World War II.
RT: Exactly.
SL: Applying that effort…
RT: To Arkansas.
SL: To Arkansas.
RT: And that's the reason that, while I was opposed to the idea of a state-owned lottery, when the people of Arkansas voted by nearly two-thirds (sixty percent) to start one, I thought it was critically important to make sure that it developed the connection to scholarship and to giving deserving students an opportunity to go to higher education in Arkansas. I was told that a program properly run could develop many scholarships and would be very useful. I've seen in the paper recently that several students have remarked that they would not have had an opportunity to go to college except for this program. So when Bob Johnson asked me if I would act as chair of the commission to implement this program that was adopted by sixty percent of the people I said, "Well, I'll do it for a while. I don't want to get stuck in it too long. But it's going to need a good steady hand to get it started. Then it can be refined and developed into an ongoing program. I'm good to get it started because I have experience starting other enterprises like the boat plant, like the Handywagon, and other projects, and I think I can get it started right away." So as we went into it, I met Ernie Passailaigue, who was then the chairman, the leader/director, of the South Carolina lottery commission and who was recognized nationally as one of the finest developers of lottery programs. After we studied it for a while, I called him and asked him if there was any opportunity we could get him to start the program at Arkansas. He understood where I was coming from because he knew we didn't have anybody in Arkansas who was ready to step in to that kind of activity and saw it as an opportunity to start us up on a program that could be successful in leading to scholarships. Well, I became very convinced that Ernie could get it done and that we'd have to pay him a lot more because, to get a program like that started, ordinarily you have to hire a consultant or two and pay them a half million dollars each to develop the plans. Well, all Ernie had to do was to put in place the plans he had used in South Carolina. And so it was an expensive couple of years but it didn't cost us as much as it would have to get one or two consultants to tell us how to do it. So instead of

waiting for someone to tell us how, we hired a manager who knew how to make it go and Ernie did a fine job of getting it started. We have had many scholarships funded. I wish you would make a note to find out exactly how many. [as of October 2013, almost $400 Million in scholarships]

SL: OK.

RT: Julie Baldridge can tell you.

SL: OK.

RT: The idea was to get it started and then to turn it over to regular people and that now is going to happen. There will be somebody come out of this as an executive director of the program, but they won't have to start it. They won't have to enter into all of these early contracts. They won't have to develop the program like Ernie has done. Now, I hope they will be able to make some improvements in the way that it is administered. For one thing, no one ought to get the salary that Ernie got. His salary was paying him for starting it up and is a bargain. You could have hired a couple of experts to counsel and it would have cost more than his salary has cost. I wish him well. He got a lot of static here and some of it may have been deserved. But the point is that we got started on a Marshall Plan for Arkansas students and they're going to school when they otherwise would not have been able to go.

SL: We'll look that up and see how many have been conferred to folks and how many have taken advantage. I bet it's impressive. I'm certain it is.

RT: Good.

SL: Now, one area we haven't touched on is your tenure on the Supreme Court of Arkansas.

RT: Yes.

SL: So how did that come about?

RT: Well, I had been attorney general and before I left the private practice of law, I had been on one of the Supreme Court's major committees: the Arkansas Bar Examiners. I was one of the handful of lawyers who wrote the questions and graded the questions of new applicants for the bar. As chairman of that committee, I had the privilege of working with people like Herschel Friday and like Leflar—not Bob Leflar but his brother [Eli] who lived in Bentonville. The opportunity of working on that Arkansas Bar Examination Committee had taught me how truly important legal education is and how vital the role of a strong court system is. So before I ran for Congress, I served out my term on the state Board of Law Examiners and had good friends all around the state. Jim Hyatt up at Blytheville, and Jack Deacon and, as I said, Eli Leflar from Springdale. Eli got me aside one time. We were over at Hot Springs grading the papers and he got into a conversation with me and asked me what I was doing that was important.

And I said, "Well, Eli, I'm on the Grant County Industrial Commission and I'm trying to help get a new industry there." He said, "No, Ray, I don't mean what causes are you supporting and marching along and trying to get in the paper about, I want to know what you are doing personally that's important." And I had my feelings hurt and I said, "Eli, why do you want to know that? What are you doing that's important?" He said, "Well, I know those are important things you are talking about, but are you doing them? Or are you just kind of going along with the crowd hoping somebody will notice that you're doing them?" He hurt my feelings. I said, "What are you doing?" He said, "Well, we had one of those important things that you talked about and we got a new library funded by bond issues. And after it was finished, I was just looking around and it didn't have any of the books I had found useful when I was a young man maturing into adulthood. It was a pretty building but it was not well equipped as far as books were concerned. So I got with some of my friends at the university and we started going through our own personal libraries and making sure that *Moby Dick* and the Mark Twain stories and other books were there as a resource. We all made up gifts of twenty to fifty books and we equipped that library with good, basic reading material and we found periodicals and indexes to periodicals that the students would like," and he said, "And we did some of those things you were talking about where we helped to devote studies that were taught by retired professors and all of a sudden the young people of Rogers began to realize that the older people knew some of their likes and dislikes and began to work with them. Now, that didn't take me much time, but it's something really that if I hadn't done I don't think anybody else would have done it." He said, "The thing I'm saying is: What needs to be done in your community that isn't being done and that you by yourself have the power to cause to happen?" Oh! I had made it awful personal and I realized that I hadn't been doing enough for Sheridan because I had just been working on big deals. That turned me back to the page where I learned that it's not the big deals. It's paying attention to the detail of regular life that gives you the greatest opportunity to encourage others to do well. Well, Eli's lesson was a hard one for me. But it's true and it made a difference for the rest of my life, along with the experience I had in the Navy of a near-death experience…Caused me to realize that it is the attitude of doing something that you can do by yourself to help others that is most important and will be remembered best in future years.

SL: That's impressive. But what about…Can you talk a little bit about the Arkansas Supreme Court?

RT: The cases? OK. That's how I got my desire to go on the court.

SL: OK.

RT: It was the opportunity to deal with individual problems, recognizing that they're not all big issues. That the thing you want to do is make sure that justice is done in each of the small issues that comes before you.

SL: OK.

RT: And, as a result of that, I brought back (and my colleagues on the court would probably tell you it's Ray's writ now—they give me credit for it) the error of *coram nobis*, which is that if you have a trial which is so mishandled that the prosecuting attorney knows some information that would guarantee the innocence of the person under trial and they intentionally withhold that evidence so that the defendant cannot get hold of it, and it can be proved that they knew information that would have released him and kept it suppressed, you can reverse that case after it has gone through the process by a writ of error *coram nobis*. We applied that to a case over in West Memphis. They called it "Ray's Writ" for a time on the court. Then, I was personally opposed to the death sentence unless it has been ordered and gone through the process of law. I would not reverse it because of my preference against it, but I would reverse it if it had a flaw in judgment that caused an innocent person to be in threat of the death sentence. As a result of that…Oh, and Arkansas, at that time, did not require a review of a death sentence. I was shocked to find out that that meant that a person could go to a court, a district court, and be sentenced to death by a jury, and either be unwilling or unable to appeal—and the state does not appeal—and that case is executed and the person is killed without a review of the death sentence to see if it was constitutional and if the person had had all of his rights preserved. Well, it was shocking to me that we were one of the two states in the Union that did not require an automatic appeal of the death sentence. Well, we changed it. I had to argue pretty arduously with other members of the court who said, "Well, we've had it the other way and we can't change and do that." And I said, "Well, I think a majority of us can. We can come to the conclusion that a death sentence is not constitutional in Arkansas unless it has been reviewed by the Supreme Court." And we did. And a lot of people would be mad at me about that because they don't want death sentences reviewed. But I do and I think it's an element of freedom that needed to be protected and I am responsible for it. At least I was able to get a majority of the court to agree with my concern about that. The court appoints members of various committees. I always made an effort to make sure that we made good appointments. There are lots of individual cases that I don't want to go in. But I was never in a fixed majority or minority but I was always for individual rights of individual citizens. I think that making sure that their

rights are protected was one of the main things that we were to do as members of the court. You don't get to talk about that very much. But I am very proud of my record and I've been told that it's a very outstanding record of adherence to the law and making sure that individual rights are protected.

SL: What else, Ray? What else have we forgotten?

RT: Well, I just want to thank you for coming down and giving me an opportunity to reflect on different parts of my background. As you know, I have never wanted to spend time thinking about the past. But it's good to recognize that some people, and you and the people for whom you are doing this, recognize that knowing what people say and do is based upon certain convictions and ideals and I'm glad to have the opportunity of letting you and them know that I'm happy with the opportunities I've had in my career. I don't mean to say that I've always got it right. But I do mean to say that I've always gotten it right within the scope of my vision and understanding of the issues. I think, if anything, my career illustrates that because people have been so forgiving for things where I might go against the public view. For instance, the Watergate. At the time, sixty or seventy percent of the people in Arkansas would probably have not elected me to anything and yet I've had wonderful opportunities to serve. And what I want to say is: I'm grateful for those opportunities. And I want the young people who may be looking at this to realize that if you can finish the road with the conviction that you've done the best that you can, that that in and of itself is a goal to be proud of.

SL: Ray, you're a fine example.

RT: Thank you very much.

SL: Thank you so much for giving us all this time.

RT: Well, I appreciate the opportunity.

SL: Well, I'm glad to have it. We're going to fix this up. We're going to get it back to you. We'll work together on making it right.

RT: Sounds good.

SL: And we're going to continue to have a good time with it.

RT: Yes.

Unidentified female: One more take before you go.

SL: Oh.

Unidentified female: Can we do the "proud to be from Arkansas?"

SL: Oh! OK.

RT: What's that?

SL: What we do, sometimes, is we ask people to look at the camera.

RT: Yeah?

SL: It's the one chance you get to look straight at the camera and say, "My name is Ray Thornton and I'm proud to be from Arkansas. Or, I'm proud to be an Arkansan."
RT: OK. Will that run at the first or at the end?
SL: Your name?
RT: Yeah, that statement. You're going to come to that at the end?
SL: Yes.
RT: OK.
SL: Yeah.
RT: I'll sit right in this position.
SL: Whenever Trey says. I'm getting out of the way so you don't get me.
RT: Well, I truly appreciate…
Unidentified male voice: Remember, Mr. Thornton, directly at the camera here.
RT: Oh. OK. [Faces the camera.] I truly appreciate this opportunity that you've given me to talk about my career. I am very proud to be from Arkansas and to be a part of the growth and character of this state as illustrated by many of its leaders and all of its people. Thank you.
SL: OK, let's do this one more time and let's just say, "My name is Ray Thornton and I'm proud to be from Arkansas."
RT: OK. [Starts again.] My name is Ray Thornton and I'm proud to be from Arkansas.
SL: OK. That's it.
[End of recording.]

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A later interview covering some aspect of Thornton's career follows. It was done February 21, 2013, by Ernest Dumas.

Arkansas Supreme Court Project
Arkansas Supreme Court Historical Society
Interview with
Ray H. Thornton Jr.
Little Rock, Arkansas

February 21, 2013

Interviewer: Ernest Dumas

Ernest Dumas: Today is February 21 and we are at the Fletcher Library in Little Rock and I am talking to Ray Thornton, retired justice of the Arkansas Supreme Court. Scott Lunsford from the David and Barbara Pryor Center for Oral and Visual Arkansas History in Fayetteville conducted a lengthy interview on your life a year or so earlier so we're not going to cover the same ground. But we're going to go in and fill in some gaps.

Raymond H. Thornton Jr.: Well, it's a pleasure to see you, Ernie.

ED: It's a pleasure to visit with you again. So we're not going to cover all that ground. But we're going to fill in some blanks and plug in elements of our interview today into that longer interview with Scott Lunsford. Let's start off. I wanted to get your full name.

RT: I am named after my father. My father was Raymond Hoyt Thornton of Conway, Arkansas, and I'm Raymond Hoyt Thornton Jr. In the early years, we made a distinction and he was called Raymond and I was called Ray.

ED: All right. So what was your mother's full name?

RT: My mother was Wilma Stephens Thornton. It was actually Wilma Elizabeth Stephens Thornton and she was born in Prattsville in 1908 to A.J. and Ethel Stephens.

ED: Yes. I think in the early interview we covered a lot of your childhood and your parents and your grandparents. Wonderful stories. So I wanted to skip forward to one thing that I think was not covered sufficiently and that was…I guess your first public office was delegate to the Constitutional Convention of 1969–70.

RT: That was my first elected office…

ED: Elected office.

RT: …by the people. I had previously been president of the Associated Students at Fayetteville.

ED: OK. For the readers of this interview, a little background: Winthrop Rockefeller was governor in the latter part of that decade, in the sixties, and we had an election in 1968 in which the voters of Arkansas had to decide whether to hold a constitutional convention, and then people ran for the one hundred delegate seats. I guess people were elected from the same districts as state representatives. One hundred representative districts so you had one hundred delegates. So people ran for those seats. Now, when they ran, they wouldn't know if they would have the job of not if they won…They might not have a job.

RT: Yeah.
ED: After they got elected. So you ran for that seat knowing that if you won but the voters did not also approve holding a constitutional convention your election didn't mean anything.
RT: Yes, that's correct.
ED: I guess from a district…
RT: It was a district composed of all of Grant County and part of Jefferson County and I ran unopposed.
ED: You ran unopposed. Did you think that the voters were going to approve a convention?
RT: Yes. I became chairman of the Executive Branch Committee. I was one of the leaders of the convention and we left very optimistic that we had a product that was not only good but would be adopted by the people.
ED: It was a distinguished bunch of delegates, I thought. Unusually distinctive.
RT: Oh, Dr. Leflar.
ED: Dr. Robert A. Leflar, the distinguished Professor Emeritus and former dean of the University of Arkansas School of Law.
RT: Conflict of Laws at the University. Richard Arnold.
ED: Richard S. Arnold, later almost a U.S. Supreme Court Justice and distinguished appellate judge.
RT: Thomas Eisele.
ED: G. Thomas Eisele, later a great Republican federal judge. A great federal judge not just Republican. And a lot of others. Were you a vice president? There were several vice presidents.
RT: I was chairman of the Executive Branch Committee.
ED: Executive Branch Committee. I'll mention this: One of the vice presidents of that convention was a classmate of mine from El Dorado—Richard Mays.
RT: Yeah, I know Richard.
ED: Later, didn't you all run against each other?
RT: Richard [Mays] was in the race against me and Richard Arnold for Congress.
ED: For the Fourth District. So that race occurred in 1972. But in 1969–70 you were delegates there.
RT: Richard is a distant relative of mine.
ED: Oh, is he? I still see Richard. He lives up in Heber Springs now.
RT: Yeah.
ED: We have lunch occasionally. He was a big football and track star in high school.
RT: Right.

ED: In my senior class he was the most handsome guy in the class, an all-state football star, track star and probably about the most popular guy in the class.
RT: Yep.
ED: But now he's a good environmental lawyer, very successful. Anyway, I was going to say there were a lot of—we won't go into it, but there were a lot of very distinguished people at that convention and who later served in the legislature, were judges and so forth. But, any rate, what did you think of the overall document that you all adopted?
RT: I thought it was a great improvement over the ancient document. We worked diligently and got strung out on some issues that ultimately led to the defeat of the instrument. But it was well-thought-out. I thought that Bob Leflar did a good job of keeping it on track.
ED: Did you say that there were some issues that caused its defeat? What were the issues you think that contributed to the defeat? Taxation?
RT: Taxation was a great concern and all you need to do in Arkansas is raise the ghost of taxation and you get a big negative vote.
ED: In that instance, I think what you did (and I am going by my distant memory) on taxation was that in the old constitution we had an amendment in 1934 that required a three-fourths vote to raise the income tax…
RT: Yes.
ED: …and nearly all other taxes. It took a three-fourths vote of each house to raise any tax that existed in 1934. But you could pass an entirely new tax with the simple majority so that's why with the sales tax you can pass an increase with simple majority—that tax did not exist in 1934. So you pulled that provision out and you arrived at the consensus that every tax would take a three-fifths vote, sixty percent, which made it a little harder to raise the sales tax and a little easier to raise the progressive taxes like income taxes. So they ran against it saying, "this is going to raise your taxes." I thought that was probably the biggest thing. But probably a lot of it was just people…something drastic and new and people were wary of it. You remember any other issues that kind of dragged it down? Judicial reform maybe?
RT: Yes.
ED: I've forgotten…
RT: Of course we elect our judges and there was, even then, an idea that judges should be selected by appointment like the federal system.
ED: Some kind of merit-selection system like the Missouri system.
RT: Right.
ED: How did you come down on that?

RT: Well, I came down on continuing to elect Arkansas judges. I thought the federal system worked fine but, for Arkansas, it gave people the right to judge the character of the people that they selected into judicial.

ED: And you still believe that, I guess? After serving on the court yourself you still believe that?

RT: Yes.

ED: And I think the record of the Arkansas Supreme Court is pretty good as kind of a courageous group.

RT: As a matter of fact, that goes to my feeling that our judiciary is made of our Judeo-Christian belief in individuals and the rights of individuals to participate—unlike other systems where justice was just imposed by, for example, the Roman law. The Judeo-Christian system pervades our judicial system.

ED: It seems like there might have been something about not including the geographical description of the state. Something about that, some lunatic bunch raised it as an issue.

RT: I don't recall.

ED: I don't remember now but I remember some far-fetched thing. One group opposing it came out with something really radical: we'll become socialists or something as a result of this document. Anyway, it was defeated. I think it got about forty-three percent of the vote. Does that sound about right?

RT: Yeah.

ED: I think it came out about like that. Dale Bumpers was running in the same election in 1970. That document was voted on in the general election. He defeated Winthrop Rockefeller in that election.

RT: Yeah. Dale and I were both candidates that summer. I was running for attorney general and he was running for governor.

ED: That's right. Yes. And some people blamed Dale Bumpers, that he should have played a bigger role in promoting that constitution.

RT: I've never criticized Dale for his position there. He was an underdog.

ED: Yes. Well, actually, by that time he wasn't. He was going to win. The election was over the day he got the nomination. Rockefeller was not going to beat him.

RT: He ran as an underdog.

ED: He ran as an underdog and he favored the new constitution and indicated that he supported it, but Rockefeller really embraced it.

RT: Right.

ED: And almost ran on the new constitution. Of course, that might have…

RT: Oh, and by the way, Dale called on me, because I had chaired the Executive Branch Committee, to help him in the reorganization of the executive department after he won.
ED: Yes. I think you…
RT: I was attorney general.
ED: Yes.
RT: And he favored me. He favored me by asking my advice.
ED: Yes. I remember the night before the election. I was traveling with Dale Bumpers. He was running for governor and I think we all knew he was going to win by that time. We were in some plane flying back from Fort Smith and I asked him about the new constitution. He said, "Oh, it's going to pass."
RT: Yeah, I thought it would.
ED: He said it's going to pass easily. Pass easily and it's going to be a great thing. But then, of course, it was defeated. I know Tom Dillard and some others thought he could have done more. Bumpers could have done more. But, anyway, that's history. You ran for attorney general.
RT: Yes.
ED: I saw some place that one of your ideas for running for attorney general was that so you could help implement the new constitution.
RT: As a matter of fact, one of my reasons for making the race is that I thought the attorney general should be someone who is experienced in the new constitution because there would be questions arising between the two instruments—the old one and the new one.
ED: I've forgotten, who had been…
RT: Richard Earl Griffin.
ED: He ran against you. Richard Earl Griffin, who was a state senator from Crossett, ran against you. Ran a populist campaign against you. My recollection is that Richard sort of ran against your uncles, didn't he?
RT: Oh yeah.
ED: Witt and Jack Stephens, and, of course, they were rich and powerful and…
RT: Right.
ED: I think that was Richard Earl's strategy.
RT: There was an effort to make the race between himself and them.
ED: Witt was the better known and head of the gas company [Arkansas Louisiana Gas Company] and everything.
RT: I am grateful for my family's help. They supported me throughout. There's an interesting story there that I would like to share with you. I had a very strong and good career with Stephens and Arkla Gas. I made a lot of money and I went over to Witt's office one day and I said, "Witt, I couldn't ask for

anything better in the practice of law than what you all are helping me with. But I want to get into politics." He blew on his cigar and he said, "Ray, if you're asking for my advice, I'd stay right where you are and make a lot of money and you'll have more effect on politics than you'll likely ever have as a candidate. But, if you go into politics, I'll support you and the family will support you as long as you don't use your politics for making money." Well, I hadn't heard it that way before. But he told me that if you go into politics, we can support you only if you have a reputation for integrity and honesty. That's the only reward that we have.

ED: Good, good.

RT: And I did it. I really hadn't thought about giving up my outside earnings but I did. I severed my relationships with making money and went into politics.

ED: But, at that time, didn't the attorney general knock down a cool…

RT: Six thousand dollars a year.

ED: Six thousand dollars a year.

RT: Six thousand dollars was the salary.

ED: To be rich you had to be governor—you got ten thousand a year but you had the mansion. Well, Richard Earl, he was a pretty colorful character. Richard also went to my high school, to El Dorado High School.

RT: He's a good man. I like Richard Earl.

ED: He now lives someplace down in Houston and every about ten years I'll hear from him someplace. He was the quarterback for the El Dorado Wildcats. His daddy and uncle were big union organizers. Ermon and Earl Griffin. They ran the big pipefitters and steamfitters union. When he was in the legislature, he was a populist labor guy in Crossett. Later he became a banker and made some money, too. All right…

RT: As a matter of fact, we became friends.

ED: Yes.

RT: Partly because of an unusual thing that Witt would do. After I had defeated Richard Arnold [for Congress in 1974], Witt sent Richard a campaign contribution. He did the same for Richard Earl Griffin. He said the person who needs the help most in politics is the person who has just lost. So he gave money to both of my opponents.

ED: So you were attorney general. You didn't get to help implement the new constitution but you served two years, right? Four years? Two years?

RT: Two years. Right. We reapportioned the first single-member districts.

ED: Yes, let's talk about that. You were on the state Board of Apportionment—made up of the governor, the attorney general and the secretary of state, which was you, and Dale Bumpers and…

RT: Kelly Bryant.

ED: And Kelly Bryant. So you all created the first single-member districts in the Arkansas legislature.
RT: Absolutely, and I was the one who started it. I prepared a plan that was single-member districts throughout. I couldn't persuade Kelly and Dale to adopt single members in some counties.
ED: Yes, so in Pulaski and a few other counties people ran for seats in multimember districts. The other thing, the most important thing about that reapportionment, I think, was that it created the opportunity for the first time since 1890 for African Americans to be elected.
RT: Henry Wilkins.
ED: Henry Wilkins.
RT: Henry Wilkins had served on the Constitutional Convention.
ED: That's right, from Pine Bluff.
RT: Ran for representative and was elected. Good friend.
ED: I guess you and Dale probably did most of the work on preparing the maps.
RT: Another name that needs to be mentioned is Bob Morehead.
ED: Robert Morehead.
RT: He was the first African American to serve as a deputy attorney general.
ED: Under you. That's right.
RT: Right.
ED: Robert Morehead from Pine Bluff. You went out of your way, I think, to create districts where African Americans would be in a significant majority so they would have a chance to win.
RT: That's right.
ED: Henry Wilkins was elected in'74, whenever it was, after the next election. Also Dr. W. H. Townsend of Little Rock was elected. I think [Dr.] Jerry Jewel. was elected to the Senate [from Pulaski County].
RT: Right.
ED: The first African American in the state senate since about 1890. I don't remember if those were the only three but more were elected later.
RT: Right.
ED: From other districts. But it was challenged, that reapportionment. The Republicans challenged it.
RT: And we won.
ED: You did. It went into federal court and I'll tell you a little story about it, which you may not remember. You, of course, as attorney general, were defending it in federal court, defending the reapportionment.
RT: Yes.
ED: And a lawyer named Mazzanti from Lake Village was the attorney for the Republicans and was challenging it, making a case that it was

unconstitutional, that it didn't give sufficient voting rights to African Americans, to Republicans, or whatever. You subpoenaed me as a witness at the trial because I had…I worked at the *Arkansas Gazette* and had gone behind you and got all the population figures, the racial breakdown by district, to try to see whether you could have created other districts with an African American majority.

RT: Yes.

ED: I did an exhaustive analysis and I wrote this piece for the *Arkansas Gazette* in which I kind of concluded that you did about the best job that could have been done.

RT: Yes, I remember.

ED: You could have, in a few places, been able to carve out a slightly bigger majority for African Americans by some unusual gerrymandering, but it was…

RT: We did a good job.

ED: That's right. That was my conclusion. So you subpoenaed me as a witness and, of course, I was nervous about it. You called me to the stand and I stepped up on the stand and I got sworn in and you started establishing my credentials—"You work for the *Gazette* and so forth, and you wrote this piece," and you had a copy of the article there. You said, "Now, is this the article that you wrote?" I said, "Yes." You said, "And your conclusion is what?" and Judge Henley—this is J. Smith Henley, great judge…

RT: Oh yeah.

ED: He said, "Stop! Wait just a minute! Mr. Thornton, are you telling this court you are putting a newspaper reporter on the stand as an expert witness?"

RT: Yes, I remember that!

ED: You said, "Well, yes, your honor." He said, "Not in my court. Mr. Dumas, you are dismissed. Get back to work."

RT: [Laughing.]

ED: So that was it.

RT: Oh boy.

ED: So I was on the stand about three or minutes.

RT: I liked Judge Henley. Good man.

ED: He was a great judge. Crusty and funny and he never cracked a smile but he was a funny old guy. He was not going to let a newspaper guy…

RT: We won those cases.

ED: That's right, you won. I don't know whether they got appealed to the…I think it probably got appealed to the Eighth Circuit but was upheld. Well, All right. I just wanted to get that story on the record…

RT: I'm glad you did.

ED: On how you screwed up and called a newspaperman as an expert witness. All right, as attorney general…Consumer protection. You established consumer protection.

RT: I actually…Joe Purcell deserves credit for starting the ball rolling. Tom Glaze helped. But they were unable to get anything passed.

ED: Yeah, they couldn't get a bill passed. But they set some kind of office up without a statute, which had little authority to do anything—little statutory authority. I think Tom Glaze, as deputy attorney general, had gone to a National Association of Attorney Generals conference someplace and heard Christopher Bond, who was later a governor and U.S. senator from Missouri, then the attorney general of Missouri, describe how he had established a consumer protection division. Tom heard him make that presentation and goes back to Purcell and says, "Hey, here's something we can do." Joe wanted to do something. So that's how I think all that got set up. It got set up and got subpoena powers and everything.

RT: The one that they had written had subpoena powers and broad authority so I knew it would not sell. I wrote myself, in my law office, what became the backbone of the actual consumer protection statute and we got it passed. It had borrowed from the work they had done.

ED: Yes.

RT: But it was our bill.

ED: All right, let's see. So we move forward to 1972 and David Pryor had been the congressman from your district in south Arkansas. He was from Camden and you were from Sheridan, in Grant County, which is on the northern edge of that district. He gave up his seat and ran for the Senate against McClellan, the famous classic senator race in 1972 and you ran for that seat. I am trying to think who…

RT: Well, he [Pryor] told me he was going to run and urged me to consider and make it a race. So I began thinking about it and when he announced for the Senate I announced for Congress and Richard [S.] Arnold, who was a good friend of mine, also got in the race and Richard [H.] Mays and Bob somebody from McGehee got in there.

ED: I am trying to think who that would have been from McGehee. Now Jimmie "Red" Jones didn't run in that race? [It was Jack Coleman of McGehee.]

RT: No.

ED: Or Chuck Honey?

RT: No.

ED: That was earlier. Chuck Honey was probably running down there the first time Richard Arnold ran, it was in 1966, there was a big field down there and ran for that seat.

RT: You'll have to fill that in.
ED: Yeah, I'll go back and check that out and see who the other one was. Somehow I was thinking it was Jimmie Red [Jones] because he had always threatened to run for Congress but didn't. That was a pretty…I guess you and Richard didn't go after each other.
RT: We carried on a series of debates. I honestly said at the end of the race that he had almost persuaded me to vote for him. He was so smart and so good. But I overcame my scruples and voted for myself.
ED: Cast a selfish vote. OK. All right. I'll need to go back and get the actual vote to fill in. I've forgotten– was there a runoff? [Thornton received 50.8 percent, Arnold 29.7 percent, Mays 14.2 percent and Coleman 5.3 percent.]
RT: I won with a clear majority over the three opponents.
ED: Yes, you had a clear majority in the first go around. I'll get those figures so we can fill it in. I think, in your conversations with Scott Lunsford, you covered very well, the historic Watergate investigations and so forth and the impeachment proceedings on President Nixon and so forth. I think y'all covered all that very well. So you served three terms.
RT: One term as attorney general and three terms as congressman and then ran for the Senate.
ED: I think there were three great Senate races of modern times. One would be the 1972 race with McClellan and David Pryor, the '74 race in which Bumpers defeated Fulbright and then the '78 race between what we considered the three rising giants of Arkansas politics at that time, which were you, Governor Pryor, and Congressman Jim Guy Tucker. So we have two congressmen and the governor running in that race and a guy named A.C. Grigson.
RT: From Texarkana.
ED: Someplace down there. That was a classic race. Let me read you the figures that came out. It was almost a three-way tie.
RT: It was.
ED: Pryor came in first with one hundred ninety-eight thousand four hundred ten votes, Tucker came in second with one hundred eighty-seven thousand five hundred sixty-eight and Thornton was third with one hundred eighty-four thousand ninety-five votes, and A.C. Grigson got 8,166. And, of course, if you had gotten Grigson's eight thousand…
RT: If I had gotten Grigson's vote I would have been second.
ED: Second place and maybe the senator.
RT: Yep.
ED: Who knows? That was a pretty…That was a race followed nationally at that time. It had been John McClellan's seat. We already had a young senator,

and now we had lost two giants in the Senate, great seniority, sixty-some-odd years of seniority between them [J. William Fulbright and John L. McClellan] and we were now going to be down to two new guys. What decided that race, do you think? Looking back at that race you could say a thousand things.

RT: I think I'd have to say I didn't work my remote districts as well as I should have. I won every county that was populated very strongly. I beat Jim Guy in Pulaski County. [Actually, Tucker carried the county but by less than 2,000 votes.]

ED: His home county.

RT: I think I may have beaten David in Ouachita County. [Pryor carried the county decisively.] But the race turned on Grigson. He got all of my conservative votes down around Texarkana and I knew that was happening but I couldn't do anything about it.

ED: Well, when you say conservative votes, and I guess you kind of placed yourself…You were generally placed as the more conservative than the other two, although, to be perfectly honest about it, all three of you would be characterized as moderate to progressive.

RT: Yes. I was progressive.

ED: But no one wanted to run as a liberal and it was better to be a conservative.

RT: Ernie, I have never mentioned this on any public thing, but I can't help but wonder if my stand on impeaching Nixon may not have accounted for some of my negative votes in that race.

ED: Oh, no doubt about it, I think it did because certainly Republicans, who were not voting in their own primaries in those days, would have held that against you. He still had a pretty good following, Nixon did. People thought at that time that he was unfairly treated. But let me mention another thing to you that I thought might have had a role. You remember a few days before the election—I've forgotten, maybe a week before the election and we're talking about the preferential primary—*The New York Times* ran an article in its business section by a guy named Jeff Gerth.

RT: Yep.

ED: An investigative financial reporter for *The New York Times*. That story, which was picked up here—I've forgotten the details of it but basically it suggested that there was some impropriety in Witt and Jack Stephens in the operation of…Your uncles had a little gas company named Arkansas Oklahoma Gas Company, which operated generally in Logan County, Franklin County and maybe Sebastian County. A fairly small gas distribution company over there. It was a murky story, but the suggestion was there was something improper about the gas-pricing arrangements of

Arkansas Oklahoma Gas Company. That story, of course, was in *The New York Times* and picked up down here and run on the front pages, and, of course, down in the story it mentioned that their nephew, Ray Thornton, was on the ticket as a candidate for the United States Senate.

RT: Yeah. I didn't have any problem about that. The story was poorly based and it attacked Witt and Jack and I had a career where they had kept their hands completely clear of my political votes. They had done a good job of it and I have always been happy that I had a relationship with them where they helped me as a family member and not on the basis of trading votes.

ED: I don't know whether it was the result of that story or not, which got prominence over in Fort Smith and that area, that you lost those counties over there.

RT: It could have hurt.

ED: You lost those counties over there.

RT: It could have hurt.

ED: Now, I'm going to tell a story.

RT: OK.

ED: You may not know not know all of this. I think that incident changed the course of world history. It's kind of complicated, but this is my theory anyway. Since it affected your life and your career, as well as the history of the world, I'll go into some detail about it. I had some role in it. I was the correspondent, the stringer we called it, for *The New York Times* for Arkansas. I got a call one day from this guy named Jeff Gerth, whom I'd never heard of. Now he's fairly well known. Jeff Gerth, I'll say it right here, was also the guy who wrote the story in *The New York Times* in 1992 about Whitewater that resurrected that and created the crisis for Bill Clinton, his presidency, the suicide of Vince Foster and his [Clinton's] impeachment. All of that flowed out of it, and I traced it all back to this incident. Here's what happened. I get a call from Jeff Gerth and he said, "I'm doing a story about the Stephenses and I understand you did a series of articles on them." I said, "Yes, I did. Three or four years ago, how they built their financial empire. A three-part series that covered about three or four thousand words. Covered about seven or eight pages of the *Gazette* back in 1976." So I copied and sent it to him. No, I didn't. He said, "I'd like to see that. I'm flying down to Little Rock and I'm going to do a feature on them, going to interview them and so forth and I'd like to have that background." He also said, "I'm also going to need something about the Union Life Insurance Company [owned by Witt and Jack Stephens] and I wonder if you could get whatever records you could get on the Union Life Insurance Company." I said, "Sure." I go out there [the state Insurance Department] and get some documents [annual

reports and the like]. Jeff Gerth arrives. I meet him down the street from the *Gazette*. We had a beer and he told me about this story. Turns out, he had already…He had arrived earlier in the day and had been out to the Public Service Commission. He had already been there. So he'd gotten a tip. The tip, of course, came from Sheffield Nelson.

RT: Sheffield Nelson.

ED: Sheffield Nelson, at that time, was the president of Arkansas Louisiana Gas Company and had once had been a protégé of Witt and then had a falling out after he became president. That's another long story we don't need to get into here. But there's kind of bitterness and rivalry there. And so he had tipped Gerth on that and Gerth had gone out to the Public Service Commission and had gotten some documents about the pricing arrangements at Arkansas Louisiana…No, Arkansas Oklahoma Gas Company. It had a rate increase pending and so they had filed all these documents and somebody at the P.S.C. had tipped Sheffield and Sheffield tipped this guy and he comes down. So what Jeff Gerth told me there… he didn't share anything…he just said, "I've been out to the Public Service Commission and I've got a story that's going to blow Ray Thornton out of the Senate race." I said, "Wow, what is it?" He said, "Can't tell ya. Can't tell ya." But he said, "But I need to talk to Witt and Jack Stephens. I've got to talk to them. But I've got the story." I said, "What does that have to do with Ray Thornton? Can you tell me that?" He couldn't tell me anything but that it's going to blow you out of the Senate race. So he stayed around for about two weeks and he could not get Jack Stephens on the phone or visit him to ask him these questions, or Witt. So he'd call me, frustrated, "Can you call and make arrangements for me to talk to him?" I said, "Well, no. I can't do that. You'll have to do that yourself. I might be able to interview them for you but I'm not sure about that." No, he had to do it himself because he'd have to tell me then what the story was and he was afraid I would break the story, I guess, in the *Arkansas Gazette*. At any rate, he was frustrated hanging around. I said, "Well, why don't you just go down to the Stephens building early in the morning and park out there in the parking lot. Mr. Witt comes in early. He gets there by daylight and you can talk to him on the parking lot if nothing else." He said, "All I want to do is just…They'll refuse to talk to me. All I need to do is give them a chance to say 'No comment' or 'Don't talk to me.' That's all I need." Little bit dishonest but, anyway, he says he needs to give them a chance to talk and that's all he wants. So he finally has to fly back to New York, or wherever he was, and gets back up there and calls me from time to time. He is still just more and more frustrated because *The New York Times* is not going to run the story unless he gets their side of the story or a

comment from them, out of fairness. That was their rule. Finally, he called and said he had gotten from…Craig Campbell had set him up to play golf with Jack, and he was flying down and he was flying down and going to play with Jack on the golf course, at the Little Rock Country Club, I guess. He gets down here and it turns out that Jack is at Augusta, Georgia, at the Augusta National Golf Club. So he's again foiled and he goes back. Finally, a few days before the election, he persuaded these editors at the *Times* that they were avoiding him and they were never going to talk to him so they agreed to run the story. And they ran the story and the story, frankly, made little sense.

RT: Yeah.

ED: It was just a routine way of pricing your own gas and passing it on to customers, as I recall. Something like that. Old issue with gas companies. Nevertheless, you had this big blockbuster story. Of course, I had told the editors at the *Gazette*, "This guy at the *Times* has got this story. I don't know what it is but he says it's going to blow Ray Thornton out of the Senate race." So they were anticipating some bombshell down there. When the story comes out, I think one of us had to rewrite the story and try to make some sense of out of it. But we re-ran it in the *Gazette* and I guess the *Democrat* and the A.P. [Associated Press] picked it up and ran it in papers all over the state—Fort Smith papers, Van Buren, all those over there. So that's the story of that thing.

RT: Wow, I never knew that. I knew that there was…Jeff Gerth had been trying to get a story to blow me out but I never knew you were involved.

ED: Well, that was the extent of my involvement.

RT: You helped! You helped.

ED: Well, I gave them…All I did was give them that stuff back there on that series I did.

RT: Well, in the first place, there wasn't anything wrong with Witt had done.

ED: No, nothing at all. Of course nothing came out of it all. They got the rate increase. Of course, the rate increase became a big issue in the runoff then between Jim Guy and David…

RT: Thank you for sharing that.

ED: Let me finish the story about the impact it had on history, because this is my own theory about it, but I think it holds together pretty well. That all this stuff, including the impeachment of Bill Clinton, goes back to that episode and that rivalry between Sheffield Nelson and your uncles, that bitter rivalry and hatred. I guess you could call it hatred. I don't think that is too dastardly a word. Nevertheless, several years pass, Sheffield is running Arkansas Louisiana Gas Company. He makes a deal with Jerry Jones, his old buddy,

Jerry Jones, who has a…He's a partner in a little gas exploration outfit over in west Arkansas. They make a bargain and he's essentially going to give…

RT: Yes.

ED: Rights to…exploration rights [on lands where Arkla had mineral rights] to Jerry Jones and lend him…

RT: And agreed to buy it back.

ED: And agreed to a contract to buy it [the gas produced on those lands] forever, no matter whether they needed the gas or not. They called it "take or pay."

RT: Incredible.

ED: Then Arkla lent him three million dollars to start the drilling interest-free. At any rate, an outrageous deal. One of the crimes of the century, I always thought. Nevertheless, Jack [Stephens] got to be big pals with Wendell Rawls, who was another investigative reporter for *The New York Times*. And "Sonny" Rawls, who had won a Pulitzer Prize a year or so before at the *Philadelphia Inquirer*, and I think they had got to know each other through the Bert Lance episode. I think Jack and Bert Lance had been friends and partners in some kind of deal. Wendell went down, I think, and played golf in Augusta. But he and Jack had gotten to be kind of pals. So he tipped Wendell on the Sheffield deal with Jerry Jones. So Wendell Rawls comes down and writes a big story for *The New York Times* about Sheffield's deal with Jerry Jones. Sheffield threatens to sue *The New York Times* and there was a hoorah about that for several years. Well, that went on forever, quite a while. I think that story and stories about the Arkla-Jones gas deal in the years afterward ultimately killed Sheffield's political career. Without that, I think he might have been elected governor and had a great career. Sheffield's a smart guy, might have been a good governor. Might still one day be governor. Who knows?

RT: Right.

ED: I doubt it.

RT: Let me tell you something. That's smart to be able to give something away and agree to buy it back at a price that pays for the Cowboys. [Jones subsequently bought the Dallas Cowboys professional football franchise.]

ED: Yes. You can almost thank Arkansas Louisiana Gas Company, ultimately, for that whole deal. But anyway, it enabled Jerry Jones to buy the Dallas Cowboys and become a national figure. That was the immediate follow-up, two or three years after…

RT: Ernie, how has Sheffield stayed away from all of this?

ED: Well, the *Democrat-Gazette* for one loves him.

RT: *Democrat-Gazette* protected him.

ED: Loves him.

RT: Hussman. [Walter Hussman, publisher and owner of the *Arkansas Democrat-Gazette*.]

ED: Yes, and Paul Greenberg. Any rate, then, as the third step on that, 1992 comes along and Bill Clinton is now running for president. Sheffield now is going to retaliate for all of the Arkla stuff, the Jerry Jones stuff. He knew that Jack caused that to happen, I'm pretty sure. So Jeff Gerth comes down to investigate Bill Clinton's background and Jim Guy Tucker's. So, by that time, he [Nelson] and James McDougal, had become big pals and Sheffield sets up Jeff Gerth with Jim McDougal, who tells him that Clinton is…that the Stephenses support him and so forth and all of that. He mentions this Whitewater Development Corporation. Jeff Gerth writes that story and, of course, everybody knows what happens. That eventually led to a snipe hunt of eight or nine solid years over Whitewater Development Corporation. the Stephenses from time to time and eventually to the impeachment of Bill Clinton and all of that. Anyway, that's why I say that little incident to try to destroy your career in 1978 had worldwide implications for the next thirty or forty years. You changed the course of world history and you didn't know it.

RT: Yeah. No doubt.

ED: OK. Betty Jo needs to…You can tell her that story later. She's here now. You can tell her that story later.

RT: I love it. Thank you.

ED: Yes. All right.

RT: I'm glad to know you have that inside information because I haven't known what to do. I think Sheffield has trampled on the rights of the owners of Arkla, the people…

ED: The biscuit cookers. The biscuit cookers, too.

RT: Yeah.

ED: I was just telling him, Betty Jo, that I had a role in the destruction of his political career in 1978. A minor role. I didn't know what I was doing at that time. But any rate, you can relay that later. Well, all right. I needed to tell that story. Let's see, let's go back to you now. Let you talk some more. We've told the Jeff Gerth story. All right, so we've covered…I think Scott [Lunsford] had covered the years after 1978, your work with the Arkansas colleges, independent colleges, the foundation, and your presidency at Arkansas State.

RT: Yeah. University of Arkansas.

ED: University of Arkansas—we've got that covered. So 1990 you decide…You're living in Pulaski County now, right?

RT: Yeah.

ED: You decide to run for Congress from the Second District.

RT: Yeah.
ED: Had Grant County…it was not a part of Second District.
RT: Well, first of all, I enjoyed doing what I did at the University of Arkansas. I took a shipwreck that was really in trouble and we got it straightened out, we got Dan Ferritor and Willard Gatewood and other people and we came in and gave them a stable base. And I had this idea, and it really was kind of my Marshall Plan for America. The idea was that instead of nibbling at "how do we cut our deficit?" it should be, "how do we make an investment in education and research that will then increase our income? We will develop a domestic Marshall Plan to put America back in front. Well, the idea caught on. I can't think of the columnist for *The New York Times*, but he picked it up and he started publicizing it and it got a lot of circulation. I think it led Bill Clinton to develop some of those ideas in his proposal.
ED: You need to go up there to Washington today and…
RT: What's that?
ED: You need to go to Washington today and sell them on it.
RT: That's right.
ED: That's what's missing there now. So you decided to run for Congress. Tommy Robinson was the congressman and I think you pretty much announced before he eventually…
RT: I had decided I was going to run whether he did or not.
ED: Whether he did or not. Well, you were going to beat him. He had been a hero for a while back in 1984 when he had been elected to Congress. By '90, everybody considered him a flake. He lost his charm, except in a lot of the rural areas. So you ran and you didn't…you didn't have an opponent in the Democratic primary, did you?
RT: Yeah.
ED: Who did you…?
RT: Not a Democrat, but Jim Keet.
ED: Jim Keet. Jim Keet was a Republican.
RT: And Jim Keet caused me to stand my ground, and I want you to know that I took a lot of heat in that race against Jim Keet. He picked up on the Texas millionaire's idea of a gasoline tax. The way to solve our problems was to impose a tax on gasoline. Well, I had done my research and, all of things, Arkansas and Montana had the highest level of gasoline consumption per capita of any state.
ED: Because they are rural states. People commute long distances to work.
RT: And it was unfair to Arkansas. So I jumped on Jim Keet and said I could never vote for a tax increase on gasoline because it's unfair to Arkansas. The *Democrat-Gazette* gave me a banner headline: Thornton Can Never Vote for

Sales Tax on Gasoline. It was three years later. Jim Keet's out of it. But there's my statement, when the White House pulls the rug out from under me, I had voted for their energy package, which had a consumption tax, a B.T.U. tax on gas for everyone, whether it was gasoline or fuel oil or whatever, that was fine. Then the White House changed and went with a gasoline tax and I was staring in the face of the banner headline: Thornton Says He Could Never Vote for a Gasoline Tax Because It's Unfair to Arkansas.

ED: Now, was that the budget…Was that gasoline…?

RT: That was the Clinton deal.

ED: Yes, that was under Clinton, two or three months into his term.

RT: Yeah.

ED: And it was part of the budget and reconciliation act of 1993.

RT: It was the budget reconciliation that really pulled us out of the mess that we were in and it first went through and it was a use tax on B.T.U. and I supported it. But it came back and they changed it to be a tax on automobile gasoline.

ED: But it also had some income taxes in there as well.

RT: Yeah.

ED: It had a package of tax increases including income taxes.

RT: That wouldn't have made any difference to my electability. But I had a headline story that I would never vote for a gasoline tax.

ED: Yes.

RT: And they tried to get me to change my vote.

ED: They put some heat on you, didn't they?

RT: Yeah.

ED: Clinton was furious that you…

RT: So I figured it out, Ernie. I figured it out. My vote could have sunk it. But, if I either voted with them, you know, voted against the tax, or if I abstained, my position would be OK. So I went down to the last minute not knowing whether I was going to abstain from a vote or vote against the tax. It turned out I could vote against the tax and I did. But, boy, it put red on my face.

ED: Clinton was furious at you. Did he call you and cuss you out?

RT: Oh yeah.

ED: I ask because I've been on the end of those calls from Bill Clinton.

RT: Clinton called. Hillary called. Man, they…

ED: Chewed you out? After the fact?

RT: Yeah.

ED: You don't remember any of the language, do you?

RT: No, I didn't. I'm not going to try to fix it. I shouldn't have made a statement that I could never vote for a tax that…
ED: Well, that's easy to say now. We regret things we say years later.
RT: It was my fault. But, boy, that left me with a bloody nose.
ED: Yeah. Yeah. So that would have been in the spring of 1993. Clinton was elected in '92 and took office in January. This was his big package. He got the two hundred and eighteenth vote. I think that Chelsea Clinton's mother-in-law cast the two hundred and eighteenth vote.
RT: Yeah. Mezvinsky. [Representative Marjorie Margolies-Mezvinsky]
ED: So it worked out. It worked out for everybody pretty well.
RT: Except her. [She had pledged in 1992 not to vote to raise taxes, cast the 218th vote for the Clinton taxes and was defeated in 1994.]
ED: Except her and you had to endure a little bit of righteous anger from Clinton and Hillary. So both of them called you.
RT: Have we missed anything?
ED: Well, I am going to cover a couple of other things. So you served under Bill Clinton from '93 to…One more term, right? Through '96.
RT: Yeah.
ED: Did y'all patch up relations? Did your relationship with Clinton warm up a bit?
RT: I've always had a cordial relationship with Bill Clinton.
ED: You weren't around for another impeachment proceeding. You're probably grateful for that, that you weren't around for a second impeachment ordeal. All right, so then we're down to Supreme Court. 1996—why did you decide to leave Congress? Obviously, you could have been reelected handedly, probably without opposition. Why did you decide? Were you sick of Washington?
RT: I had decided I was nearing the time where I would like to reflect and consider issues rather than being out front carrying change. The idea of going on the Supreme Court had great appeal to me. I had known some good Supreme Court justices—Sam Robinson, of course, George Rose.
ED: George Rose Smith.
RT: George Rose Smith.
ED: George Rose Smith, yes.
RT: All were such good examples. I decided that I would enjoy sitting back and reading cases and writing the law. So it was a matter of personal pleasure that led me to go to the court. And the fact that I said at the outset, that our system of government is based on our dependence on the judiciary. The fact that it's got to stand there and decide what's right and what's wrong. It's not a political job. It is one based on the very foundations of our civilization.

The idea of Roman law and coupled with the Judeo-Christian emphasis on individuals.

ED: No, I forget. Did you have an opponent?

RT: No.

ED: You ran without an opponent.

RT: I ran without an opponent.

ED: I've forgotten who had retired.

RT: Dub Arnold.

ED: Dub Arnold?

RT: He ran for chief.

ED: He ran for chief justice, but whose seat did you take? Bob Dudley's? You remember whose seat you took?

RT: Bob Dudley.

ED: Bob Dudley. OK. He retired in'96. So you got a free shot.

RT: Yes.

ED: I think, at the same time, Brad Jesson [Bradley D. Jesson] became…

RT: Brad was on there.

ED: [Governor] Tucker appointed him chief justice. Was he going off at that time?

RT: He was going off.

ED: That's right. He was going off and Dub was taking his place.

RT: Annabelle came on.

ED: Annabelle [Clinton Imber] came on at the same time. So you and Annabelle came on at the same time. I am trying to think who else you would have served with. Steele Hayes had retired. He was no longer on there. Tom Glaze [Thomas A. Glaze] was still on the Supreme Court. Donnie [Donald] Corbin.

RT: Yeah.

ED: Dub. Jim Hannah came on later, I guess.

RT: Yeah, Jim came on next after I did.

ED: Yes. I've forgotten who else would have been…Bob Brown.

RT: Oh! Yeah.

ED: Robert L. Brown was on the court. That's probably it.

RT: He's the poster boy of what a Supreme Court justice ought to be.

ED: Well, I guess before that it would have been George Rose Smith, two quite different characters. One of the fun parts of all these interviews I've done with the ex-justices has been those who served with George Rose Smith telling me George Rose Smith stories. So you'll enjoy reading some of those, particularly with Conley Byrd when he and Conley Byrd…

RT: I've read almost everything I could find on George Rose Smith.

ED: Well, you'll enjoy reading these. Conley Byrd…They didn't care for each other.
RT: Yeah.
ED: I don't know if you knew that or not. Conley Byrd was down at Redfield so Conley didn't have any…He started talking about how he didn't like him. They almost came to blows one day when George Rose called him a name in conference.
RT: Well, we've had good judges.
ED: Yes.
RT: But George Rose Smith is one of the best.
ED: He's one of the greatest, he was, and everybody had stories about George Rose Smith. All of them kind of funny and, generally, all reflecting very well on George Rose Smith. But one or two not. Anyway, they were all very respectful.
RT: Well, Ernie, I've enjoyed it.
ED: Well, let me ask you about a couple of…What about the Lakeview case? The Lakeview case…
RT: I'm glad we got it done. We did what we had to do.
ED: Yes, it was a unanimous decision.
RT: Yes.
ED: I guess the most historic and far-reaching in thirty or forty years.
RT: Annabelle deserves a lot of credit.
ED: The last thirty or forty years. Not that case, but the issue had been around for half a century.
RT: Yeah.
ED: The equalization of school spending and so forth. Then you had the Alma case, *Dupree v. Alma* back in 1983 or so under Bill Clinton. The court kept handing down these decisions [to equalize school funding] and nothing much ever happened and finally…
RT: The court acted.
ED: The court did and was firm about it. Came back and "No, you're going to address this issue and you're going to get it done." They finally did to the great unhappiness to a lot of legislators.
RT: It had to be done.
ED: It did, it had to be done and the court stuck to its guns and was firm about it. I wonder whether you realized the consequences, perhaps, the political consequences. All of you were elected judges. Of course, you weren't going to run again, I think Annabelle …Nevertheless, you knew the issue would be "Well, the Supreme Court is making us raise taxes." That's what the legislators said. The Supreme Court makes us raise taxes. So you had this

whole taxation bugaboo ahead of you. Did you all talk about that in conference? That's just what had to be done.

RT: No.

ED: You didn't. Did you favor the death penalty? Do you favor the death penalty? Seems like I read somewhere that you personally were…

RT: I have supported the law as it is written. But, I'm very proud that I offered the court decision that said you could not send a person to death without a review by the Supreme Court. Until I wrote the decision, a person could be convicted and sentenced to death in a circuit court and not take an appeal and the sentence would be carried out. My decision says that with such an important penalty, that it must go forward on appeal to the Supreme Court.

ED: In these interviews with judges I have been…There were a number of them who were personally opposed to the death penalty.

RT: Well, I have great questions about the death penalty.

ED: Of course, Steele Hays was always openly opposed to it.

RT: What I did was to make sure that the death penalty had to be conducted in such a way that it passed muster in the state Supreme Court.

ED: OK. I think we've about covered everything unless there's anything else about…Let me just ask you…I've gotten most of them to talk about the atmosphere in the chambers. Serving on the Supreme Court was a different thing.

RT: During the time I was…

ED: Very collegial?

RT: There was a camaraderie among the court members.

ED: Yes.

RT: It was really good.

ED: And this was a different kind of experience to where you got into politics. You were out there with Republicans and Democrats, whether you were in the executive branch or legislative branch, there was kind of an open warfare. Here you go into private chambers, very quiet and private chambers and you work with six people.

RT: And you really get to dealing with issues; issues rather than personalities.

ED: Sometimes you strongly disagree. Sometimes you very strongly disagree in opinions and so forth but then you come back and have to work together the next day. But you're well-suited for that.

RT: That's why it's not proper for me to talk about any of those because we talked about it at the time.

ED: Sure.

RT: We expressed our views, others expressed theirs. You don't want to go in there and refigure any of these cases.

ED: But I never detected, in those years, that there were any personal rivalries or bitterness. That hasn't always been the case. Over the years, there have been factions on the court and personal animosities and sometimes you could see dissension.

RT: There's some bad cases.

ED: Yeah, there are. Well, all right. I've gotten you to talk a little bit about the election versus merit selection of judges. We've covered that. I tried to get everybody to talk about that issue—the issue of merit selection of judges versus elections. We've covered that.

RT: I'm in favor of electing.

ED: Yes. So I think we've covered all. We've gotten the stories I wanted to get on the record.

RT: Ernie, it's a pleasure.

ED: Thank you so much for doing this. We'll shut it down and if I think of anything later I'll just call you and we'll talk about it and I'll record it. But I think this will do it. Thanks.

RT: If there's anything else, just let me know.

ED: OK.

[End of recording.]