**Arkansas Supreme Court Project**
**Arkansas Supreme Court Historical Society**
Interview with
Justice Webster Lee Hubbell
Little Rock, Arkansas
May 23 and 24, 2015

Interviewer: Ernest Dumas

Ernest Dumas: All right. I am Ernie Dumas and I'm interviewing Webb Hubbell. This interview is being held at the Adolphine Terry Library in Little Rock, Arkansas, in Pulaski County on May 23, 2015. The audio recording of this interview will be donated to the David and Barbara Pryor Center for the Arkansas Oral and Visual History at the University of Arkansas and it's explicitly done for the Arkansas Supreme Court Historical Society. The recording, transcript and any other related materials will be deposited and preserved forever in the Special Collections Department at the University of Arkansas Libraries Fayetteville. And the copyright will belong solely to the Arkansas Supreme Court Historical Society and to the University of Arkansas. Webb, please state your name—your full name—and spell it and give your indication that you're willing to give the Pryor Center and the Supreme Court Historical Society permission to make this audio and the transcript available to whomever.

Webb Hubbell: OK. My full name is Webster Lee Hubbell. W-E-B-S-T-E-R Lee, L-E-E, Hubbell, H-U-B-B-E-L-L. And I fully give my consent for the Pryor Center or the Supreme Court Foundation or Endowment.

ED: OK.

WH: Or to do whatever they want to with this interview.

ED: All right. Well, we appreciate you doing this. You obviously lived an amazing life full of peaks and valleys.

WH: Yes.

ED: A great many more peaks than valleys but…

WH: I had some good valleys, too.

ED: Yes, you had some good valleys, too. You were a chief justice of the Supreme Court. You were mayor of Little Rock, a city director of Little Rock, an assistant attorney general of the United States.

WH: Associate attorney general.

ED: Associate attorney general of the United States and I guess number two or number three…

WH: Number three.

ED: …person in the United States Justice Department. You were a Razorback football star and now you're a world-famous novelist.

WH: I'm not sure about world famous but I'll take it.

ED: All right.

WH: I'll take it.

ED: OK. Well, let's get started, first your date of birth?

WH: I was born January 18, 1948, in Little Rock.

ED: In Little Rock. And your mama and daddy?

WH: My father was Webster Edward Hubbell and he was originally from Bridgeport, Connecticut. And my mother was Virginia Erwin and she was from Memphis, Tennessee.
ED: Erwin, E-R-W-I-N? Not I-R?
WH: E-R-W-I-N.
ED: E-R-W-I-N. And she was from Memphis originally?
WH: Right.
ED: And where did they meet?
WH: They met at the University of Tennessee. My father played football for General [Robert R.] Neyland and the Tennessee Vols back in the late '30s, early '40s [Neyland was the head coach 1926–52]. And my mother was attending college at the University of Tennessee and that's where they met.
ED: And what did your father do?
WH: My father was an engineer of various construction-type projects. He worked all over the country and worked on locks and dams and airports and bridges and just about everything. He worked for a lot of different companies, so we moved around the South when I was growing up because of his job.
ED: But you were born in Little Rock?
WH: I was born in Little Rock. At that time dad was working for a company called Ebesco, E-B-E-S-C-O. And they built power plants right after the war, World War II.
ED: So did they work on these power plants in Arkansas and Hot Springs?
WH: They were building the Rose City Power Plant at the time and we were living in Little Rock, actually Cammack Village, in a little house in Cammack Village, when I was born in January.
ED: And were you the eldest child?
WH: I was the middle child. I had a sister named Patty and she was born in '42. And I have a younger sister, Terry, who was born in '54.
ED: So there are three siblings?
WH: Right.
ED: And you were born in Little Rock. How long did you live here? You moved around after that?
WH: Right.
ED: You were born here and then moved around?
WH: We lived here probably a couple of years, two or three.
ED: But you didn't go to school here at the outset?
WH: I don't remember anything about it. I know we lived in Forrest City, Arkansas. We lived in Manny, Louisiana.
ED: What town?
WH: Forrest City.
ED: Forrest City and then Louisiana?
WH: Manny, Louisiana.
ED: Manny, how do you spell that?
WH: M-A-N-N-Y.
ED: OK.
WH: I don't know what's in Manny, Louisiana. I don't think I've ever been back. And then when my father was called back into the service for the Korean War we moved to Memphis to live with my grandmother.

ED: Had he been in World War II?
WH: He was in World War II. He was in the Corps of Engineers both in World War II and Korea.
ED: So when he gets called to Korea—I guess called back into the service during the Korean conflict, as they called it ...
WH: Yes.
ED: Then you moved back to Little Rock?
WH: We moved to Memphis.
ED: Moved to Memphis.
WH: Where my grandmother and grandfather lived. And we lived with my grandparents for a while and then got a house until he got back from the service. And then we lived in Memphis until I was age… in the tenth grade, and we moved to Montgomery, Alabama.
ED: So where did you start school?
WH: I started school in Memphis at a school called White Station. And then went to another grammar school called Avon and then went to junior high at White Station in Memphis. And then I moved. We moved to Montgomery in my tenth grade and we went to a high school called Sidney Lanier High School in Montgomery.
ED: Sidney Lanier, named after the…
WH: The poet.
ED: …the great Georgia poet.
WH: Yes. In fact our nickname was the Lanier poets.
ED: Well, is that a ferocious football team?
WH: They actually were a very, very good football team.
ED: Really?
WH: But everybody kidded.
ED: Well Sidney Lanier would be proud, I assume.
WH: Yes, but Lanier Poets.
ED: Did you ever read any Sidney Lanier poetry?
WH: Yes. Of course, you had to if you went to Lanier.
ED: Oh, I guess so, yes. I had to memorize some Sidney Lanier…
WH: Yes.
ED: …poetry, I guess.
WH: Yes. And then after… in the eleventh grade, right before the eleventh grade, we moved back to Little Rock. My father had a construction job here and that's where I went to Hall High School.
ED: Did you play football at Lanier?
WH: No. I didn't play football until I was a junior in high school.
ED: Really?
WH: I was really young and I was very small, believe it or not.
ED: Really?
WH: I was in the… I was a baseball player, a swimmer, played a little basketball but never played football because I was small. And then…
ED: That's hard to imagine.
WH: I know it's hard to imagine. In the ninth grade I started to grow. I was five-eight, 140 pounds and by the time I finished the tenth grade I was six-four and 142 pounds.
ED: Wow.

WH: I looked like I'd been in a prison camp.
ED: You just grew up like a stalk.
WH: Just a stalk, eight inches in one year.
ED: Wow.
WH: And I was really thin.
ED: Were you taking hormones or something?
WH: No, no. Peanut butter.
ED: Peanut butter.
WH: I read where Jerry Lucas said he grew eight inches when he ate a jar of peanut butter every day so I ate a lot of peanut butter and, sure enough, I grew.
ED: Well, if that secret gets out…
WH: Who knows?
ED: …I mean that may solve a lot of…
WH: Who knows?
ED: …problems around the country with small kids.
WH: Now, my father never insisted or encouraged me until we moved to Little Rock and he thought… He said, "You're moving now for the third time, you know, in the middle of puberty." And he said, "If you're going to make friends here you ought to try out for the football team." And by that time I was six-four and about 165, 170 pounds. So I tried out for Hall [High School]. I played on the junior varsity my junior year.
ED: And you were a lineman?
WH: I was the defensive end and an offensive tight end. And then my senior year I played defensive end on defense and played offensive tackle for Hall.
ED: So then you began to gain some weight?
WH: Started to get a little bit bigger but I was about 180 pounds.
ED: Wow.
WH: But I was still big those days. I was as big a lineman as we had at Hall at 180 pounds.
ED: I remember in high school I don't think we ever… At El Dorado High School, I don't think we ever had a 200 pounder. Stacy Wright, we had a fat boy who weighed 200.
WH: We had a couple of guys who were a little bit heavier than I was but who just weren't big. And we weren't big at [the University of] Arkansas either.
ED: No, no, not in those days.
WH: No.
ED: Now you don't have an offensive lineman who's less than 300 pounds…
WH: Yes.
ED: …or he didn't get considered for a scholarship.
WH: We're getting ahead of ourselves but I was the biggest guy my senior year on the Arkansas line that won the Sugar Bowl at 232.
ED: 232. You were six-four, six-five?
WH: Six-four, six-five and 232. And I was the biggest guy on the line.
ED: OK. So when you played at Hall, who was the coach, Keopple?
WH: Keopple.
ED: Keopple.
WH: Greg Peters was there my junior year and then he retired and became athletic director for the…
ED: For the school district.

WH: …school district and Keopple… This was Keopple's first year.
ED: Was it C.W. Keopple?
WH: C.W. Keopple.
ED: K-E-O-P-P-L-E? Is that correct?
WH: Right, right.
ED: If memory is correct.
WH: Yes, Coach Keopple, yes.
ED: And the Hall High Warriors.
WH: Right.
ED: So did you all have a good football team?
WH: We won the state…
ED: You won the state championship?
WH: …championship that year even though we lost our first game to Catholic High.
ED: This is when, your junior year?
WH: My senior year.
ED: Senior year.
WH: My junior year I didn't make the varsity.
ED: OK.
WH: I was just learning to play football.
ED: OK.
WH: But I played basketball and I ran… Believe it or not, I was on the track team and played baseball here in Little Rock.
ED: The track team. I would assumed that you would be throwing the shot-put?
WH: I threw the shot and broad jumped.
ED: And broad jumped? Well, that's a rare combination.
WH: That is a rare combination.
ED: So you were fast then, I guess, too?
WH: I guess I was fast for a lineman, yes. I mean…
ED: For a guy that's six-three, six-four.
WH: Yes. We didn't time forties [50-yard dash] until I was a senior in college.
ED: So y'all won the state championship your senior year?
WH: We did. We beat Central. I remember we used to play Thanksgiving Day.
ED: Yes, because that was the big Turkey Day Game.
WH: Turkey Day, yes. It was great fun, great fun.
ED: Between Central and Hall.
WH: We played and won seven to nothing or six to nothing, something like that.
ED: And what about other sports? Did you say you played basketball for the Hall High Warriors?
WH: I played basketball at Hall, yes.
ED: Were you a forward?
WH: I was the center.
ED: You were the center.
WH: I was the center.
ED: Six-three or six-four would be very tall.
WH: That was the biggest—again, the tallest guy on the team.
ED: Yes, yes.

WH: And then I threw the shot and broad jumped that spring. And then I played American Legion baseball for a team called 555.
ED: So in basketball were you a starter?
WH: I was a starter but I wasn't very good because I fouled out a lot.
ED: Yes. You did a lot of hacking under the basket?
WH: Well I just… I was clumsy, still a little clumsy. I was still growing into this body.
ED: Yes, so… And you played track and basketball? What about your studies?
WH: I was always a good student.
ED: You were a scholar athlete?
WH: I was always a good student. I wasn't a… I was in the National Honor Society but I wasn't in the top of the class or anything like that. I was playing sports at the same time. I was having too much fun.
ED: Yes. Thinking about your current occupation, if you we can call it an occupation or an avocation or whatever, which is writing fiction…
WH: Yes.
ED: Was English a big thing for you?
WH: English was probably my toughest subject.
ED: Toughest subject.
WH: For some reason. I was always good in math and science. That's why I went on to engineering. English was my toughest subject. I think it was more that I wouldn't pay attention to grammar very well.
ED: OK.
WH: I had a vivid imagination but I just was not good at grammar.
ED: Well, you got good at grammar.
WH: Yes, I got a little better.
ED: You got better. Was that because of law?
WH: It had to be law, because when I went…
ED: You had to start writing.
WH: …went in engineering school for five years I didn't write a word. It was all numbers and ergs and things like that. I didn't take an English course in college. We were only allowed twelve hours outside of math, science and engineering.
ED: You had to take freshman English of some kind, right?
WH: I passed out of it.
ED: Oh did you?
WH: Yes.
ED: And so you never took an English course in college?
WH: I never took an English course in college.
ED: Well, I didn't think that was possible. And it works out that it's not necessary, to be a writer, to take an English course.
WH: Well…
ED: So what about any other memories about childhood, Boy Scouts or?
WH: I was an Eagle Scout in Memphis. The biggest memory was that I played sports all the time, basketball and baseball. And it was like most people growing up. Memphis was the predominant place where I grew up. And, you know, when you got home from school you went outside and you played outside until it's time for dinner, you know. And so my memories are mainly of Memphis growing up until we moved to Little Rock.

ED: Of course, by that time were the Memphis schools desegregated?
WH: No, no.
ED: They were still all-white schools?
WH: All-white schools and Hall High was the first school I went to that had African Americans. They integrated Hall High the year I started at Hall High.
ED: So that's about right, about 1968 when they got around…
WH: '63.
ED: '63.
ED: '63 is when you… OK, that's right.
WH: They had four students show up that day. That was my first day.
ED: Four black students.
WH: And two of them I remember well. One was Paul Wallace and one was Morris Thompson, who ultimately became a judge here in Little Rock.
ED: Yes.
WH: I don't… There were two women, but I don't remember their names. I know one of them left Little Rock as soon as she graduated.
ED: Would you get to know Morris in later years because he became a lawyer?
WH: I did. I actually knew Morris. Morris tried out for the football team. So did Paul. So I got to know Morris pretty well because we were kind of the two, two of the first… You know, we were starting all of life together. I was starting football and so was he. And then, much later, Morris moved back and his sons and my sons played Penick Boy's Club basketball together, so I actually helped Morris in his first campaign for judge.
ED: So you graduated from Hall in 19…?
WH: '65.
ED: '65.
WH: Fifty years ago.
ED: Fifty years ago. And were you at that time intent on football as a…
WH: Yes. I was…
ED: Did you make All State or anything in your…
WH: I didn't make All State but one of your reporters… I mean, one of the *Gazette* reporters called it a scandal at the time.
ED: That you didn't get All State?
WH: I didn't make All State. We had a great halfback named Bobby Kincaid. I don't know if you remember him. [Bobby Kincaid was a *Parade* magazine all-American his senior year at Hall.]
ED: I remember the name.
WH: Yes. And we had one other guy. We were state champions but didn't have anybody else on All State. And so the guy— Jerry McConnell was his name… [Jerry McConnell was a sports writer for the Arkansas Gazette, who covered high school athletics.]
ED: Yes.
WH: Jerry McConnell just thought it was an outrage. We had the number-one defense and not one guy on defense ever made All State so…
ED: Jerry McConnell is still over… He's lives over in Sebastian County, Greenwood.
WH: Is he really? Is he really?
ED: He's in Greenwood.
WH: If you ever see him tell him hi for me.

ED: You know, he later became editor of the… managing editor of the [*Arkansas*] *Democrat*. He was at the *Gazette* as a sports writer.

WH: Yes.

ED: And then he went from that to become managing editor of the *Democrat*.

WH: Really.

ED: And then left and went off to Oklahoma for a few years as an editor up there. And now lives at, I think, Greenwood or Charleston—some place around over there. I see him from time to time.

WH: Well, if you see him tell him hi.

ED: I will.

WH: I remember him and his name because the *Gazette* followed high school football pretty well.

ED: Oh yes.

WH: So we had a good team and had a lot of fun. Sports were dominant, but I really didn't think I was going to get a scholarship. I mean this was my senior year. It was the first time I'd played football and had no idea that I was worthy of going. But I was young, I was very young. I was 17 when I graduated from high school. All of a sudden some offers started coming in. I was looking at going to an academic university and trying to figure out where I was going.

ED: You mean someplace out of state maybe or Hendrix or something?

WH: I had a scholarship offered to Dartmouth and the Air Force Academy.

ED: An academic scholarship?

WH: Academic scholarship to Dartmouth. And so I was looking at that and looking at going to Arkansas, of course. Because I really felt like after moving back to Little Rock things kind of… I was right in the middle of puberty and, all of a sudden, things starting happening right. You know, I made friends, I was playing sports, you know. I got elected class representative to Student Council. You know, just things started clicking, so I thought Arkansas was a good-luck charm to me. But I ended up being recruited primarily for football by the University of Tennessee, where my dad played and by Arkansas.

ED: So you get offers from both schools?

WH: Got offers from both schools.

ED: And you decided to… Did you dad try to influence you?

WH: No. My dad didn't try to influence me. I don't know if you remember this story I've told many times. I would say, "Dad where do you want me to go?" Because his brother still lived in Knoxville and his brother played football at Tennessee as well. And I'd grown up with Tennessee as my football school. But I had two teammates who were going to Arkansas, Bobby Kincaid and Bill Fowler. I don't know if you remember Bill. What's… His mom was an entertainer.

ED: Betty Fowler?

WH: Betty Fowler's son.

ED: OK.

WH: They had scholarship offers to Arkansas and so two of my teammates were going there. And so they flew me to Tennessee for my recruiting trip on a private jet. And we were met there by the guy who was going to show us around the University of Tennessee—my date for the weekend, his date for the weekend—and they took us up to Gatlinburg to a chateau where all the recruits were entertained for a whole weekend. I didn't see the

campus until Sunday. I came back saying, this is heaven. And then I went to Arkansas the next week. Do remember Skyways Airline?

ED: Yes.

WH: Well, we got picked up by Skyways and dropped off. They picked up some other guys on Skyways on the way up there. And the guy showing me around took me to Burl Ives night at the drive-in.

ED: Burl Ives, B-U-R-L I-V-E-S.

WH: Yes. And his date and he got in the back seat and my date was a six-pack of beer in the front seat at the drive-in.

ED: OK.

WH: And I remember seeing Coach Broyles for the first time. He was kind of going down the row saying, you're going to come to Arkansas. "Yes, Coach." He came to me last and said, "Webb you're going." I hadn't decided yet and he blew up. He just couldn't imagine I wouldn't go to Arkansas. I'd be one of the first Arkansans not to go.

ED: And so you told him, "I haven't made up my mind."

WH: Yes.

ED: So what did he say?

WH: He said, "Wilson!" Wilson Matthews was there. "You need to talk to Webb."

ED: Wilson had…

WH: Wilson Matthews.

ED: He was assistant coach.

WH: Yes.

ED: And kind of the…

WH: And primary recruiter for especially Little Rock people.

ED: Yes. Because he had once been the coach at the Central High Tigers.

WH: Central High, yes.

ED: And a tough, tough guy.

WH: Oh well, the man.

ED: So he just told you, "By god, you're going," probably.

WH: Well, he said, "You need to go home and think about this." Yes, he gave a good talk. I came home and finally decided to go to Arkansas. My dad at that point said, "Well, I'm glad." And I said, "Well, I'm surprised, Dad, I thought you'd want…" He said: "Well, it doesn't really matter. I told you all along my brother's up there, I played ball for Tennessee. I'd love for you to go to Tennessee. But, you know, I'm in the construction business now and I got a call from my insurance agent and he said, "Webster, I hear young Webb is going to… has a scholarship offered to Arkansas." And Dad says, "Yes, we're real proud we aren't going to have to pay for college." And he said, "Well, Webster, we hear young Webb's thinking about going to Tennessee?" And he said, "Well, yes, my brother played ball at Tennessee. I played ball at Tennessee. His mother went to school at Tennessee. And they're a good school, too." He said, "Webster, if young Webb goes to Tennessee how are you going to get bonded?"

ED: OK.

WH: But he never told me.

ED: He never told you that? That kind of pressure.

WH: He never told me until after I'd made my decision.

ED: So you kind of saved his career.

WH: I saved his… I don't think so.
ED: That guy was just a little bit of a…
WH: I think a little kidding, yes.
ED: Yes, yes.
WH: A little reminder there.
ED: Yes.
WH: It was the right decision. It was the absolutely right decision because I loved it. I loved being in Fayetteville.
ED: So, of course, obviously in those days freshman didn't play.
WH: We didn't play.
ED: So you were on the Frosh team, as they called it.
WH: Frosh team and I played.
ED: The Shoats, is that what they called them?
WH: Shoats, yes.
ED: S-H-O-A-T-S for the freshmen.
WH: We played five games against other freshman teams. And my position at that time was tight end and defensive end. I did play offense. I was an offensive tackle.
ED: So did you catch a pass or two?
WH: I may have caught one pass the whole year. I was mainly. We would shuttle in plays. Arkansas was a running team.
ED: Yes, not much of a passing team in those days.
WH: No. We had to be third and very long before we would pass.
ED: Yes. I guess when Bill Montgomery came along Arkansas…
WH: That was a big shift.
ED: …became a passing team.
WH: Yes.
ED: Bill Montgomery and Joe Ferguson.
WH: Yes.
ED: So in those days the quarterback was another running back.
WH: Yes, essentially. You know, they had some great teams those years that I was there. They had won the championship in '64, the year before I went up. And then the next year they were undefeated until they lost to LSU in the Cotton Bowl. And the next year would be sophomore team and I was on that team that went 8-2, 8-1-1 or 8-2-1.
ED: Did you play much your sophomore year?
WH: No. Everybody thought I was going to be redshirted. Usually all… I had by that time become an offensive tackle. And all linemen were redshirted; everybody's going to be redshirted. It was very rare for anybody not to be redshirted. I was in engineering school—it's a five-year program—so that's fine with me. Then at the last minute they had me back up two starting tackles, Ernie Ruple and Cunningham. It was Bill Cunningham or… I can't remember Cunningham's first name. [Dick Cunningham]
ED: OK.
WH: And so I backed them up but I didn't play much until the end of the games. But I was one of the few guys who wasn't redshirted. There were like four or five of us. Bruce Maxwell, Gary Adams. I'm trying to think who else, Glen Hockersmith. There were about four or five of us who weren't redshirted, which kind of put me ahead of my own class. So then I was almost two years older than most of the guys I was playing.

ED: Yes.
WH: Two years younger.
ED: So your sophomore year you were a…
WH: A backup second-team lineman.
ED: You were second-team lineman. You played some.
WH: Played some but not enough to make a difference.
ED: So in your junior year did you start?
WH: Yes, started every game my junior year. And that was the bad year, we were 4-5-1. Although we never lost a game by more than ten points, yes. We had a good team but not a great team.
ED: Who was your quarterback that year?
WH: It swapped between John Eichler and Ronny South.
ED: OK, yes. All right.
WH: And [Jon] Brittenum was the quarterback on my sophomore year; he was still there. We still. That was a good team. And then my senior year is when [Bill] Montgomery became the starting quarterback. [Chuck] Dicus got there and we got all these new coaches that were going to install the pro-type offense. We linemen had to learn to pass-block. And we had great time learning all of that. But we had great coaches. Don Breaux. I don't know if you remember Don?
ED: Yes, Don Breaux, B-R-E-A-U-X.
WH: Yes. And he ended up coaching for the [Washington] Redskins [of the National Football League] for years.
ED: Yes.
WH: And Richard Williamson, who ended up as head coach of Tampa Bay. On defense, it was Coffey. My coach was Merv Johnson, who had been there for a while.
ED: Merv like Mervin I guess.
WH: Mervin Johnson, yes.
ED: M-E-R-V-I-N. They called him Merv Johnson.
WH: Yes. And Hootie Ingram was on defense.
ED: Hootie, H-O-O-T-I-E I-N-G-R-A-M.
WH: And he became…
ED: I spell these things out for our transcriptionist.
WH: Yes. He became the athletic director in Alabama. I mean, all these guys were great, great coaches. That's the one thing Broyles did. He always brought in assistants who later became great head coaches.
ED: So he realized that the future was in this passing, pro-type offense.
WH: Yes.
ED: And he was an old, I think, single-wing quarterback.
WH: I think he… Yes, that's my father, too. My father hated even…
ED: T formations?
WH: …split T formations.
ED: Yes.
WH: He never got away from the single wing.
ED: Yes. So any rate, so you had a great senior year.
WH: Yes.
ED: And you guys still get together from time to time?

WH: Yes. We had the forty-fifth reunion a couple of years ago. And then, for example, seven of us who played ball together were all together in Charleston just a couple of weeks ago, about a month ago. Yes, we always get together and the stories get bigger and bigger and bigger.

ED: Yes. The plays get wilder and wilder and more spectacular.

WH: Yes. And just now the stories are better, you know. And, it's usually not about football. It's about things that happened in the dorm.

ED: Dorm or on the bus or something.

WH: Back then we all lived in the dorm together, you know.

ED: Yes.

WH: So you became very, very close. Throughout my life when times are tough it's the football guys who, you know… "Come home, move back to Fayetteville. It's fine. You know, we don't care."

ED: Come back.

WH: "We don't care what happened."

ED: OK.

WH: And so to some extend I analogize it to what they call foxhole buddies. Those guys you lived in the dorm with, played football with four or five years.

ED: Yes.

WH: They're your friends for life.

ED: Yes. Well, so any stories about… ?- I mean, any particular plays where you recovered a key fumble or…?

WH: I did recover a fumble. I got Big Four lineman player of the week once when I recovered a fumble and I also played goal line defense my junior year.

ED: All right. So you were an offensive lineman.

WH: Offensive tackle.

ED: But on goal line you went in on defense.

WH: Goal line and I made a goal line tackle and then recovered a fumble and we tied Baylor 10 to 10 or something. And I was player of the week in the Big Four, which was Tulsa, Oklahoma State, [University of Oklahoma] and Arkansas, up in northwest Arkansas.

ED: Yes.

WH: The big thing that happened to me was… I was going to engineering school, but by that time people were saying I was going to be drafted and I tore up my knee on the first game of my senior year. They didn't have hardship rules back then—that if you got hurt in the first couple of games you could get well and then play the next year. Since I wasn't redshirted I would have another year of eligibility. They didn't have that rule back then. So I got hurt. I was running down on a punt and the guy… We were both running very fast and he stuck his helmet on my knee and I went out. At first, they told me they thought it was a bruise, you know. And then by the second or third game that I was still playing on it they decided to check it out and they drained it. It turned out to be blood on the knee, not fluid. It was clear that I had torn it up when I got hurt. I was given a choice. I could quit, but we were undefeated at that time. Or I could play on it.

ED: Play through the pain.

WH: Play through the pain. And so for 14 more weeks I was injected three times a week with Cortisone and they drained the blood off the knee. Every now and then I had to come out

because, you know, something would tear and it would be just too painful to deal with. But I played the whole year and we had a great year, if you remember.

ED: Yes.

WH: We were 10-1 and won the Sugar Bowl. And then after I was operated on and they said that I would never play again, that my career was over. They didn't realize it but playing on it and doing all of that had totally destroyed the knee. It was like shrapnel was still in the knee. So, like every athlete, at some point you have to learn to grow up.

ED: Let's go back right quick and tell me about… I don't think we talked about the Orange. No, you go to the Sugar Bowl.

WH: Sugar Bowl.

ED: Excuse me, Sugar Bowl. And Georgia was undefeated.

WH: Undefeated.

ED: And ranked second or third in the nation or something.

WH: Right.

ED: And you all beat them 16 to 2.

WH: Right.

ED: In the Sugar Bowl, yes.

WH: And it was a great game. Chuck Dicus had a career-setting game. I think he caught eighteen passes or something like that.

ED: Yes.

WH: And we moved the ball up and down, had a hard time scoring but we scored enough, 16-2.

ED: For the transcriptionist, that Chuck Dicus is D-I-C-U-S.

WH: Yes.

ED: A great receiver.

WH: Yes.

ED: Well, did you get drafted?

WH: I ended up, even though my knee was totally destroyed, getting drafted.

ED: By?

WH: The Chicago Bears and that was a great experience. They felt like… At that time, I was only 20 years old and that's pretty young. If my knee could heal I would be still a great prospect. So I was in the same draft as O.J. Simpson. I mean, he went a little higher than I did. All I had to do was pass the physical to at least get a contract and get… At that point, offensive linemen were getting $5,000 signing bonuses, which was a ton of money to me.

ED: Yes.

WH: And so I went up. They don't [then] have combines, they don't have big events in New York. Just all of a sudden you're sitting in your house and you get a phone call and, "Hi this is George Halas [George "Papa Bear" Halas, owner and coach of the Chicago Bears] and you've been drafted by the Bears." "Great!" And he said: "We'll call you and we're going to bring up all the top seven draftees to Chicago in a couple of weeks and we'll send you a plane ticket." So I got to go to Chicago, got to meet guys from history, [Mike] Ditka, [Dick] Butkus, Gale Sayers, all those guys.

ED: Was Sayers on the Bears at that time?

WH: Sayers was. He was a Bear at that time. And the doctor up there said, "Webb, I think you need surgery again and you might have a chance of playing if you have surgery." Well, I'd come back to Fayetteville and the Fayetteville doctors… The doctor for the Bears

wasn't going to operate. He's not going to take the risk of operating. And I went back and talked to the doctors in Fayetteville and they said, "Webb, you're not going to be able to play football. We know what we saw when we were operating." So they wouldn't operate. Anyway, I worked at getting my degree and had a great last… next to last semester. And then they flew me up for camp, once camp was going to start. And again, I got to meet… That was actually the camp… Remember the movie Piccolo Song or Brian's Song. [It was *Brian's Song*.]

ED: Yes, Brian Piccolo. P-I-C-C-O-L-O.

WH: Where he died.

ED: Yes.

WH: And all that story. That was the camp I was in.

ED: Brian Piccolo and Gale Sayers were big pals.

WH: Yes, they were roommates.

ED: Roommates and that became a legend—Sayers, Brian Piccolo.

WH: Yes. Piccolo ended up having to…

ED: Was it a movie that about Brian?

WH: He wrote a book and then there was a movie called *Brian's Song* and Piccolo contracted cancer. He got cancer and died and he and Sayers were very close and it was a very moving movie. Well the camp that they describe was really the first African American and white guy who roomed together. That was the camp I was in.

ED: Yes.

WH: So I went through a real thorough physical and was up there for a few days. And then Papa Bear Halas calls me into his office. He said, "Young man…"

ED: Halas is H-A-L-A-S.

WH: Yes.

ED: He was the coach at that time.

WH: Coach, owner, he was a legend.

ED: Yes, that's right. The owner and the coach of the Bears.

WH: And they called him Papa Bear, Papa Bear. And he said: "Young man, I've got some bad news for you. The doctors say your knee is still not healed so you have two options." He said, "We can put you on waivers, which is the rule to head back in, but nobody's going to pick you up because everybody now knows that you have a terrible knee. Or we think that maybe in a year your knee may get well enough to play and we want the right to keep you. And if you agree to allow us to put you on medical waivers, I'll give you a plane ticket home and $1,000." Well, I hadn't thought about a plane ticket home so I was really relieved that he was going to let me go home. And $1,000 enabled me to finish my last semester in engineering school. I finished it in four and half years.

ED: Well good. Well that was a good…

WH: It was a good deal. And it also gave me time to realize that… And I know a lot of people who played football who still are playing football. It made me realize this was it. That part of my life was…

ED: You'd had your run.

WH: I had my run and it was time to do something else.

ED: Well, let's go back to engineering. And you went five years?

WH: Four and a half.

ED: Four and half years and got a degree in electrical engineering?

WH: Electrical engineering.
ED: And was that where you started. When you went up there, did your dad influence that engineering?
WH: No, my dad was, I think, a civil engineer or industrial engineer.
ED: Yes.
WH: But it just seemed exciting, you know, at the time. Electronics was just… We weren't talking about computers or anything else; it was just electrical engineering. I had two of my best… One of my best friends by that time was in civil engineering and another was in chemical, so I decided I'd be electrical. So we had… So I started taking electrical-engineering courses.
ED: Did you do well? Were you a scholar there? Did you get good grades?
WH: I did pretty good, pretty good.
ED: Did you make good grades?
WH: Pretty good. I mean I didn't make great grades because…
ED: Playing football.
WH: …playing football was a full-time job. I mean, during the season…
ED: You got to go to classes now and then.
WH: Every now and then you got to go to classes, you know, but your real job was to go be on the practice field. And if you had a lab between practices, an afternoon lab, you went to practice. So you were always making stuff up, but I was a good enough student to, you know, do OK.
ED: So did you romance? Where did you meet your wife?
WH: Not until law school.
ED: Not until law school, all right.
WH: Yes. So yes, I had some girlfriends.
ED: You played the field in those days?
WH: You know, I was never considered a good catch, but I at least had some nice dates with some girls.
ED: OK.
WH: At least deigning to go out with me at least on the first date. I had a lot of first dates.
ED: What was I going to ask? Well, did you run for any political office there? Did you get interested in student politics?
WH: No, you know, it was football and engineering. That was enough.
ED: Campus politics you never got involved in?
WH: Campus politics I didn't. Mack McLarty was up there then and he was, you know, the big man on campus as far as politics.
ED: Mack McLarty, who was later President Bill Clinton's chief of staff.
WH: Right.
ED: M-A-C-K M-C-L-A-R-T-Y of Hope, Arkansas.
WH: Yes. He was governor of Boys State when I went to Boys State in high school and everybody knew Mack.
ED: Yes.
WH: And Mack was kind of a political leader. I wasn't interested in politics at all. School, football and a few girls who would go out with me were plenty.
ED: That was your life.

WH: That was my life. And then in the summers we'd come back home and work. Nowadays, you know, the athletes stay up there and work on their degree. We had to come home and work so we could pay for that.
ED: What did you do in summers here?
WH: First I worked in…
ED: Highway Department?
WH: Worked for construction. My first job I worked in the High Street Urban Renewal Project, where we used to pave the roads on High Street and everything else. Then I started working on the locks and dams for the summer.
ED: They were building the…
WH: Building the McClellan–Kerr…
ED: McClellan–Kerr locks.
WH: And that was good pay. I made a couple of dollars an hour.
ED: Wow, that's awfully good.
WH: You know, I'd drive to Pine Bluff every morning and work on lock and dam number five. I did that for two summers. And then my senior year I got… I was being recruited as an engineer to go work for Southwestern Bell, so I got a summer job at Southwestern Bell.
ED: So you get your degree in engineering— electrical engineering. When did this law school stuff start? Your interest in the law?
WH: Well, I graduated from engineering school in January and after two of my teammates and I spent a month in Europe on five dollars a day we came back…
ED: Who were the two teammates?
WH: Carey Stockdell, our punter, and Terry Stewart, who was the safety.
ED: Terry Stewart, S-T-E-W-A-R-T.
WH: Yes. From Fort Smith.
ED: Fort Smith. And Stockdell was?
WH: S-T-O-C-K-D-E-L-L.
ED: Carey Stockdell, right?
WH: Yes.
ED: C-A-R-E-Y.
WH: And we went to Europe on, you know, rail passes and Icelandic Airline and staying in hostels and on trains. But we had a ball. We just had a great time. And then I went to work for Southwestern Bell as an engineer and that was going to be my… You know, my father thought that was the greatest thing in the world because nobody ever got fired from Southwestern Bell. I was going to live there, work there for the rest of my life. I was in their management-training program. And I got a plum job. I became the wire chief of Mena, Arkansas.
ED: Wow.
WH: You know where Mena is?
ED: I know where Mena is.
WH: So I went to Mena in February and I was the phone company. You know, at that time it was surrounded by independent phone companies. So it was only Southwestern Bell and the nearest ones for Texarkana, Hot Springs and Fort Smith. Everything else was independent. But Mena was Southwestern Bell and we had two people in the business office, two people who worked inside on the switches. We had two construction guys and two installers. So eight guys and I supervised those guys. I was 21 years old and didn't

have an idea of what I was doing. But it was great training because where others, if you worked for like a foreman for the switchboard you only learned switchboards. So I was learning the whole phone company then. But the downside was that at that time there weren't a lot of young people in Mena. People left Mena when they got out of high school.

ED: Yes.

WH: And I was single and every chance I got, which wasn't very often, I would go back to Fayetteville or back to Little Rock just to be with people my age and people I knew. But it was a great job, don't get me wrong. It was a great job. And I was making good money at the time and I was single and you can't spend any money in Mena so I was doing good.

ED: They don't even have a roller rink there.

WH: They had… Mena at the time had a downtown theater and a drive-in but only had one projector. So in the winter you went downtown and in the summer you went to the drive-in.

ED: Yes.

WH: And they had a nine-hole golf course at the Lion's Club but it had sand greens. So it was kind of a… I don't know who was more shocked, Mena about me or me about Mena. But I loved it but I also knew I couldn't do that for the rest of my life. And I wouldn't have. I would have moved up in Southwestern Bell.

ED: Yes.

WH: But instead I had an uncle who was a lawyer and I admired him a lot.

ED: Who was that?

WH: His name was…

ED: Here in Little Rock?

WH: No, he was in Atlanta, Georgia. His name was R.E. Fendler and you remember Oscar Fendler from Blytheville?

ED: Yes, F-E-N-D-L-E-R. Oscar Fendler from Blytheville, yes.

WH: It was his brother.

ED: Oh, OK.

WH: He was my uncle. He had married one of my mother's sisters.

ED: Oscar Fendler was a great character.

WH: Oh he… Uncle Oscar was…

ED: A famous character in the law.

WH: Yes, I've known him and loved Uncle Oscar, as we called him. And so R.E. said, "Webb you ought to come stay with us and go to Emory and go to law school. He kind of encouraged me to do that even when I was playing football. He thought I ought to be a lawyer, I don't know why. And my dad thought I was crazy but I was starting to think about it. So I devised a test, and this is the famous test. I decided I was either going to go to law school or I was going to stay with the phone company, but I was going to buy a Porsche. I said, "If I'm going to stay in Mena, I've got to have something I can drive around in. And I had the money; like I said, I didn't have any expenses.

ED: So you were going to go to law school or buy a Porsche?

WH: Or buy a Porsche. I went to Riverside Motors here in Little Rock and after I convinced them that, yes, I could really buy a Porsche, I was making enough money to buy a Porsche, they got excited. So I said I'm either buying a Porsche or I'm going to law

school and, guess what, I didn't fit in the Porsche. I couldn't get behind the steering wheel.

ED: Well, I was going to say.

WH: I could not get in the 911; it just didn't work.

ED: You couldn't get under the steering wheel?

WH: I couldn't get under the steering wheel, so I decided I'd go to law school. And my father, until I was sworn in as chief justice of the Arkansas Supreme Court, thought I'd made the biggest mistake of my life.

ED: Should've gone with the Porsche, whatever.

WH: No… Yes, well he said…

ED: Or just get a…

WH: He didn't want me to buy a Porsche. He wanted…

ED: Or get a Chevy.

WH: He thought I should get a Ford. He was Ford man, not a Chevy man. He thought I needed a good—you know, what were they, Galaxies or something like that?

ED: Ford Galaxy, yes. So you decided to go to law school?

WH: I decided to go to law school.

ED: To Emory or Fayetteville?

WH: Well I looked at Emory and was accepted at Emory but Fayetteville was not that… You know, at that time the tuition for law school was $200. And you didn't have. . . I took the LSAT, but you didn't have any academic requirements. I was accepted to Emory, thought about it but at that time my parents were not going to support me wherever I went. So I got a job in Fayetteville and started law school, which they didn't think I should do. They didn't you should work and go to law school but didn't have any choice.

ED: So you were working up there. What were you doing at Fayetteville?

WH: I worked as a draftsman for Bella Vista. You know, the…

ED: Development community.

WH: …development up there. I was the draftsman and I would go to law school in the morning and then drive up to Bella Vista and draw. I designed lock and dams. I'm still worried one of those dams is one day going to come crashing down. I've got a friend who works for Cooper [Communities] and I said, "I don't know if you know this but I designed some of this dams." He said, "You weren't a civil engineer." I said, "I know, but they've held for forty years." So I did that for a while.

ED: Well, if one of them crashes up there we'll delete this from the transcript, your responsibility.

WH: So I started law school. And it just clicked, the whole concept. I just fell I love with it.

ED: Who was the dean?

WH: Barnhart.

ED: Barnhart.

WH: Barnhart was the dean.

ED: Ralph Barnhart was the dean.

WH: Yes. Leflar was there.

ED: Robert A. Leflar was the…

WH: Torts professor and conflicts.

ED: Torts professor. Was he a distinguished professor? Professor emeritus or something later on?

WH: Yes. He was. I mean he was a big deal.
ED: Do you have a Robert A. Leflar story or two?
WH: I do but I'm not sure it's good.
ED: Not the kind of thing you want to tell?
WH: I shouldn't tell. Because he didn't believe football players had any business going to law school.
ED: Yes.
WH: And I made a B+ on my first exam. And I thought I had done even better than that. And he said, "Well, I just can't bring myself to give a football player an A." Even though it was supposed to be confidential.
ED: He owned up to that, huh?
WH: Well kind of. And he… But I said, "I'm going to prove you wrong. I'm going to make A's." He said, "You can't make an A in my course." And in Torts II I made an A.
ED: Oh, you made an A in torts?
WH: Yes, second semester, it was a two-semester course. First semester I made a B+, second semester I made an A.
ED: Yes, there weren't many football players going through the law-school program.
WH: No. There were a few, there were a few. Jerry Dossey ended up going to law school. I'm trying to think of who else might have. Not many.
ED: Yes.
WH: And that was back in the day where they really did say, look to your right and look to your left because one third of you won't be in the room after the first semester. And that was true. They accepted everybody but then…
ED: They weeded them out.
WH: …weeded them all out.
ED: Who else? So when did you graduate from law school?
WH: I graduated… Let's see, I started in… would've started in '70, '73.
ED: Graduated in '73. Anybody notable in your class, others?
WH: Let's see.
ED: Was Vince Foster there?
WH: Vince was ahead of me.
ED: He was ahead of you?
WH: Yes. I didn't know Vince. Mike Beebe was a year ahead of me, who was later the governor, and editor of the *Law Review* before us, our class. In our class there was Pat Goss and Doug Buford, who were really good students. But politically… I'm trying to think of anybody politically… No.
ED: Yes, OK.
WH: But I'd say we had lawyers who are all over the state.
ED: Yes, Pat Goss who's now with the Rose firm. He used to be at the Wright firm.
WH: He was at the Wright firm, yes.
ED: And now he's with the Rose firm.
WH: I didn't know that.
ED: Yes, I think he's with the Rose firm now. I think I'm right about that. I could be wrong.
WH: Yes. But Pat was really smart. Doug Buford was there, David Hargis. I don't know if you know David.
ED: Yes, yes.

WH: When we were all on *Law Review* together. David Hargis was the editor, and then the next semester Buford was editor and I was the managing editor.
ED: So you graduated in '73?
WH: Yes.
ED: Then how did you wind up at the Rose firm?
WH: A good friend of my parents. I did some clerking up in Fayetteville. We stayed in Fayetteville the whole time. We didn't come back to Little Rock in the summer.
ED: Now, you met your wife there?
WH: I met my wife toward the end of my first year in law school and she was graduating from undergraduate school that year. We met each other and…
ED: Now give me her full name?
WH: Suzy Ward, Suzanna Ward.
ED: Suzanna, S-U-S-A-N-N-A.
WH: No, S-U-Z-A-N-N-A.
ED: S-U-Z-A-N-N-A. Suzanna Ward.
WH: Ward.
ED: Now they were from Little Rock or Russellville?
WH: She was from Little Rock.
ED: OK. She was from Little Rock. She actually went to Hall High, but I didn't know her. She was two years behind me.
ED: OK.
WH: I may have waved at her because she was a cute girl back then but…
ED: You may have tried to flirt with her, she looked the other way.
WH: May have tried to flirt with her and she looked the other way, yes. But we started dating late spring of '70, '71. That would be '71 and we got married in July.
ED: So you got married while you were in law school?
WH: I got married while we were in law school and had my first son in law school.
ED: Sooner or later, we're going to get to all of them. Let's just go ahead right now and get all your kids down.
WH: I have a son named Walter, Webster Walter.
ED: Webster Walter?
WH: Yes.
ED: He goes by Walter?
WH: He goes by Walter. And I have three daughters, Rebecca Dietz, D-I-E-T-Z. She lives in New Orleans. And I have a middle daughter, Caroline Yingling, Y-I-N-G L-I-N-G.
ED: Caroline, C-A-R-O-L-I-N-E?
WH: Yes. And she lives in Charlotte, North Carolina. And my youngest daughter is Kelley, K-E-L-L-E-Y. And she lives in New Orleans and is a school social worker.
ED: OK. Is she still Hubbell?
WH: She's still a Hubbell. She's not married.
ED: Kelley Hubbell, OK. She lives in New Orleans, OK. So that's the order?
WH: That's the order.
ED: That's the progression as well.
WH: Yes.
ED: OK. So we were talking about the Rose Law Firm.

WH: Well I was. You know, it was time to graduate and I hadn't clerked for anybody. But my father had a real good friend named Bruce Bullion. I don't know if you knew him.
ED: I knew Bruce T. Bullion.
WH: Yes. He was a judge by then. Bruce was a good friend of my mom and dad's.
ED: I think he'd been a partner with Eugene Warren, hadn't he? Warren and Bullion?
WH: Yes. And so Bruce said, "Well, where are you going to work?" And I said, "I don't know." I didn't know anything about law firms. I kind of had an inkling of being a patent lawyer because I had an engineering degree and whatever, but that meant I had to go to D.C. And by that time, after we had got married, I had a child and Suzy's parents and my parents were still living in Little Rock. It kind of made sense to look in Little Rock. So Bruce knew Gaston Williamson really well. And he said you've got to interview with the Rose Firm.
ED: He was probably the managing partner at that time at the Rose Law Firm
WH: Yes, he was certainly the most profitable and most distinguished.
ED: Was it called in Rose, Meek, House, Barron, Nash & Williamson? It wasn't Rose Law Firm, was it?
WH: No, it was not. That happened much later.
ED: I think it was probably called Rose, Meek, House, Barron, Nash & Williamson.
WH: It was before that. By that time, Meek and House had retired.
ED: Yes. Archie House.
WH: It's Rose, Nash, Williamson, Carroll & Clay.
ED: Carroll and Clay, OK.
WH: Yes. And so I interviewed. Gaston said… I had sent in my résumé and I had graduated with honors. I had done pretty well in law school. So I interviewed with the Rose Firm and also interviewed with a couple other firms. And the Rose Firm and one other firm offered me a job. Bruce said you'd be crazy not to go to the Rose Firm.
ED: It was the oldest.
WH: Oldest.
ED: Oldest law firm in Arkansas, oldest business.
WH: Oldest law firm west of the Mississippi, you know, founded in 1820.
ED: The oldest business probably west of the Mississippi, too.
WH: Maybe the *Gazette*. I'm trying to think if the *Gazette* was older than that.
ED: Well, the *Gazette* was 1819.
WH: And Rose was 1822.
ED: OK, so you were the second-oldest business, I guess.
WH: Yes, yes.
ED: It was formed by Robert Crittenden.
WH: Ashley and Crittenden, Ashley and Crittenden.
ED: Chester Ashley and Robert Crittenden were the founders of it, I guess, in 1822.
WH: Yes. And so…
ED: Crittenden was killed in a duel, wasn't he?
WH: One of them was, yes. I think it was Crittenden.
ED: I think Crittenden was shot in a duel.
WH: And the story is that Ashley ran Stephen F. Austin out of Little Rock and that's how he got to Texas. So we claim credit at the Rose Firm for creating Texas.
ED: Yes, that's good.

WH: I don't know if you've heard that story, that's a good story. Austin—Stephen F. Austin. Remember when we had the New Madrid earthquake?
ED: Yes.
WH: And all the people who lost land because of the change of the Mississippi River were issued New Madrid certificates. So if you had lost one acre of land you got one New Madrid certificate. And Stephen F. Austin brought those certificates to Little Rock and claimed Little Rock with the New Madrid certificates. And Ashley took him on in court and won, and then Austin went to Texas. That's a true story.
ED: So he was trying to take over?
WH: Take over Little Rock, claiming I've got these New Madrid certificates and I'm entitled territory anywhere in Arkansas and so I'm taking over Little Rock.
ED: So they dispatched him to Texas.
WH: They dispatched him to Texas.
ED: So the Rose Firm was responsible for Texas.
WH: For Texas, I'm sorry. I think all of us would apologize at this point give it back to Mexico.
ED: All right. So you accept the job? So they offer you a job?
WH: I accepted, they offered me a job. You got paid half pay until you passed the bar.
ED: So what was half pay?
WH: It was $450 a month, or $900 a month once I passed the bar, which is exactly what I was being paid by Southwestern Bell when I left.
ED: So had you passed the bar on your first try?
WH: I did pass the bar. That's where I met Bill and Hillary Clinton.
ED: You mean at the bar?
WH: At the bar—at the state mental hospital.
ED: What?
WH: At the state mental hospital.
ED: So that's where the Bar exam was?
WH: Yes. Remember the auditorium at the state mental hospital?
ED: Yes.
WH: That's where they administered the bar.
ED: So what were they doing there?
WH: Hillary and Bill were taking the bar. They were going to go to Fayetteville to teach.
ED: OK so they had to come down to pass the Arkansas bar. Now they had both passed the bar someplace else?
WH: I don't know if they had passed it somewhere else or not but they were taking the bar. And a friend of mine named Bobby Hargraves from Forrest City, who openly practiced law in Hot Springs said, "Webb, you need to meet Bill Clinton. He's a real comer." And I said, "Well, who's the woman with all the frizzy hair? And Bobby says, "She's Clinton's brains." That was my first introduction to Bill and Hillary.
ED: Clinton's brains?
WH: That's Clinton's brains.
ED: She had those big thick glasses.
WH: Oh, huge glasses and just out of place. Now, realize that when we were in law school we maybe had two or three women in law school. I mean it was not the 50 percent or even more now. There were maybe two or three women lawyers in the whole school.

ED: So you go over and meet them?
WH: I went over and introduced myself, but we were all concentrating on trying to pass the bar.
ED: Yes. At that time… This would've been 1970?
WH: '73.
ED: '73.
WH: Summer of '73.
ED: So Bill in '72. Both of them had been in the [George S.] McGovern [presidential] campaign in Texas.
WH: Yes. I think they had graduated and worked and then were coming to… They were going to teach that fall of '73.
ED: So it was in '74 that Bill runs for Congress.
WH: Right.
ED: The next year.
WH: Right.
ED: So this is '73 when you all are taking the bar exam. Both of them pass the bar and they go up and join the faculty…
WH: Teach at the law school.
ED: …faculty at the UA Law School. So you're making $900 when you passed the bar exam.
WH: Yes.
ED: Vince Foster was already there?
WH: Right.
ED: Phil Carroll. [Phillip A. Carroll]
WH: Phil Carroll.
ED: So what was the division there? When you all are assigned was there like a litigation section or something?
WH: When we first got there, there were no sections. There were twelve lawyers but each of them had developed his own specialty like Phil Carroll and Vince were litigators. Joe Giroir was securities. Watt Gregory was in securities with him. Gaston [Williamson] was tax and we had Wilson Jones and a guy named Dick Johnson, who was…
ED: Wilson was kind of an estate lawyer?
WH: Yes. They were all estates and tax lawyers.
ED: I guess Wilson's the only one still there now, probably.
WH: Yes. I suspect out of that group. And Bill Nash was bonds and George Campbell was in bonds. And Herb Rule [Herbert C. Rule] was there.
ED: That's right. Yes and Herb's no longer there either.
WH: So that was the initial group that I joined. And there was another young guy who started with me. They hired two lawyers that year, a guy named John Tuohey.
ED: T-U-O-H-E-Y.
WH: Yes. And John was going to work with Giroir in securities and banking and things like that. I was just kind of a generalist. I had no specialty. I was still an engineer learning to write again.
ED: Yes.
WH: And they had no organized sections so you just started practicing and, based on what other partners would give you, you would…
ED: Whoever walked in the door and somebody else didn't want it.

WH: Yes. If Gaston wanted me to do some research on a tax case I did it. And if George Campbell wanted me to take on a bankruptcy for a friend of his, I did it. I was kind of the low man on the totem pole, which was fine because it allowed me to… Phil Carroll, for example… Back then we used to ride circuits. You know, the judges, except for Little Rock, had circuits and they would have docket calls. So, you know, you might have a judge in southeast Arkansas. We might have one case in three different counties. So you'd have to drive down there and the judge would say "Firestone versus XYZ" and "Is it ready for trial?" And I'd stand up on behalf of Phil and say: "Judge, we're still doing discovery. We need it set for the next time we come here" and he'd say "fine." But it allowed me to keep in touch with all my friends out of law school because they had all fanned out to small parts of the state, you know. So it's kind of great and I started making my way. Within about a year or two, the firm decided they wanted to specialize to get sections. Gaston was going to head up the tax section. Bill Nash would head up bonds. Giroir would head up securities. And then Phil was going to be head of litigation.

ED: Now what would litigation do? Does that mean you would go to…

WH: You would actually go to…

ED: …go to court and try.

WH: If somebody sued somebody that was litigation. So if it was a divorce, if it was a case against one of our insurance companies' clients. If it was…

ED: A case against the *Arkansas Gazette*.

WH: Oh, well, yes. And Phil was the lawyer for the *Gazette* so things like that, any kind of lawsuit that was litigation. So they actually gave me a choice of going to tax or litigation. By that time, I was kind of gravitating to litigation and I was the third person in the litigation group.

ED: You enjoyed the courtroom?

WH: I enjoyed the courtroom. I enjoyed telling stories.

ED: The repartee in the court and…

WH: Yes. Getting along, meeting the judges and I really gravitated to it.

ED: Jousting with the other lawyers for juries and so forth? Prancing around.

WH: Yes, yes. But everything was general back then. There was no - I mean in front of the jury you were nasty but then you'd go have a drink with the lawyer on the other side.

ED: Yes.

WH: It was all gentlemanly.

ED: Yes, yes.

WH: Southern gentlemen.

ED: So was Vince in that section?

WH: Vince was in that section as well.

ED: And then later Hillary comes.

WH: Hillary became the fourth person in that section.

ED: And that would've been in…

WH: Actually, there was another lawyer who came and was in that section for a while and then left, a guy named Bob Banks.

ED: So Hillary would've probably joined the law firm in about '77?

WH: '77 after…

ED: After he gets elected attorney general.

WH: …elected attorney general. Vince had met her through some kind of Bar Association activities. We knew we wanted to get… We needed. We wanted to have a woman lawyer. Vince and I thought it was important. It became our job to recruit her and then convince the partners that we needed her.
ED: That she was the right…
WH: Right.
ED: So the two of you recruited her?
WH: Yes.
ED: Did you all go up to Fayetteville?
WH: Yes. Herb Rule was involved in that as well.
ED: So the three of you went up to Fayetteville?
WH: They went to Fayetteville, I didn't. My job was to convince the other associates. Vince and Herb convinced the partners. My job was to convince the other associates that we needed a woman, you know, and that Hillary was the right one.
ED: Was that hard to do?
WH: It was a battle.
ED: Some of them didn't…
WH: Some of them were not. Some didn't like Bill's politics. "OK, so why in the world are we bringing a politician in?" Rose was kind of above politics.
ED: Yes, that's right. When Herb got into politics I think they made him get out.
WH: Yes. I mean they did not… And I learned that myself when I got into politics. They were kind of above politics. So the politics were part of it. They asked questions. Men asked questions back then that people now…
ED: The bathroom, restrooms.
WH: Well bathrooms were not the big issue. It was what do we tell our clients? How do we introduce her? What if she gets pregnant? You know, those kind of questions were said privately, not to her, you know.
ED: Yes.
WH: But, you know, why do we need a woman?
ED: Yes, but they all came around.
WH: They all came around. She convinced them all.
ED: She came down, she talks to them and they accept?
WH: Yes. She was interviewed several times when she came down. And we all… At that time it had to be unanimous to even become an associate at the firm. One partner could say no.
ED: One person could kill it?
WH: Yes.
ED: All right. Well, that's an old traditional law firm.
WH: Oh, it was. And we met every morning at 9 o'clock in the conference room.
ED: The whole firm?
WH: The whole firm meets at 9 o'clock every day. And the senior-most lawyer calls the meeting to order and you go around the table about anything we want to talk about that day, every day at 9 o'clock when I first started.
ED: So did you talk about your case, where you are?
WH: Or you might say, I've got a difficult case or we've got a chance to get this client—anybody know this person? I mean anything that had anything to do or it could be just ridiculous, you know.

ED: Talking about the Razorbacks or something, whatever.

WH: Well or one time… I don't know if I should tell that story. But, you know, there were funny stories.

ED: Well, I don't know whether… You did a little bit of work, I guess, on the *Gazette*… Phil [Carroll] succeeded Archie House representing the *Arkansas Gazette*.

WH: Right, right.

ED: And, of course, in those days we had a lot… Back in the '50's and early '60's we had a lot of libel cases. The *Gazette* was not very popular so we had a lot of cases. Archie House and Phil Carroll stayed busy.

WH: Yes.

ED: I remember one case in which I was involved. I don't know whether you remember. I went down to the Rose Firm; you were down on Third Street at that time.

WH: Right.

ED: And meeting with you and Vince.

WH: Really? Which one was that?

ED: Well, that was the case in which… It was an interesting case. You remember Harry Hastings?

WH: Oh yes, I do remember him.

ED: You know, Harry Hastings was the big liquor distributor and he got charged, indicted, for arranging a bunch of robberies. Eventually, the Justice Department, probably with [Senator] John McClellan's support, ordered the state, ordered the U.S. prosecutor here who I guess was [W.H.] Sonny Dillahunty, to drop the charges. So we had somehow gotten all the tape recordings. They sent some thug in to talked to Harry and they always put a body mic on him. And he taped Harry. Harry wanted diamonds and Harry wanted this. And he needed some truck tires and he needed a generator or something. And this guy would go out and arrange with the FBI or whoever and they would arrange for him to steal some tires or get some stolen tires.

WH: Yes.

ED: And then they caught him. Anyway, we got all those tapes. The managing editor of the *Gazette*, Bob Douglas, asked me to do that. So I transcribed all these old scratchy tapes and they were funny.

WH: Yes.

ED: Harry talking about his family and everything. "I need me some diamonds. Can you get me some diamonds and stuff?" And I wrote this long, long story. You know, back in those days we didn't have computers and I think my story was about as long as this room. That story on paper was probably ten or twelve feet long. But the publisher of the *Gazette* [Hugh B. Patterson Jr.] sent it down to the Rose Firm to be vetted. Should we run this thing?" So I called down and I meet with you and Vince in a conference room down there on Third Street and both of you have copy of this long story of mine. We sit there for an hour or two while you and Vince read this damn thing. And every now and then you'd say, "Well, Ernie, can you support this sentence here that you wrote? Can you support that?" And I'd say, "Well, yes, it's directly from the tapes." But anyway at the end of it both of you said, "Well, you know, we didn't see anything much wrong with it."

WH: Yes.

ED: Didn't see any libel. But then the next day Hillary wrote an opinion to Hugh Patterson recommending it not be run because it violated the privacy rights of the family because in there I had quoted Harry making disparaging remarks about his wife.
WH: Really?
ED: And one or two of his sons, I've forgotten. I had put it all in there because I thought it was funny, you know.
WH: Yes.
ED: But anyway, Hillary said that although there's no libel problems that it was dangerous because it was treading on the privacy rights of the family. And Hugh said, "We're not running the story." And so, at any rate, eventually…
WH: I don't remember that.
ED: Yes, well, Vince later… I think you were just kind of sitting in.
WH: Yes.
ED: Just because Phil didn't want to deal with it, I think probably Phil Carroll…
WH: Yes.
ED: And Vince. But at any rate Bob Douglas told me that Vince later met him up at Fayetteville and said that Hugh had asked the firm to write an opinion urging him not to do it.
WH: I do remember that. That is true. I forgot that, yes. I remember that all of a sudden…
ED: And that's what I suspected at the time.
WH: Yes, yes.
ED: And Hillary… It was a beautiful opinion, about an eight or ten page opinion. And I went back and said, "Well, look, we can just take all that stuff out."
WH: He didn't want to do it.
ED: And Hugh said, "No, we're not going to run it. We're not going to run it." Anyway, that's the story.
WH: I don't remember it, I forgot all that and I couldn't imagine why and that made sense.
ED: When they heard that Hugh…
WH: Vince and I probably said, "We can't do that because we've already told him that he could run it."
ED: Yes, so Hillary got the task.
WH: Yes.
ED: All right, so do you remember any particular cases, big cases that you had? Somebody was mentioning when I was talking to them about something else the other day that, well, Webb Hubbell beat us on that. I don't remember what it was now. Acorn?
WH: Acorn. That turned out to be probably the first significant case that Hillary worked on and I worked on it with her. Actually, Herb was involved as well. What happened, if you remember, Acorn got a municipal ordinance initiative that essentially reduced everybody's rates, AP&L's bills, by 25 percent and increased it to 30 percent for corporate clients and Little Rock by that same amount.
ED: Yes. And this was a citizen-initiated ordinance?
WH: Citizen generated ordinance. It was an initiative that you could do.
ED: Yes, OK.
WH: And nobody gave it any weight until all of a sudden it passed. And then the Chamber of Commerce and all the 30 affected companies were having a heart attack because the rest

of the citizens are saying, "We got lower gas bills and electric bills and it's going to be great." And that was first —Acorn's first really big initiative.

ED: I was meeting the other day with Wade Rathke of New Orleans and some others.

WH: Wade Rathke.

ED: And he mentioned that. He said, you know, we lost it. He said Webb Hubbell and Hillary beat our tails on that, so we never could do anything like that again.

WH: Yes. So Herb got out. I mean he was visibly there but it was mainly mine and Hillary's case. And it was a fun case in that no Little Rock judge would hear the case; they all recused. So they had to bring in a special judge, and it was [Robert H.] Bob Dudley who ended up on the Supreme Court with me.

ED: Bob Dudley from probably Pocahontas.

WH: Pocahontas. He was the special judge assigned to hear the case.

ED: He was on the Supreme Court when you were there?

WH: Right, right.

ED: OK.

WH: In fact he played a role in me getting on the Supreme Court.

ED: Oh, OK, all right.

WH: So he would hear the case. He had a practice up in Pocahontas. After every day in court they'd go to Pocahontas County Club and have a drink, all the lawyers. So here are all the… Rathke had gotten some lawyer… Who was the big labor lawyer here?

ED: Jack Lavey?

WH: No.

ED: Jim Youngdahl?

WH: Youngdahl. Youngdahl's firm. But Youngdahl had brought in a pro from Dover, from somewhere, to help win this case. And so Hillary and I were to try the case and then he'd say, "Well, I want briefs on whatever issue that had come up that morning on my desk at 9 o'clock. Now, let's all go have a drink." You know, "Let's go have… end court over at the Camelot Inn." So I was charged with first, you know, not only trying the case but going to have drinks with the judge. And the other lawyers didn't know what to do but they knew they weren't about to let Hubbell go have drinks with Bob Dudley by himself, so they'd show up. Hillary would go back and start working on the brief and then I'd come back to the law firm and we'd work on the brief together. We did win, we did win. It was a big one. Dudley ruled and then it went to the Supreme Court, I think. And we won it at the Supreme Court.

ED: It was upheld by the Supreme Court.

WH: Yes. The concept of special legislation, if it only applies to one thing. And it was also pretty discriminatory. There were thirty companies having to bear the brunt of the rest of the city's.

ED: Yes.

WH: It was probably the first case that Hillary and I worked on, and that was a pretty significant case. I ended up… I'm trying to think, before I went on the City Board I had some construction lawsuits. I gravitated to that because I knew a lot about construction from my father. I don't remember many more cases. I know I did them. You know, we represented the Food Processors Association, you know, the people who… Campbell's Soup and everybody else. So anytime there was a cricket in a bottle of ketchup or a rat's

behind in a can of pork and beans we're the ones who have to go try those cases and defend the food processor.

ED: Yes.

WH: In fact, in Hillary's first jury trial we gave her a rat's behind in a can of pork and beans to try before the jury. That was kind of fun. One of our big clients was Firestone. We had a big bad case down in Prescott. They had a tire plant down there. A guy got burned up and that was bad. But we wound up with, you know, anything that was litigation oriented, from death cases to car wrecks. The litigation team would try it. But we ended up settling 95 percent of the case.

ED: Insurance companies? Y'all represented insurance companies?

WH: Represented insurance companies. Not as much as Ed Wright did.

ED: Ed Wright over there and also the…

WH: At Wright, Lindsay, Jennings. And the Friday firm did a lot of railroad defense work. We did more life-insurance defense. If there was a suicide, usually the family would sue to get… We would settle those cases usually.

ED: All right. Anything else along the litigation front that comes to mind?

WH: Nothing that…

ED: Well, let's talk about the city board [of directors]. You got on, what year? I've got it someplace here when you got appointed.

WH: '78?

ED: 1978.

WH: '78.

ED: You were appointed to the Little Rock city board.

WH: Yes.

ED: How did that come about? There was a vacancy there?

WH: Well, what happened was that I had… I forgot who went off the board. But by that time I had gotten to know Dwight Linkous and Jim Dailey.

ED: Linkous, L-I-N-K-O-U-S.

WH: Yes.

ED: A city director.

WH: Yes, Jim Dailey was the city director then.

ED: D-A-I-L-E-Y, yes.

WH: They were pretty good friends and they were on city board. And they had this vacancy and Linkous says, "Webb why don't you put your name in?" I said, "Well, I'm not interested in politics." He said: "Well, you're a lawyer and you need to get your name out there and this is a good way to get your name out there. But I promise you we will not appoint you." And I said, "Well, why would I do it if you're not going to?" He said: "Well, we have an all-white city council and we're under a lot of heat and we're going to appoint an African American to fill this term. But it's a good way to get your name out there." I said fine, so I went through the process and was ultimately selected in the top six. I remember who one of them was—actually two of them. I went through the whole process, got interviewed by the whole board. It was a fascinating process. My partners, of course, were coming to me saying: "Webb, what are you up to? We don't do politics around here." I said, "Don't worry."

ED: They're not going to select me.

WH: They're not going to select me. And probably the *Gazette* wrote an editorial saying that, you know, we needed… the city board had to appoint an African American. I think it was in September of '78.

ED: September, yes.

WH: I get this call from Linkous. He said, "Webb, come on down and be sworn in tomorrow morning." I said: "Dwight, what are you talking about? You said I couldn't get appointed." He says, "Well, the board was so impressed with you that another member resigned and now we have two vacancies, so you and Lottie Shackelford have both been appointed to the city board.

ED: So the first… OK. They had already had a…

WH: Les Hollingsworth [Perlesta A. Hollingsworth] had been on the board and Charlie Bussey had been.

ED: Charlie Bussey had been there, yes.

WH: Yes. And Charlie was one of those who was being considered in the six or the final six, I think. But it was Lottie and me.

ED: So you went on with Lottie?

WH: I went on with Lottie and stayed on with Lottie until I got off and went to the Supreme Court.

ED: So you were appointed but then you got elected? When you go back to the law firm, you said "Well I'm sorry but I'm on the board"?

WH: I said, well… I told them what happened and we didn't think much about it. I said, "Look, it's only a couple of years, it's great experience and I'll learn a lot about my city." They grumbled.

ED: Might even draw in some clients.

WH: But we didn't see the conflict issue coming up. We just didn't see it. You know, we didn't do a lot of zoning work or things like that. We just didn't see that it would be a problem. So I went on and was fascinated, loved it. The board was pretty split at that time into factions. I don't know if you remember. Sandy Keith was on the board at the time.

ED: Sandy Keith, yes.

WH: And Sandy… It came down to between [Donald L.] Don Mehlburger and Jim Dailey to be mayor the year before I went on. And Sandy claimed to have flipped a coin between the two and Don became the mayor and Jim was on it. Some people say he never really did flip the coin but, you know, it was Sandy and Dailey and Linkous. Dailey and Linkous, I think, were going off in the next election. I think there was an election coming up. I can't remember when that was, maybe '79. And then Mehlburger and Myra Jones and Lottie were kind of [a team] and I was kind of the swing vote when I first went on. But I get along with people pretty good and we seemed to come together a little bit better. But it was like a two-and-a-half-year term before I would be up for election. Then that January we had to elect a new mayor. By that time Myra, Lottie and Don were on one side and… Oh, we did have an election because… I may be off a year. But at that point John Langston was coming on the board, Bussey was coming on the board, and Sandy was still on it. Sandy by that time didn't like Don and wouldn't dream of voting for Lottie or Myra to be mayor. So there was this Bussey, John and Sandy so, again, the compromise was what are we going to do? We ultimately kind of worked it out where we put Sandy on but said, "Sandy, if you mess up, you know, you've got to promise to resign." You know, because Sandy was, as you know…

ED: He was prone to say…
WH: Prone to say things.
ED: Terrible things.
WH: And as soon as he got elected mayor… It was a great night when he got elected. Everybody kind of got along but within weeks he had…
ED: Said some outrageous things.
WH: I remember two of the things he said. One time the police chief was making a presentation, and we had the highest rape rate in the country. And Sandy said, "Well, I know why we have the highest rate in the country." When he said that, I just put my head in my hand because I knew what's coming out. And he said, "That's because we have the prettiest women." And you can imagine what your…
ED: I remember that, yes.
WH: And then he gave the… He started getting mad at the *Gazette* reporter and started giving him the bird in the, you know, in the city [board room].
ED: Yes, well that was Bob Stover? I forget who the *Gazette* reporter was.
WH: Yes, Bob Stover. And it just got to… Within five months Sandy's wife called me and said, "Webb…"
ED: Get him off.
WH: "Get my husband off the board. He's just… He has a great heart." Sandy, by the way, does have a… I love Sandy but he just tended to run off… say things that he shouldn't say.
ED: He had an unfiltered mouth.
WH: So Sandy said, "I'll resign if you become mayor. And I won't resign, Webb, if you don't become mayor." And so we tried to work a deal where I was to become mayor. But Lottie and Myra and Don saw it as an opportunity to change the power and they put up Lottie against me knowing that that would put Bussey in a bad position because he would be voting against…
ED: His own race.
WH: …his own race. And they filled the city board room. Bussey twice tried to leave the room. But ultimately I got elected mayor within, you know, less than a year. Then we had a… Then I think we started to get along pretty well. We had some tough issues then.
ED: Did Lottie succeed you as mayor?
WH: No. Charlie [Bussey] became the mayor after me.
ED: OK. And he became the first African-American mayor.
WH: Yes.
ED: And then Lottie was the second.
WH: Yes. And Tom Prince became [mayor] after I left. And then we went to an elected-mayor system. But we had some tough issues. We were building the Convention Center at the time, you know, the Excelsior [Hotel] and all that stuff.
ED: Yes.
WH: We were out of money and we tried to pass a sales tax referendum and it failed. We were trying… We had some real tight budget issues. But we basically got along pretty well.
ED: So you were…
WH: So then I was on the board and then it was my time to come up for election. By that time, I had had to take a position of "of counsel" at Rose because of the conflicts issue. It

turned out we had some major issues before the city board that nobody foresaw. One was cable TV.

ED: And Rose was representing?

WH: At that time the Hussmans [Walter Hussman, owner of Wehco Media and publisher of the Arkansas Democrat]. He was one of the bidders. The other one started the time of the housing bonds. I don't know if you remember that. Where cities could issue housing bonds. It created a lot of money to construct houses, but it was viewed as kind of controversial that city credit was being used to sell bonds. On both of those issues the Rose firm was at the forefront, you know. The first time when the cable TV came up I recused. I didn't even know we were involved with Hussman when I went on the board, I mean as far as the cable TV thing. And then it went to court. The African American community sued saying they weren't involved in the process. The judge overthrew the election and so we had to redo it. At that time, everybody was dying to have cable TV but there were six bidders. I announced and I said, "OK I have a conflict with every one of you." I'd become "of counsel" at that time, so I had no financial interest in the Hussman bid. So I ended up being the swing vote that ultimately gave it to Storer Cable as opposed to Hussman. He was never happy with me for a long time, probably still to this day.

ED: Probably to this day, yes.

WH: Yes. I shouldn't have said that to you but…

ED: He could've had…

WH: He used to send. Off the record for you, he used to send me a card every year on the anniversary of that vote.

ED: He did?

WH: To remind me I hadn't voted for him.

ED: A long memory, yes.

WH: But we got cable. I mean the big issue, to me, was who was going to put it in first. Who was going to get it because everybody was screaming for cable TV at that time.

ED: Yes. So at the law firm were they kind of pressuring you to give up that city position?

WH: Yes, all the time.

ED: All the time.

WH: Plus, as you know, it's a full-time, nonpaying job. I mean you're getting calls all day, every day, about issues at City Hall, especially when I was mayor. And I'm not getting paid a penny for it and my billings were going down and down and down because I don't have time to do anything. So the firm was not happy.

ED: But they didn't…

WH: They didn't kick me off.

ED: They didn't kick you off or ask you to leave?

WH: They didn't ask me to leave and they didn't…

ED: But they were just giving you a little cold shoulder? They were unhappy.

WH: They would remind me on a lot of occasions.

ED: I know Herb was in the legislature briefly but the one term.

WH: Yes.

ED: He ran for legislature and then I think, you know, everybody thought he was due for a great career.

WH: I think Archie [House] told him he had to get off. I think I heard the story that Archie told Herb you either need to be a politician or a lawyer but you can't be both, you know.

ED: Yes.
WH: Now Herb ultimately became president of the [Little Rock] School Board while I was mayor.
ED: Yes, oh that's right, yes. So things had changed a little bit.
WH: Things had changed.
ED: After Archie left I guess.
WH: Yes, yes.
ED: Phil Carroll and the others were a little more tolerant.
WH: Phil definitely. Phil didn't have any problem. it was a more of a… You know, within the firm there began some…
ED: Nash and Williamson and those guys.
WH: They were… Giroir and Gregory they were saying, you know, why are you not making any money? You know.
ED: Yes.
WH: My wife was asking the same question.
ED: Yes.
WH: And I did try to resign once. I did resign as mayor and then stepped down and just stayed on the city board because it was just taking up too much time and I couldn't do it. And it was a pretty good democracy. You didn't have to be the guy who passed out the silver keys to the city. And Bussey loved it.
ED: Yes, he loved it.
WH: Bussey loved it.
ED: He loved to cut ribbons.
WH: He loved to cut ribbons.
ED: Yes, all that kind of stuff.
WH: And loved to go to those things. I didn't want to go to those things anyway so it worked out OK.
ED: So how long were you on the board?
WH: From '78 until I went on to the Supreme Court.
ED: In '80?
WH: '84.
ED: '84. So let's talk about how that happened. How did you get on?
WH: Another one of these things I fall into. I got a call from Dudley. By that time I had become good friends with him. Dudley was elected to the Supreme Court.
ED: He was an associate justice of the Supreme Court.
WH: Associate justice. And he said, "Webb, I've just called the governor to tell him that" and we had had some conversations. I had thought about running for circuit judgeship. I thought that my temperament was better as a judge. I might make a better judge then I would a lawyer. And he was aware of it. He said, "I've just had to advise the governor that Dick Adkisson is resigning in midterm.
ED: Dick Adkisson had been elected chief justice I think maybe in '82, somewhere along in there?
WH: Yes.
ED: And then all of a sudden just…
WH: It was without any warning or any idea why in the world he was resigning. It wasn't health related or anything.

ED: Well, the suspicion was that it was all going back to the usury decision. He wrote the opinion striking down the usury law, the liberalized usury law that the voters had passed, or rather interpreting in a way that the authors and backers didn't expect. And the banking community and the retail community were outraged at the court and particularly with Dick. Apparently, somebody had said that he had… they thought he was for it, or they expected him to vote the other way. So he just quit.

WH: He just quit.

ED: I mean nobody knows whether that's the case or not.

WH: I don't know. I don't know if you were able to interview him before.

ED: No. But that's what some others on the Supreme Court thought. I don't remember who told me that. It could've been [Thomas A.] Glaze, but Glaze wasn't there yet.

WH: Glaze wasn't on there.

ED: He wasn't on there yet.

WH: Let me check the time just real quick.

ED: Yes, well it's - that's right, it's ten to eleven.

WH: Well, let's go at least 30 more minutes.

ED: OK.

WH: I mean just let my sister know.

ED: OK.

WH: We're going to stay a little longer. We don't have to do anything except go on. All right. It is going to last longer than I thought it would.

ED: Oh yes.

WH: So we probably ought to talk about when we're going to do this next, I guess.

ED: OK.

WH: (Speaking on phone).

ED: OK. Let's finish the story about the Supreme Court and then we'll talk about when we might resume this.

WH: Yes. So he said, I've told the governor that Dick's—he [Dudley] was head of the pension [committee of the court] and so Dick had checked with him to make sure he was eligible for his pension and how much he would get.

ED: You're talking about Dick Adkisson here?

WH: Dick Adkisson. And he had asked Dudley about the pension. Dudley was the head of the pension part of that.

ED: Yes, he was the liaison of the Supreme Court.

WH: Yes, pension fund.

ED: With the pension.

WH: Judicial retirement board.

ED: Judicial Retirement System, yes.

WH: Yes. So he said I've told the governor and I think you ought to let the governor know you would be interested. And I asked, of course, why Dick and he says nobody knows why Dick is doing this. Sure enough, that afternoon I got a call from the governor saying this is going to happen and would you like to serve? He said, "It's not for very long but you've said you always wanted on the court." He said, "Frankly, I understand from some of the judges that the court is not getting along very well and you've done a good job with the city board of getting divergent factions to work together and that court needs some help right now until we elect a new judge." But it wasn't as easy as I just said it

was, because once he had decided to appoint me then several people suggested that he ought to have gone to the Bar Association and cleared it. And so he immediately called the Bar and got them to… and I knew the chairman of the committee and she said, "Webb, you're easy." So I got cleared and got sworn in that week.

ED: So, down at the law firm what did they think?

WH: They thought I was nuts. You know, "You've been working for free, now you're going to leave the firm, give up all your compensation for the year and go be a judge?"

ED: And it didn't pay that much at that time. The chief made then, $50,000?

WH: $50,048 or something like that.

ED: Yes.

WH: They said, "You are absolutely crazy." And I said, "I know but it's something I've always wanted to do and the chance to be Arkansas chief justice…"

ED: Chief justice.

WH: "…of the Arkansas Supreme Court." And what was dramatic…I'll go into that a little bit. After I was appointed but before I was sworn in, Dudley said you need to go visit each of the judges and tell him you're coming on the court. And you go to George Rose [Smith] first.

ED: Of course.

WH: Of course.

ED: You knew that.

WH: So I paid deference to everybody and it was George Rose, Dudley, Purtle, John Purtle.

ED: Darrell Hickman.

WH: Darrell Hickman, Steele Hays and Les Hollingsworth. Les had been on [the court]—filled somebody else's term. I can't remember who he…

ED: Maybe Conley Bird, I don't remember. No, Richard Mays succeeded Conley Bird. Fogleman? Maybe Fogleman [Justice John Fogleman].

WH: Maybe Fogleman.

ED: I don't remember. [It was Justice J. Frank Holt, who had retired in 1983.]

WH: So I went. George Rose, of course, was the most intimidating because he told me, "This is the way it works." I mean, the good thing was he told me how it worked, you know, how the decisions were made and the procedure, which was not to be violated.

ED: Yes. So you didn't make the mistake that Jack Holt did later on, maybe succeeding you, I guess.

WH: Jack succeeded me, yes.

ED: Yes. It was his first meeting and he says, "OK, now here's how we're going to do it." And George Rose stopped him and said, "Look, you're just another judge. This is the way it's done. This is how cases are assigned…

WH: Yes.

ED: "And this is the way it's going to be done and you don't have anything to do with it." So Jack said he learned where he stood at that first meeting.

WH: Well, I did, too, but it was at least… I was so new to the game, but at least I learned before I went into the first conference how to behave and how the cases were assigned. I heard arguments like that the first day. You know, the court was reconvening and the cases were there. All of a sudden you're hearing argument and assigning cases. And we had some significant, significant cases in that short period of time.

ED: Well, we want to talk about them.

WH: Yes.
ED: Make a note in your mind of those and when we get back we'll want to talk about them. You want to go some longer now?
WH: Yes, a little bit longer if you're up for it.
ED: OK. All right, we'll go for a little bit longer then and see what we can do.
WH: Yes.
ED: And did Hillary support you for…
WH: Yes. Hillary was excited about it.
ED: Yes.
WH: She knew the law will burn you out after a while, and I think while I was on the city board, I was doing a lot of other stuff but I was looking for something other than the practice of law. She knew that this was something I'd always wanted to do, be a judge. And it was a great opportunity to see whether I liked it, you know. It was just a great opportunity. I didn't give any thought to the future, what was going to happen when I went off the court. But I just…
ED: And this was going to be for, what, a year?
WH: No, it was a little less than a year.
ED: A little less, about eleven months or something like that?
WH: Yes. But it was great.
ED: And no promise that you could come back to the firm, I guess, although you assumed you could.
WH: Well, I mean, it never crossed my mind that I couldn't go back to the firm.
ED: Yes, yes.
WH: I don't think it crossed the firm's mind that I would go anywhere else.
ED: You would think it would be a big plus for the firm, that they'd all be excited about you doing it.
WH: Oh no, they just thought I was nuts—other than Hillary and Vince [Foster], who thought it was a great honor.
ED: Well, yes, it's kind of an honor for the firm, you know…
WH: Yes.
ED: …having one of its members be chief justice because George Rose Smith, of course, was the most famous person from the Rose firm. He had been with the Rose firm when he went on the Supreme Court back then.
WH: Yes. My family was excited. I think they wanted to get me off the city board more than anything else because when you're on the city board you get maybe 100 phone calls a day. And the first day on the Supreme Court I didn't get a phone call. I thought I had gone to a monastery. Not even your friends call you when you're a judge on the Supreme Court.
ED: They're not supposed to, yes.
WH: Yes. I mean all my lawyer friends, everybody. I said, wait a minute…
ED: *Ex parte* communications.
WH: Yes. "Well, you don't have a case before me, so can't we go have a beer?" No, you know, you're not to be seen with the judge. My kids, after it was all over, said it was the best I ever was as a father and as a person.
ED: You were happiest and most sedate?

WH: Yes. It was like a pure sabbatical, and I loved the law and loved reading cases and writing about them. By that time, hopefully, my legal skills and writing skills had improved enough that it was great. I don't know what Dick's [Adkisson's] personality was but I think the court calmed down a little bit, and got along a lot better.

ED: Well, the other justices who served there that I've interviewed spoke well of that period with you as chief justice, that it was a good period for the court. They thought you were a good chief, if that means anything to you. I think it does.

WH: Well, it does mean a lot.

ED: Sure.

WH: Of course it does.

ED: So cases.

WH: Yes.

ED: Did the conferences run smoothly? You obviously had some frictions there; you had John Purtle.

WH: Yes. Purtle and [Darrell] Hickman did not get along at all.

ED: Yes.

WH: Can I say that? I mean…

ED: Oh sure. I mean there's tons of stuff in there about…

WH: They just didn't get along and they would banter back and forth even at the conference.

ED: And sometimes George Rose Smith. There were a lot of Purtle stories in the other interviews I've had.

WH: Yes.

ED: Because he was…

WH: George Rose was explosive every now and then. And he would get mad at somebody.

ED: In conference?

WH: In conference, yes.

ED: I got a story or two about that. I don't know whether that was the one where… Was Richard Mays on the court at the same time you were?

WH: No, no. He wasn't.

ED: He was not.

WH: Yes.

ED: All right. Well, the one case there where…

WH: I've been trying to remember and maybe I'll remember before we do the next one. There was one time that George Rose got mad at me. I can't remember what it was. I think it was that I wrote a dissent on one of his opinions. He really didn't like what I had said. I mean it wasn't… It was a capital case. But I can't remember why he got so mad. I actually went in to Dudley and said, "I just saw a side to George Rose I've never seen, you know, a Judge Smith I'd never seen. He was madder than hell at me." He said, "He does that to everybody once or twice."

ED: There's a great story about him.-I got two different accounts from two different justices about some case in which they were going around and George Rose took a different view from—I don't know whether it was Hickman or whether it was Frank Holt. Frank Holt wasn't on there when you were there?

WH: No, no.

ED: Anyway, Hickman claims it was him, that he disagreed [with Smith] and he said, "Well, here's the law on this and here's our precedent on it and it's exactly applicable to this

case." And he read from it. And George Rose finally said, "Wait a minute, is that the law right there you've got in the book?" And Hickman [or Holt] said, "Yes, this is it." He held the law book. Judge Smith said, "Let me see that." So Hickman says he handed the book to George Rose Smith, who looked at it and says, "Judge, do you know what I think about this precedent?" He said, "What?" "This," Judge Smith said, and he raised the book over his head and slammed it into the wastebasket and broke the spine of the book.

WH: Yes. And you wouldn't see that, you know, if you ever met him. You wouldn't see that part of him.

ED: Yes.

WH: But he exploded on me. It'll come back to me.

ED: Well, if you could remember.

WH: It was an election year, so we had some initiatives and whenever you have initiatives those cases go to the Supreme Court and have got to be decided real quick.

ED: Yes. There were a lot of them during that period.

WH: One of them had something to do with abortion. I can't remember exactly what it had to do with abortion. But that's when Purtle almost got arrested for protesting for…

ED: Oh, I very well remember that issue.

WH: He got into shoving match…

ED: Geraldine Ferraro's speech.

WH: Yes, oh that's what it was. And he was out there either tearing up a sign or I can't remember exactly what he did.

ED: Well, let me just interject here because I was there.

WH: Were you?

ED: Geraldine Ferraro was the Democratic nominee for vice president with Walter Mondale in 1984 and during the closing days of the campaign she made a big speech at a big Democratic rally in downtown Little Rock at the Convention Center or wherever, some place down there. I was there. Of course, Ferraro, although she was Catholic, was kind of pro-choice. So you had some protestors there with signs. The women were a right-to-life group or whatever—FLAG [Family, Life, America, God] or one of those organizations. They were there carrying signs. And so John Purtle, justice of the Arkansas Supreme Court, attended the rally. He was a big Democrat and didn't mind anybody knowing it. He was carrying a Ferraro sign, a Mondale/Ferraro sign or something. So when the women were up there holding their signs while Ferraro's speaking Purtle ran over in front of them so the cameras couldn't see them and was waving his Ferraro sign in front of the abortion protestors. So that's the background on it.

WH: OK.

ED: And that's in the paper the next day.

WH: It's in the paper the next day and we have the case. There's a case pending I think on—oh, it's the Unborn Child Act.

ED: Unborn Child Amendment.

WH: And whether that ballot title was deceiving or not. And John had been assigned the case. Several of the judges came into the meeting and said, "You're the chief; you've got to get him to recuse." The first time I went in and I said… He was embarrassed about almost being arrested. I think he came close.

ED: Yes.

WH: There was maybe a later altercation or something, I forget. He was embarrassed about that and he was apologizing. I said, "Now, John, we've got to talk about whether you can sit and hear this case." He said, "Of course I'm going to hear this case. I feel very strongly about this." I said, "John, I know you feel very strongly about this but you've been out in public protesting, you know, arguing with the protesters. It's not going to look good for the court, you know, if you're out writing an opinion or even participating in an opinion on this case given that." And we went back and forth several times. It wasn't that… John had a good heart.

ED: He did. He was for the little man.

WH: He was for the little man.

ED: Uniformly, whoever it was.

WH: This was…

ED: Whether it was a murderer or whoever, he was for the little guy.

WH: And he had a good, good heart. But he didn't want to give up the opportunity to write, to decide that case. And, ultimately, I didn't pull rank, I just ultimately convinced him. "John, you're going to win this case anyway, you know, from the votes. Let's don't taint the decision." He ultimately came around.

ED: So the court struck down that.

WH: Struck down the Unborn Child Act.

ED: Struck down the popular name and ballot title because they were not neutral.

WH: Right.

ED: The popular name of the amendment itself influenced voters.

WH: Right. I think I may have dissented, but I don't remember. [Chief Justice Hubbell and Associate Justice Hickman dissented and Hubbell wrote the dissenting opinion. Justice Dudley wrote for the four-member majority. Justice Purtle recused. *Arkansas Women's Political Caucus v. Riviere*] There was that one. There were several death penalty cases. We had to deal directly with the Constitution and the death penalty.

ED: John was always against the death penalty.

WH: John and Les [Hollingsworth] both.

ED: Yes.

WH: For different reasons they were absolutely…

ED: And Steele Hays?

WH: I think Steele changed. Steele was for it.

ED: For the death penalty? Well, he was a lifetime opponent of the death penalty. He might have participated…

(End of Tape 1)

(Pause - Tape 2)

ED: Hello?

WH: Hello. One, two, three.

ED: And I can hear myself, too, I think.

WH: Good.

ED: OK.

WH: All right.

ED: So I think we're in business. So this is Sunday, May 24, for the second take on our oral history with Webb Hubbell. This is being recorded at Rosalia's Family Bakery down the block from Kavanaugh and Beechwood in Little Rock. Webb, yesterday we stopped in

the midst of discussion of major Supreme Court cases during that eleven or twelve months that you were chief justice. And we'd covered the Unborn Child Amendment case. And so I think we were talking about the death penalty.

WH: Yes.

ED: Let's talk a little bit more about that. I don't remember what we said but talk a little bit about the death-penalty case.

WH: If I remember right—we will need to read the opinion—but I remember that we had one case. We had several capital cases where murder was involved, but I think only one involved the death penalty. Several of us actually were philosophically opposed to the death penalty, but the question was whether it was unconstitutional. For a lot of people that's splitting hairs, but for lawyers that's not splitting hairs. It was a difficult decision. And I think for Purtle and Les it didn't matter.

ED: This was Les Hollingsworth?

WH: Les Hollingsworth. And I think they ended up writing dissents. They just were flat out opposed to it. They felt it was unconstitutional as well as morally offensive.

ED: Do you think Steele Hays, who was on the court at that time, affirmed the case? I know he was philosophically opposed to it.

WH: Steele was on the case, but I think he joined me in the majority opinion that said that even though whether we support it or not it's still under current standards in the United States—constitutional. It was a tough decision, I think, for all of us, especially if Steele felt the same way I did. And I think I remember that.

ED: He did. He used to debate the death penalty.

WH: Yes. And he may have been on the other side. I just don't have the opinion and don't remember.

ED: I may look it up. [Hubbell wrote the majority opinion in *Barry Lee Fairchild v. State*, upholding Fairchild's conviction for capital murder and the constitutionality of the death penalty, joined by Justice Hays and three others. Justices Purtle and Hollingsworth dissented and Justice Hickman did not participate.]

WH: But I know that ultimately the court—and I wrote the opinion—said that it was constitutional. We had some other capital cases. Every time there was something involving murder or capital cases it was a difficult decision, but we got them out. There was more activity in passing around dissents and everything else when there was a capital case. It just brought on a lot more attention. And then…

ED: Purtle would nearly always tend to write a dissenting opinion.

WH: Oh yes.

ED: It would be very brief but he would do it.

WH: Yes. And I'm pretty sure Les wrote one as well. [Actually, Hollingsworth and Purtle simply referred to their dissenting opinion in an earlier capital case, *Carl Lee Linell v. State* in July 1984.] Les and I for the longest time, when we were practicing law, were always on the opposite sides. And it was funny. I developed a friendship with Les because we went off the court at the same time and we became good friends after that.

ED: And Les died five or six years ago, I think.

WH: Yes, he did, yes.

ED: There was a commercial case?

WH: Yes, there was a commercial case. I don't think we were as aware of how significant it was when we were writing it or studying it. All of a sudden, there was oral argument and

there's a bunch of lawyers from all over the country who were wondering what in the world is this.

ED: And this was Baldwin?

WH: *Baldwin-United*. [*Baldwin-United v. Linda Garner. Arkansas Insurance Commissioner*, October 1984] It might have come up as the liquidation of National Investors Life. What had happened was that Baldwin Piano Company— remember the old Baldwin pianos?

ED: Yes.

WH: It had become a big major publicly held company and they bought up a bunch of insurance companies, including two in Arkansas. I'm pretty sure one was National Investors Life or it could've been National Old Line, one of those two. It'll be in the opinion. [It was National Investors Life.] All of a sudden we realized that the case was boiling down to the fact that the bankruptcy… One side was arguing that the U.S. bankruptcy laws controlled dissolving this huge insurance company and all its policies and what would happen to the policyholders. They had been selling annuities, so all these people were holding annuities, millions and millions of dollars of annuities. Or whether it would be controlled by kind of an antiquated Arkansas system, although it was all over the country, where when an insurance company fails the insurance commissioner would go to a local circuit judge and the dissolution of an insurance company would be governed by the circuit judge, a local judge. All of sudden you had this conglomerate that was trying to have an overall bankruptcy plan, yet the insurance commissioner was arguing that she controlled the dissolution and what the payout was going to be to the policyholders. It was very complicated insurance-law case, and after it was over and when I went back to practice years later I got involved in the liquidation. The insurance commissioner said, "Webb, you know that opinion was the first opinion anywhere in the country that held that state law governed over the U.S. bankruptcy laws. That went all the way to the Supreme Court and it was upheld.

ED: So the Arkansas case went to the [U.S.] Supreme Court and was upheld?

WH: Yes, yes.

ED: But you were on the majority.

WH: I wrote that opinion.

ED: Was it a unanimous opinion?

WH: I'm pretty sure that was a unanimous opinion. [It was unanimous.] I think we all agreed that the state law governed and I worked real hard on that. That took me two weeks as opposed to one.

ED: Yes. But you nearly always got an opinion out. Let's see, in those days you would meet on Monday mornings.

WH: Right.

ED: And you'd hear, cases were submitted and if there were oral arguments you'd hear oral arguments and then you'd go into chambers and you would vote on all the cases that were…

WH: Right.

ED: …submitted that day and then typically by—what?—Thursday or Friday, you would have…

WH: You have exchanged your opinion, whoever was writing the opinion. And on Friday you'd have the ultimate vote.

ED: You'd vote again?

WH: We'd vote again. Usually, nobody had changed their mind, but say I wrote an opinion on the capital case and Les might say, "I want to write a dissent on that. We'd give him an extra week to write the dissent.

ED: And then somebody [else] might change their mind.

WH: Somebody might and every now and then they did change their mind, yes, by reading what the other side had said. So the votes could change. We would have the final vote on Friday and on the next Monday we would announce from the bench what the decision was. Sometimes you could read the opinion [from the bench]. Nobody really read the opinions, but you could if you wanted to.

ED: Yes.

WH: But that was very, very unusual. George Rose was pretty adamant about it. We talked about George Rose. I remember this now… You met with George Rose first when you went on the court.

ED: He told you how things were going to be, right?

WH: He told you what the rules were. If you didn't like the rules, those were still the rules. There is a rotation of who drew the cases. If I remember right, the briefs might come in and we might know there's oral argument or they [the litigants] may have waived oral argument. Once the time the case was ready for submission there was a primary person assigned to present it [in conference] on that Monday after the oral argument to the court. Say a capital case was coming and I was assigned to it, I would present what the facts were to the other six judges and say this is where I think it should go. And then we'd go around the room and vote. Somebody might want to make a comment or whatever. And then somebody might say I want to write a dissent or I disagree. And that's where you kind of knew immediately after argument that the…

ED: Where things were?

WH: Where things were. And then by the end of the week you would've circulated your opinion. You had usually read the written briefs before that Monday so you could present the case to the judges.

ED: If the case was submitted on Monday, if it's a unanimous decision, it's probably going to come down the next week.

WH: Right.

ED: Or two weeks.

WH: At the latest.

ED: At the latest.

WH: Yes. I don't think we ever held one when I was here for more than two weeks.

ED: Yes. Well that's no longer quite the case as George Rose Smith is no longer there and [neither are] a lot of those people.

WH: Yes.

ED: Did you find there was unusual deference to George Rose Smith, to how he would stand on things, or was everybody pretty…

WH: Well, we knew if you had a case where you had a different opinion than George Rose you had better know your facts and you had better know the law pretty damn well. And he still might not agree with you.

ED: Yes.

WH: You know, but you were a little bit more prepared to present the other side if George Rose was saying this is what the law is. You better know what you were talking about.

ED: And if it was his case…
WH: Yes.
ED: And he announced, "I'm affirming" or "I'm reversing" or something…
WH: Yes.
ED: …more than likely that's going to…
WH: That was…
ED: You're going to have to be really prepared.
WH: If you dissented, you were ready for a little wrath.
ED: We mentioned briefly the other members of the court at that time, which were Steele Hays, Les Hollingsworth who like you was serving an appointed term to fill out somebody's term. I forgot who Les replaced.
WH: I do too.
ED: Bob Dudley and Tom Glaze.
WH: Darrell [Hickman]. No, Tom was not there.
ED: Oh, Tom took George Rose Smith's place.
WH: Yes.
ED: So Darrell Hickman was there. And, of course, you mentioned earlier that there was a little bit of tension or conflict between Darrell Hickman and Purtle.
WH: Yes, yes.
ED: Part of that may be explained by the fact that they ran against each other the first time, when Hickman won the first time. He defeated…
WH: Yes, Purtle.
ED: …John Purtle and I think maybe somebody else.
WH: Clay Matthews or somebody named Matthews.
ED: Somebody. Well, he [Hickman] beat Kay Matthews.
WH: Kay Matthews.
ED: That was for Pulaski Chancery Court judge originally…
WH: That's right.
ED: …in Pulaski and Lonoke counties.
WH: Yes.
ED: But I'd forgotten who the other person Hickman beat was. I think it might've been a circuit judge from down at El Dorado. He might have been the other one. I think Darrell beat two people.
WH: Yes.
ED: So that might've been part of that conflict.
WH: Yes. Well, one of the things the court was notorious for—and Darrell was the biggest stickler—was deadlines and the rules. If you missed a deadline for filing a brief Darrell had no…
ED: No sympathy.
WH: …no sympathy. And John was the exact opposite.
ED: He was sympathetic to everybody.
WH: Everybody. The court was pretty adamant about deadlines and making sure the briefs were on time. There were a lot of really meticulous rules about the way the brief had to be printed and submitted to the court. And if margins were a little too long or whatever, Darrell was, "Nah, we're throwing that one out." You know, so he didn't…
ED: He was tough on lawyers.

WH: He was very tough on lawyers, yes. I came from a you-always-compromise kind of background and, boy, the rest of the court was pretty much supporting Darrell on that except John. John was always, "Give the lawyer a break." He only missed about a week and a half.
ED: Yes. Probably had some domestic troubles, you know, whatever.
WH: Yes, something, whatever yes.
ED: OK, were there any other constitutional cases?
WH: I haven't read those cases in a long, long time. We would've had some ballot-title issues. We did have the Unborn Child Amendment.
ED: And there seems like there might have been others.
WH: I think there was another one but I just don't remember what it was. If you find it I'll be glad…
ED: Particularly after 1982. You know, 1982 is when the court came down with a really tough decision that threw the Ratepayers Fight Back amendment—Bill Clinton's ratepayers' amendment—[off the ballot].
WH: Yes.
ED: It was 10,000 words long, provided for elected utility commissioners and put the whole regulatory code into the state Constitution.
WH: And into the ballot title, yes.
ED: So about a week before the general election Hickman wrote the opinion and kicked it off the ballot. Ever since then, there's been more of those kinds of challenges.
WH: More and more, yes.
ED: I think that opinion said it was unreadable. No ordinary voter could possibly have a good understanding of what that amendment did.
WH: Yes.
ED: So you've got a lot of those. It seems like right after that there were others.
WH: Yes. And it was a dual system. The ballot proposal was submitted to the attorney general and the attorney general would approve the ballot title, but that wasn't the last act.
ED: Yes.
WH: If somebody wanted to sue saying it was deceptive, it was like a brand new case.
ED: Yes.
WH: And we gave no deference to the attorney general, or at least the majority of the court never gave deference to the attorney general.
ED: No and shouldn't have.
WH: Well, depending. I'm sure we had some more. I think almost by that time every ballot title…
ED: Yes, I think just about every one that was initiated [rather than referred by the legislature]…
WH: Would come up to the court, yes.
ED: Yes, because everybody would challenge it.
WH: Yes. I'm sure we had some other significant ones. I just haven't looked at it in a long time.
ED: Let's see, the Christmas tree lights—that came later?
WH: Yes, that's right.
ED: Yes, that wasn't on your watch. All right. OK, so you go off the Supreme Court in what year?

WH: January 1.
ED: 1985?
WH: ‘85.
ED: And so you go back to the law firm?
WH: Yes.
ED: And resume your regular practice?
WH: To some extent. At that time the firm was getting bigger and bigger. We had an office manager and I started doing a lot more in-house work as well as practicing law, but then our law firm had a lot of issues come up and I ended up just practicing, yes.
ED: Bill Clinton gets back into office in ‘83. And I guess you did some work for the governor? One thing I remember is I think you had either wrote or had a role in writing the ethics law.
WH: I did, yes.
ED: Which would’ve been what, ‘89? There was that…
WH: I think that would’ve been…
ED: ‘87? There was a legislative session where…
WH: After. There was an ethics commission that Bill appointed and they had like three people from each district, all four districts.
ED: Yes.
WH: Chris Piazza was the prosecutor at that time, and he was the chairman. I’ll never forgive Chris. Chris told the governor that he would chair it only if he appointed me on it.
ED: Yes.
WH: We had a whole bunch of hearings, and then I essentially wrote it based on what everybody agreed to. This was the recommendation of the commission to the governor for legislation to develop the Arkansas ethics law.
ED: And it set up a permanent ethics commission. I may have my history all screwed up but he tried to get it passed by the legislature?
WH: Right. Whether it was a special session or a regular session he presented the proposal to the legislature.
ED: It was defeated in the Senate.
WH: It defeated it. I essentially took a leave from my firm and worked in the governor’s office trying to help him get it passed. Because we were testifying all the time before the commission to get a ruling, you know, on what this word meant, what that word meant. They finally defeated it. The lobbyists hated the law.
ED: Yes, the lobbyists descended on the Capitol. I think it all flowed out of the efforts to block part of his tax program in 1987.
WH: Yes. He was trying to do something and I think it was one year. He just couldn’t get anything through the legislature.
ED: Yes.
WH: It felt like the lobbyists did it, so we came up with the ethics act. We had people from all over the country come in and make suggestions. Then he presented it and they [the legislature] ultimately went out without passing any of it. We thought it was going to be compromised but it never was. Then we made some changes and then presented it as an initiative and it went to the Supreme Court. Ironically, it went to the Supreme Court on a ballot-title issue. And I actually was the lawyer for that.
ED: And so you defended the ballot title?

WH: I defended the ballot title and the act and it was upheld by the Supreme Court like a few weeks before the vote.
ED: This would've been the 1990 general election probably.
WH: Yes, yes. And it passed.
ED: Yes.
WH: And then the legislature immediately went in and modified it a little bit thanks to…
ED: Yes.
WH: That's the problem with initiated acts.
ED: Yes, they're still doing it. With a two-thirds vote [in both legislative houses] you can modify it.
WH: Yes.
ED: Any other issues besides the ethics thing that you collaborated with Clinton on?
WH: When there would be a legislative session I was part of a group that would come in and read the bills and see if there were any real…
ED: Clinkers in there.
WH: …clinkers, and there always were.
ED: Yes.
WH: But I never had any official role. You would volunteer to come in on the mornings and read bills and things of that sort. At that time, the other part of that was internally at the Rose Firm. We represented some of those lobbyists, so people didn't want me doing what I was doing.
ED: So there was again some…
WH: There was a lot of tension.
ED: … tension over that down at the law firm.
WH: Yes, yes. One of our clients was the [Arkansas] Poultry Federation.
ED: Oh really?
WH: Yes.
ED: They were one of the biggest lobbyists. I forget, I guess…
WH: Gosh, what was the name of that guy?
ED: Dick… lobbyist for the Poultry Federation. I still see him all the time. Dick— is it Dick? [It was Don Allen.]
WH: Oh, it'll come to me. I liked the guy a lot.
ED: Oh, he's a wonderful guy and I see him all the time.
WH: But he was very effective, I'll tell you.
ED: Oh yes. He's no longer lobbying.
WH: Yes.
ED: Although I occasionally see him down here sometimes. He originally came here as [Governor Dale] Bumpers's director of the Department of Commerce. When Bumpers left office and went on to the [U.S.] Senate he went to the Poultry Federation. He was quite an effective lobbyist. Cecil Alexander probably was lobbying for the power company, Arkansas Power & Light or Energy Corporation. Nick Wilson, I think, was probably instrumental in defeating the ethics thing.
WH: Yes, he was.
ED: He had a little burr under his saddle for Clinton.
WH: Yes, he did.
ED: He and Clinton, by that time, were at odds over a lot of things.

WH: Yes.
ED: Although philosophically…
WH: They weren't that far apart, but they were…
ED: No, but it was just a personal thing.
WH: Yes.
ED: That's about the time he fired Betsey Wright when he was *pro tem* [president *pro tempore*] of the [state] Senate. Bill left the state and the lieutenant governor [Winston Bryant] left the state and Nick became the acting governor and he fired Betsey Wright [Governor Clinton's chief of staff]. Although he maintained that he didn't fire her but rather changed her job to the governor's liaison with the state Transportation Commission, which he [Wilson] had just abolished. All right, so I guess we come around to 1992. And that's when Bill Clinton runs for president.
WH: Right.
ED: Did you have much of a role in the campaign?
WH: I didn't. No official role.
ED: It was a national campaign.
WH: Again, one of the things that they had set up was kind of a… Betsey Wright came back to run what was called "the Defense Department."
ED: Yes.
WH: Where there were issues that would come up and Betsey would always call me and say, "All right, what's the real story on this?" So I had no official role but, you know, when they'd have the [presidential] debates Vince Foster and I would go and be prepared to answer any questions about Hillary's role at the Rose Firm. And the Ethics Commission came under attack by *The New York Times*.
ED: Yes, the *Times* was savaging Clinton on all…
WH: They went after Bill on everything.
ED: On everything.
WH: They went after him.
ED: Jeff Gerth.
WH: Jeff Gerth.
ED: And Steve Labaton and all these guys.
WH: I was on the phone with those guys and to this day I don't think they like me. But…
ED: Well, that would be to your credit. I think they were…
WH: They were after him.
ED: Both of them I thought were good reporters in some ways but they were somewhat unethical, I thought, at times. I had once been the Arkansas correspondent for *The New York Times* and had worked on stories with Jeff Gerth, so I knew him very well. Anyway, you had kind of an unofficial advisory role?
WH: Unofficial role.
ED: You and Vince both?
WH: Vince and I both. We were always there. We were always available, but we didn't leave the firm or go on the trail or anything like that.
ED: Was there any friction down at the firm over that whether you all ought to be involved at all?

WH: You know, I think at that point people started getting excited. It was inevitable. A lot of the dissension over Hillary not running or running was kind of at that point inevitable. Several of the partners had left when Worthen [Bank] had all its troubles.
ED: Yes.
WH: So things were calmer. We didn't have that kind of dissension and it was pretty clear. Then, at some point, we had to actually stop paying Hillary and had to get an opinion that everything was proper, the way we were handling Hillary at the time. So…
ED: Yes. Going back briefly to 1990, that brief period where Bill was thinking about not running for governor again at the next election.
WH: Right.
ED: And then Hillary might run.
WH: Hillary was…
ED: Did you have any discussions about that?
WH: We explored it a little bit. She was talking about it. "What do you all think, Webb and Vince, if Bill decides not to run? What if I ran?"
ED: Do you remember your advice or do you want to give it to…
WH: I don't remember it, to be honest with you. Like, "Why do you all want to keep doing this?" It doesn't pay very well, if you remember.
ED: No, it didn't. It still doesn't, but…
WH: One of the issues when he ran for the four-year term, probably in '88 [it was in 1986], he said that he wasn't going to again, that it would be his last. So that was an issue. I think Sheffield [Nelson] was going to run, was running as a Republican. He kept reminding people that Bill had said he wasn't going to run.
ED: Not going to run again, that's right yes.
WH: Yes. I think the ultimate decision was that he felt like he had to be a sitting governor or something else to be able to run for president.
ED: Yes.
WH: So he ran and I think they may have had a listening tour.
ED: Yes, he did.
WH: And he went around and said, "Do you really want me to run or do you not want me to run?" It was a great device.
ED: It was, yes. It's a common device.
WH: Now they always… everybody has a listening tour.
ED: Yes, everybody has a listening tour.
WH: Yes.
ED: And they always hear what they want to hear.
WH: Absolutely.
ED: Of course, I guess it was frustrating Sheffield Nelson, which is basically what he did.
WH: Yes.
ED: Sheffield had been a liberal Democrat, you know.
WH: He had been. He had been.
ED: He had run Ted Kennedy's campaign for president [in Arkansas].
WH: Yes.
ED: For the Democratic nomination in 1980, I think.
WH: Yes.

ED: Along with Bill Wilson. I think Sheffield and Bill Wilson ran the Teddy Kennedy campaign, but what an alliance. But, you know, he thought he was kind of the knight in waiting, and he never got his chance.

WH: Yes. And Bill kept running, yes.

ED: Bill kept running and I think that's the source of all Bill's problems and probably your problems.

WH: Probably a lot to do with it.

ED: It goes back to that.

WH: Yes.

ED: Because, you know, Sheffield was the one who got Jim McDougal to talk and got him in trouble.

WH: It got bitter, really.

ED: I mean that little rivalry there, the feud between Sheffield Nelson and the Stephenses [W. R. and Jackson T. Stephens] all of that got mixed up in it. International history was affected by those little feuds.

WH: Yes. A hundred years from now those will be interesting explorations.

ED: Yes. I did a long piece for the *Arkansas Times* some years ago tracing it all back to 1978. Whitewater, the impeachment and everything goes back to 1978: Sheffield [Nelson] and Jeff Gerth [of *The New York Times*] and the Stephenses and that [U.S.] Senate race in 1978. But that's another story. That would take an hour here to explain.

WH: Yes.

ED: So let's move forward. So Bill Clinton gets elected.

WH: Yes.

ED: And you and Vince both go to Washington. Tell how that all came about. Did you have discussions? Did Bill and Hillary…?

WH: Yes. Every now and then while they [the Clintons] were gone, Vince might say something like, "If they ask you, are going to leave?" And I'd go, "Well, not without you" and he'd say the same thing. I didn't really think much about it. Then toward the end, when all of a sudden it looked like Bill was going to really win… I think if you're from Arkansas and play Texas a lot, you always thought that at the last minute something bad would happen.

ED: Yes.

WH: So that was a lot of Arkansas's mentality. I don't think we really believed it was going to happen until about two weeks before [the election].

ED: Yes, I think so.

WH: Mickey Kantor, who was the chairman of the campaign, said, "Webb, Hillary and Bill won't talk about transition because they're afraid it'll jinx it, but we've really got to start doing something about it. So he said we need to at least call some lawyers to take a look at some of the issues that'll be involved. There were a couple of lawyers already working on it and he asked me to start working on that a little bit—Mickey did. Bill and Hillary weren't anywhere near Arkansas at the time. Actually, on election day I had an oral argument in the federal circuit in D.C. so I had to leave Arkansas on the day of the election and fly to Washington.

ED: You had cast your vote by then?

WH: Oh yes. I had flown to Washington, D.C., and had an oral argument the day after the election. I couldn't get the court to change it. They weren't sympathetic in D.C. that one

of my good friends is about to get elected president of the United States. That wasn't a good argument for postponing the argument.

ED: Yes.

WH: So I made the argument and came back and Vince said, "I'm kind of advising the transition." Mickey Kantor had been ousted in a kind of palace coup by George Stephanopoulos and a bunch. Pretty quickly thereafter I became counsel to the transition board and I was doing the vetting for Warren Christopher [whom Clinton nominated for secretary of state]. And that's what I did.

ED: For cabinet and other high-level…

WH: Cabinet and high-ranking officials like, for example, Henry Cisneros [mayor of San Antonio, who became secretary of Housing and Urban Development]. It turned out he had a little issue. I flew down to San Antonio and met with Henry and then flew back and reported to Bill and Chris.

ED: You didn't come across his girlfriend while you were down there?

WH: I didn't come across her but I did interview him about his girlfriend.

ED: Oh did you?

WH: Oh yes.

ED: So that was kind of common knowledge?

WH: Oh, it had been common knowledge. He resigned as mayor.

ED: That's right, OK.

WH: But what turned out to be the question was—this is public so I don't…

ED: Yes.

WH: It turned out was still giving her a monthly stipend.

ED: Yes.

WH: And ultimately, if you remember, they appointed an independent counsel and…

ED: They did.

WH: …went after him.

ED: They went after him for four or five years.

WH: Yes. I testified before that grand jury fourteen straight days.

ED: For Cisneros…

WH: For my interviewing Henry Cisneros. They went through every one of my notes. So that was just a… Nobody knew I was doing that. That was after I had been in trouble.

ED: Yes.

WH: So anyway, those were the kind of things I did. I interviewed Jim [James] Woolsey, the CIA director. I vetted him. Then it was pretty clear Vince was going to go and I thought he was going to be the White House counsel. He said, "No, I don't want to be White House counsel. I want to be deputy." It wouldn't look good because by that time everybody knew Mack [McLarty of Hope, Clinton's childhood friend] was going to be the chief of staff.

ED: Mack McLarty?

WH: Mack McLarty.

ED: Yes.

WH: Three boys from Hope [Vince Foster was from Hope] wouldn't have worked so Vince was the deputy [White House counsel]. We ended up interviewing people for the White House counsel's position, Vince and I.

ED: Bernie [Bernard] Nussbaum?

WH: Bernie became it. We interviewed several other people and Bernie ultimately was the…
ED: He had been Hillary's…?
WH: Advisor on the Watergate stuff.
ED: Watergate, yes.
WH: Actually, the recommendation came from somebody else I knew.
ED: OK.
WH: So that's the kind of…
ED: It wasn't Hillary's recommendation that Nussbaum get the job?
WH: I'm sure she supported it.
ED: Yes.
WH: But it wasn't Hillary's recommendation. It was somebody else's.
ED: Yes. So at what point did they ask you?
WH: So Vince was going and I didn't think much about it. And then Mickey got back in good graces, ran the economic conference, if you remember that big event, and then was going to become the U.S. trade representative. Mickey was staying in my house during all the economic conference and stuff like that.
ED: Is Mickey Kantor still alive?
WH: Yes, he is.
ED: OK, all right.
WH: He's had some health issues, but he's still alive and lives in California.
ED: OK. OK.
WH: So Mickey said you ought to go. And I said, "Well, nobody's asked. I don't know what I'm going to do. The president and I, for about ten years on Christmas Eve, would go Christmas shopping together. It was just a tradition. I'd pick him up in my car. Sometimes we'd have my sister drive us. And we'd go up in the Heights and Hillcrest and buy stuff. He always had a long list to buy.
ED: Little trinkets.
WH: And we would go to…
ED: He'd buy some little jewelry.
WH: He'd go to every store, you know. Always Lida Holt's store, Et Cetera. You know, Bill was very close to the Holts—Judge Holts.
ED: Yes.
WH: The other Judge Holt [Justice Frank Holt and then Chief Justice Jack Holt Jr.].
ED: Yes, yes.
WH: Jack Holt. And so we would go visit our friends and…
ED: Frank Holt, Frank Holt.
WH: Frank Holt.
ED: Yes.
WH: Not Jack, Jack's the judge, but Frank.
ED: Yes, the brother.
WH: Frank's daughter Lida went to high school with me and was very close to Bill as well. And she owned the store. Jack Holt's mother owned the Clothes Horse.
ED: Yes.
WH: And then Lida owned Et Cetera, which was a gift store.
ED: Yes.
WH: That was one of the stores we'd go to.

ED: There was a woman who did all this little pottery and jewelry. Every Christmas he would buy stuff from her. She lived in our neighborhood.

WH: Yes.

ED: And her sister used to be our secretary in the editorial offices [at the *Arkansas Gazette*].

WH: He bought a ton…

ED: He'd buy little stuff from there.

WH: Tons of presents. I forgot what the circumstances were, but I saw him like the day before Christmas Eve and he said, "We're still going, aren't we?" And I said, "We're going Christmas shopping on Christmas Eve, but you're now the president-elect it's going to be a little more difficult."

ED: Secret Service all over the place.

WH: He said we're still going. So I get in the car and we were just kind of laughing about the fact that all of a sudden we have cars and there's the press van, you know, that goes by.

ED: Yes.

WH: They're all going to go watch the president go Christmas shopping up in the Heights. Can you imagine what a parking issue that created?

ED: Yes, I remember.

WH: So he got in the car and then he looked at me and said, "You're coming with us, aren't you?" I said, "What do you mean?" He said, "You're coming to Washington with us?" I said, "OK." He said, "We haven't figured out what we're going to do with you yet but Mack's working on it." "OK." And that was it. That was the conversation. Ultimately, Mack called and said, "We don't know what we're going to do with you yet but we've got an attorney general nominee who doesn't know any of us, doesn't know any of us at all." That was Zoe Baird. And she…

ED: That was Zoe Baird.

WH: And he…

ED: Her brief…

WH: …said, "So we want you to, for the interim, go and be an assistant to her so she has somebody who knows everybody who's going to be in the White House." So there's essentially a liaison to the White House until they figured out what they were going to do with me. I met Zoe Baird, actually flew to Washington.

ED: He hadn't been sworn in yet, right?

WH: Hadn't been sworn in but he was getting ready. Remember, he went to his Renaissance Weekend after Christmas even though he had a lot still… They announced like a couple days before Christmas who the staff was going to be. Vince was announced and Bernie was announced and Mack was officially announced and everything else. I flew to Washington to meet Zoe Baird, because she had never met me. We got along very well but she looked at me and said, "Are you really coming to Washington without a title?" And I went, "yes." She said, "You've got a lot to learn about Washington D.C." She said, "I would firm up what your position's going to be." I said: "Well, the Clintons want me to come. When the president of the United States asks you to come, you go." She said, "Well, it's going to be an eye opener for you." So it was. Then Vince and I started talking about what they were looking for me to do and how to help her and talk to her about how to help her. Then we went up for the inaugural and I told my wife. Vince and I had to tell the firm, but we couldn't tell them what I was doing. I couldn't tell them at all because, until Zoe was confirmed, they didn't want me being there to be an issue. It was just not

going to be an issue, so I couldn't tell the press. The press would say, "Are you going?" And I said, "Yes, I'm going, I'm leaving the Rose Firm but I can't tell you what I'm doing." That's how I got to Washington. Then, of course, Zoe Baird wasn't confirmed.

ED: Yes, she wasn't confirmed and then he nominated somebody else.

WH: Kimba Wood.

ED: Kimba Wood. And then she wasn't confirmed.

WH: She wasn't confirmed.

ED: Both of them had issues with nannies.

WH: Nannies and Social Security taxes.

ED: Illegal, undocumented nannies, I guess.

WH: It wasn't undocumented; it was that they hadn't paid Social Security taxes.

ED: Oh that's right. They hadn't paid Social Security taxes for their nannies.

WH: For their nannies.

ED: Yes, that's right.

WH: And we had several other secretaries of major departments who hadn't paid their nannies as well, but at Justice it became the issue, you know.

ED: Yes.

WH: All of a sudden I'm the only political appointee at the entire Justice Department until Janet [Reno] was sworn in.

ED: Yes.

WH: So the *Wall Street Journal* [editorial page] went after me saying, "Who is Webster Hubbell?"

ED: Yes, and later, "Who is Vince Foster?" Who is Webster Hubbell?

WH: But I didn't mind those articles.

ED: Vince obviously did.

WH: Yes, see, I didn't mind them because they had those little drawings and they made you look thin. I said, they're really complimentary. The drawings are nice and nobody's going to read the article. They're only going to see the little drawing.

ED: Yes, nobody reads editorials— the editorial pages.

WH: So obviously for those three months before Janet was sworn we had lots of issues come up that were… Waco, World Trade Center one, you know, all of those issues. Then Janet asked if I would stay on as the associate attorney general.

ED: So she's the one who asked you to stay on as associate?

WH: Yes, she and I had worked a lot once she was… Actually, it was Vince and Bernie and I who went through all them. After we lost two [Baird and Wood withdrew] we had done a lot of work to try find the next one.

ED: Well, how did you come across Janet Reno?

WH: Somebody recommended that we look at her. It was really an interesting process in that everything we looked at from my standpoint, from Vince's standpoint, and from Bernie's standpoint looked really good because she was a hard-nosed prosecutor, she won the tough-on-crime issue, she looked clean, she was a woman. "there's not a woman who can be attorney general" was a big issue.

ED: She stayed attorney general the full eight years, did she not?

WH: Yes, she did.

ED: Was there any other member of the cabinet who stayed eight years?

WH: Yes. Bruce Babbitt.

ED: Bruce Babbitt, all right, secretary of the interior.
WH: The reason I know that is Suzy worked in Interior for all eight years.
ED: Yes, yes. secretary of the interior. But unusual…
WH: Very unusual.
ED: …in the fact that she had little relationship with Bill Clinton beforehand.
WH: Had almost none. In fact, I'm sure none.
ED: Yes.
WH: Because she was squeaky clean. In fact, after we thought she would be good then we brought in the vetters, a whole team of lawyers who spent three days with her and then reported events to Vince, Bernie and me. And they went through all the things: tax returns were clean, had no nanny issue, she lived with the grandmother out in the everglades. Janet wouldn't even pay less than the sticker price on a new car because she didn't want the dealer to think he was…
ED: Getting some…
WH: …getting something out of the process. She was squeaky clean. So we said, "Oh, well, then great. I take it you're recommending her" and they said, "No, we're not recommending her." And we said, "Why not?" And they said, "She's too clean; there's got to be something here, because we can't find anything."
ED: She's hiding something.
WH: And we went, "Wait a minute."
ED: Nobody is that clean, yes.
WH: So obviously Bill nominated her and she sailed through and was kind of a local hero for a while up in Washington.
ED: Yes, yes. Well she had kind of an amazing career.
WH: She did.
ED: In that kind of job.
WH: Oh yes.
ED: Nobody lasts that long…
WH: Yes.
ED: …in a job like that because later they went after her as well, of course.
WH: Oh yes, oh yes.
ED: Yes. All right, so you're associate attorney general and that's the third-ranking person in the department.
WH: Yes.
ED: And you were the supervisor of a number of [agencies]. I guess Immigration and Naturalization was under you?
WH: All the noncriminal.
ED: All the noncriminal, all the civil divisions of the Justice Department?
WH: Civil divisions, although, for example, the tax division has a criminal division, but it's not the criminal division. It's not the FBI. Phil Heymann [Philip B. Heymann] was the deputy and his experience was in that world, so he was over the Criminal Division, the FBI, all the [U.S.] marshals.
ED: Yes, U.S. attorneys, district attorneys?
WH: Well, the U.S. attorneys were really both of us.
ED: Yes, OK.

WH: But it was kind of divided, criminal versus civil division. I also had INS, the immigration service. The Clintons had everybody designate somebody as CEO of the department to handle all of the financial stuff. I got that, too, because Phil didn't want it.
ED: Yes.
WH: So it was a big job. It was great.
ED: Yes. So things were going well maybe for a year or so, but I guess it was only a few months when, of course, the Whitewater stuff crops up again.
WH: And all hell done broke loose.
ED: I've forgotten now what triggered it. Of course, it had never really died down since Jeff Gerth wrote his Whitewater story in *The New York Times* back in April of 1992.
WH: Right, right.
ED: That was always bubbling along there, Jim McDougal, Whitewater Development Corporation—all of it was bubbling along throughout the general election—although other issues up, like Gennifer Flowers.
WH: Yes.
ED: You know, the soldiering and all that stuff. All these other issues came along …
WH: Whitewater just—I mean…
ED: It faded a little bit.
WH: Gerth kept pushing it but nobody understood it so they…
ED: Well, nobody could ever understand anything Jeff wrote. Jeff in many ways was a good reporter but he was a murky writer.
WH: Yes, yes.
ED: And it was just hard to figure out what he wrote.
WH: Yes.
ED: Although they would frequently run it on the front page of *The New York Times*.
WH: Yes, I know, I know.
ED: Anyway, all that's bubbling along. Vince had the Whitewater or rather the Madison Guaranty [billing recods]...
WH: Travel. Oh, Vince…
ED: First it's the [White House] travel office.
WH: That's what happened after Waco, and I use that as a first defining…
ED: Waco is the…
WH: The assault on the Branch…
ED: Assault on the Branch Davidian Compound at Waco, Texas.
WH: Complex.
ED: And the mass deaths.
WH: And it was a mess, it was a mess. The FBI swore to us that they would come running out and, of course, they didn't and it was terrible. We had hearings on that. Janet appeared before the Senate and the House.
ED: Now, you weren't involved—that was over on the criminal side?
WH: Well, see Phil [Heymann] hadn't even been appointed before Waco occurred. I was the chief advisor to Janet on that. Janet made the decisions, but I was there during the whole thing. I actually recommended to the FBI that they not use gas, that they use skunk oil.
ED: Skunk oil?
WH: Yes. That was my Arkansas solution. Janet kept saying, "No, no, no, we're not going to do it." And they kept coming back saying, "This is the only way we're going to… and

they ultimately came to us and said, "Webb, we're going to have to pull out and let the Texas Rangers in because our men need retraining if we don't go in." So then we had the Army come in and evaluate their assault plan and they said it will work. They said nobody can stay in the compound once you insert the gas for more than two minutes. And then Janet and I talked and again she said no.

ED: We're not going to do it.

WH: We're not going to do it. And then I forgot what day it was—I think it was a Saturday. They [the FBI] came over to my office and said: "We'd like to see the attorney general one more time. We have to do it". That's when I proposed… I said, "Look, you know, in Arkansas if you go turkey hunting there's a thing called skunk oil and the hunter surrounds himself with skunk oil, puts it on the ground and that way the turkey can't smell him. But no human being can stand being near that skunk oil very long. If you've ever smelled it it's the worst smelling thing in the world. So why don't you just surround the compound and spray skunk oil around it like you do? They won't be able to stay in there." They looked at me like I was a fool. They said, "We're serious here, Mr. Hubbell. "Judge Hubbell" is what they called me. "Judge, we're serious and you're talking about skunk oil." I said, "Well, to me it seemed like a much less invasive situation." The reason I say that is twenty years later I read an article about the Mossad [Israeli security agency] and guess what the Mossad uses when they're in a hostage situation?

ED: Mossad, M-O-S-S-A-D.

WH: Yes.

ED: You're talking about the Israelis, yes.

WH: In a hostage situation, they surround the compound with skunk oil.

ED: Oh really?

WH: Yes.

ED: OK.

WH: So I've been vindicated. Well, anyway, you can laugh about a terrible situation and I shouldn't do that. But it was probably the lowest moment until Vince's suicide that I had had out there.

ED: So you all went in to see Janet Reno.

WH: Yes.

ED: And this time she says all right.

WH: I went in to see Janet and I said, "They're in my office, they're begging to see you one more time. But I want to tell them no but I told them I would come in and ask you one more time." She says, "Well, I'll just go over and listen one more time." I said: "Janet please don't. You know, they're beating a dead horse." For some reason after saying it was a big mistake, she listened.

ED: Went over there.

WH: Went…

ED: Back to your office.

WH: Back to my office. They made the presentation one more time and she said "OK, do it." And that's how it happened. So at that point I had to… We had told the president we would not do anything without telling him it was going to happen. He wasn't involved in the decision but, you know, we knew it's going to happen. So I called Bernie [Nussbaum, the White House counsel] and told Bernie to tell the president it was going to happen. But that's the only contact we had with the White House.

ED: White House on that.
WH: Anyway, that happened and then we were ultimately… I was confirmed, went through a very difficult confirmation. I don't know if you remember all of that?
ED: Well, yes, and they resurrected all of the…
WH: Oh everything.
ED: Everything. Were the billing records part of that?
WH: No, billing records wasn't part of that.
ED: I mean the Madison Guaranty stuff, all of that?
WH: No, that's wasn't part of it.
ED: Jeff Gerth's stuff wasn't part of that?
WH: No. A friend of Sheffield's [Sheffield Nelson's] went after me saying I had done insider trading and had made some money on ARKLA stock. Bernie Nussbaum laughed at me. He said, "Hubbell, you made $103," you know.
ED: That's what it was? You had made $103?
WH: On buying a hundred shares of ARKLA's stock.
ED: And then selling.
WH: What happened was Mack [McLarty] was appointed president, so I bought 100 shares of ARKLA thinking "Well, it'll probably do better under Mack then it had under Sheffield, so I made $103." But somebody accused me of insider trading. And the country club was a big issue.
ED: The Little Rock Country Club?
WH: Little Rock Country Club, because I was a member of the Little Rock Country Club.
ED: OK.
WH: Even though they had tried to get African Americans in the club there were no members there.
ED: Yes. Country clubs were a big issue for everybody. Everybody that was ever a member…
WH: And then, you know…
ED: …in those days, yes.
WH: …and they [Governor Clinton] had appointed several judges here in Little Rock who were members of the club. And the rule at that time was… Now we're getting off subject. The rule at that time was if the club had made honest efforts to integrate and you had been an honest broker of trying to do that, then it was OK to belong to a club that was discriminating. That was the Metzenbaum Rule [after U.S. Senator Howard Metzenbaum of Ohio]. The Republicans loved that rule so Richard Arnold, [Morris H.] "Buzz" Arnold and a bunch of people had gotten in under that rule. Well, two new Democratic members of the [Senate] Judiciary [Committee] came on. One was Carol Moseley-Braun [of Illinois] and one was Diane Feinstein [of California] and they didn't like the rule. So it really wasn't about me, but the Republicans were kind of enjoying the fact that here's Webb Hubbell twisting in the wind. And Carol Moseley-Braun said, "Webb, I'll vote to confirm you if you resign."
ED: From the country club?
WH: From the country club.
ED: Yes.
WH: Howard Metzenbaum said, "I'll vote to confirm you unless you resign, because if you resign then our rule goes away." You know, everybody's going to have to resign.
ED: So you had to choose between Howard Metzenbaum and Carol Moseley-Braun?

WH: The Republicans, all of them, are sitting there laughing at all of this, you know. Ultimately, I resigned, which wasn't a big deal because we were moving, but it also forced Mack and Vince and several other people to resign.

ED: From Little Rock [Country Club].

WH: The only guy who didn't resign was… We finally got an African American at the Country Club. I'm trying to remember his name. He was working at the World Trade… I mean with Mickey Kantor at the [office of] International Trade Representative. He had been with the World Bank and then had worked for First National Bank. I'm trying to remember…

ED: Not Bob Nash?

WH: No.

ED: OK. We'll come up with it.

WH: Anyway, he was now a member of the Country Club and he didn't resign, but all of the white guys did. Anyway…

ED: We'll come up with his name in the transcript.

WH: One day Senator [George] Mitchell [of Maine] called me and said, "Webb, they're offering a deal." They were holding up all the deputies and assistant deputies. They had about seventy-two confirmations to go. He said, "Webb, they've come and offered a deal that they will confirm all seventy-one out of seventy-two holds they have on the appointees if I agree to withdraw your name." I'm thinking, "Holy shit. I mean I've gone through all this—moved, we sold our house, my family's moved up here, and all of a sudden they offered this deal." I'm sitting there and I said, "Well, Senator, we need the government in place." I said, "I can't tell you not to take the deal." He said: "Well, I knew you would say that. I've got one more trick up my sleeve." I'm sitting in my office at that point, and I told everybody to leave my office. I needed a little time to myself. An hour later somebody comes in and says you've just been confirmed. I said: "That's not possible. Mitchell just told me I was being withdrawn." Then Mitchell called and said "Webb, you got it." I said, "How did you do it?" He said, "Well, I told them I wouldn't take their deal. We'd just stay here over Memorial Day weekend and vote one by one on everybody."

ED: That's all it took.

WH: He said the vacation pulled the deal. I shortened that story a lot. After confirmation, things seemed to calm down. In fact, the *Wall Street Journal* even ran an article. "Now that he's been confirmed, we know who Webster Hubbell is and that's fine, you know. We wish him well." So…

ED: I didn't remember seeing that.

WH: Yes.

ED: OK. That doesn't attract attention.

WH: I do remember that one.

ED: OK.

WH: Then, all of a sudden, Travelgate hits, you know, or whatever they call it. They fired all the…

ED: Hillary caused all the travel office …

WH: Employees…

ED: White House travel office to be fired.

WH: And then Vince did the research and they went after Vince. And the *Wall Street Journal* said, "Who is Vincent Foster?" And they did a dot drawing of Vince. We've got not enough time to tell the story of what happened with Vince, but Vince committed suicide. I think everybody points to that moment as when things started…

ED: Coming to pieces.

WH: Coming to pieces. What happened was… I actually know because at Justice I got a thing across my desk. I would get a copy of every document that went to Janet. She'd get a document and everything went to me and Phil. It was the same. All three of us got a copy of everything that went to any of us. So we all knew, and we met at 7 o'clock every morning to go over things.

ED: What, you and Phil and Janet Reno?

WH: Yes.

ED: OK.

WH: And actually the solicitor general, too. Drew Days would go but he didn't get the documents or the…

ED: What was his name?

WH: Drew Days.

ED: Drew Days, OK yes.

WH: So across my desk came this thing. David Hale [former Little Rock municipal judge, who was being investigated for defrauding the federal Small Business Administration] was claiming that he knew something about Bill Clinton and Madison [Savings and Guaranty Corporation] and that he was trying to make a deal with the local U.S. attorney.

ED: Yes.

WH: Because it involved Clinton it had been bounced to main Justice. So I went to Phil and I said, "Phil, I saw this come across my desk. I can't be involved in that." He said, "Great, recuse and you will no longer get any memos about it." So that's how I know that that was the initiation. Then the press started picking up on it and it started getting more and more… Phil though, believe it or not… I know the president was starting to get pressured to appoint a special counsel. I couldn't tell him what…

ED: And this is special counsel dealing with...

WH: Or independent counsel.

ED: Independent counsel dealing with…

WH: Dealing with allegations of Hale. At the same time, Phil was doing his own investigation of the allegations at main Justice.

ED: Yes. Hale was being charged because he had in his small-business lending operation…

WH: Right.

ED: …There was a lot of fraud involved there, so when the U.S. attorney's office in Little Rock [U.S. Attorney Paula Casey] went after him after all the audits he [Hale] collaborates with Justice Jim Johnson and others. And they said, "Well, Bill Clinton is involved and Jim McDougal…"

WH: Bill Clinton. We know stuff on Jim McDougal and Bill Clinton.

ED: Yes. He [Hale] had been doing business with Jim McDougal.

WH: And if you'll make a deal with us we'll give you all this information.

ED: Yes.

WH: I had knew Clinton was under a lot of pressure because a couple of times I'd gone back to Little Rock with Bill. I think his father—I mean his mother—died, I don't remember when.

ED: I think it was a little later when she died, but I think…

WH: I don't know.

ED: Yes, I've forgotten.

WH: I went back a couple of times with him on Air Force One and the last time I was on Air Force One, Gerson said something in front of me. Bill came back and wanted to know, whether he should appoint this independent counsel. Gerson says, "You can't talk to Webb about this."

ED: Gerson?

WH: Not Gerson, Gergen.

ED: Yes.

WH: David Gergen.

ED: David Gergen, who had by that time had been brought in by Clinton as a…

WH: Right, advisor.

ED: Advisor on something, yes. Gergen was counselor to the president and secretary of state.]

WH: And I said: "He's right. Y'all go talk about this without me. I'm recused totally at Justice. And I can't tell you what Phil's doing." And then all of a sudden we get a letter from Clinton to Janet saying I want you to appoint an independent counsel. All I know is Phil looked at me and says, "This is crazy. This is a big mistake. We're about to close the case."

ED: And Nussbaum had argued against it. My recollection is that…

WH: Forget about any recusal. Bernie's calling me saying, "This is the worst mistake Bill Clinton's ever going to make. This is…"

ED: And it was. It turned out to be the biggest mistake of his presidency, by far.

WH: I mean it literally. Phil had concluded that there was no merit to any of the allegations that Hale was making. He was about to close the case, but I couldn't tell anybody that. I mean Phil told me that.

ED: That set off the whole thing. My recollection is that there was a trans-Atlantic conversation between Bill and Hillary and George Stephanopoulos and Bernie Nussbaum. And Stephanopoulos was arguing that there should be an…

WH: And I think Gergen was in on that one.

ED: …and Gergen that there should be an independent counsel.

WH: Yes.

ED: And their argument was, "Just get it out of your way. Shove it over here to the independent counsel..."

WH: Yes.

ED: "…and it let them do a little work on it and it'll all go away. We can go on about our business."

WH: Right.

ED: And Bernie Nussbaum was arguing: "If you do this it'll never go away. It'll haunt you to until the end of your presidency."

WH: He was right.

ED: Bernie Nussbaum was absolutely right.

WH: Absolutely right.

ED: It resulted in the impeachment and everything else, I guess.
WH: Oh, everything.
ED: It all flowed from that single decision.
WH: Yes, yes.
ED: All right. So they formed an independent counsel, but Vince had already…
WH: Vince was dead.
ED: Vince committed suicide back in, I guess, the summer of…
WH: July.
ED: July of 1993. I guess you all were closer than anybody else.
WH: Yes.
ED: And yet you all were…
WH: We spent the weekends…
ED: Even though he was at the White House and you at the Justice Department I'm sure you all were…
WH: We talked every day.
ED: Talked every day. Did you have a sense of his depression?
WH: No. I knew he was unhappy. Vince was the perfect Richard Cory. You remember the poem about the… [Edward Arlington Robinson's poem about a wealthy businessman who commits suicide during the depression of 1893.]
ED: Yes.
WH: We spent the weekend together with Vince and Lisa the weekend before he committed suicide. We had gone to the eastern shore. I had made a friend at Justice Department who was a close friend of Zoe Baird named Michael Cardozo and he invited Suzie and me to come to their place on the eastern shore where they had a tennis court and swimming pools and stuff. Vince had rented a place and I told Mike that Vince had rented a place on the eastern shore. He said, have him come over. We had the most wonderful weekend we had had in months.
ED: Vince seemed to be happy?
WH: Vince was in the pool. Michael's father-in-law was close friends with Nick Bollettieri [the tennis coach] and he was giving Lisa and Suzie lessons. It was just wonderful. We ate crab and just had a wonderful weekend. Vince and I were in the pool while they were playing tennis. He just said, "This is so wonderful. This is exactly what I needed. I had to get away, you know." And we talked about the pressures. He felt responsible for not handling Travelgate…
ED: Travelgate.
WH: …better. And I said, "Vince, I've got Waco. You know, this is not… You know, let it go. Don't worry about it." He said, "I don't know how you dealt with the *Wall Street Journal*." I said, "You've just got to let it go. You're going to be criticized."
ED: He was consumed by the *Wall Street Journal* editorials.
WH: He was.
ED: He didn't recognize that what an editorial page says about you doesn't mean anything.
WH: Nobody reads it.
ED: Nobody reads that stuff.
WH: That's what I kept saying. I said: "Vince, there are going to be times you're going to be criticized. Just let it roll off your back. It's just- it's the nature of the game." I had by that time gone through confirmation and Waco and World Trade Center One [a truck

bombing of tower one of the World Trade Center on Feb. 26, 1993]. I said, "Vince this is the nature of the beast." [U.S. Senator] Alan Simpson [of Wyoming], when I was going through confirmation said: "Webb, you're one of the people who's viewed as close to the president and the first lady, and we're going to give you scars. And once those scars heal we'll pick the scab right back off. That's you being close to the president…"

ED: That's what Alan Simpson told you?

WH: He told me. He said: "I know it sounds cruel but if you're viewed as that close to the president we're going to go after you. Just don't take it personally." You know, Alan is fun.

ED: Yes.

WH: I mean I actually understood what he said. I think I need to tell you that other part. Joe Biden [senator from Delaware and later vice president] was chairman of the Judiciary Committee. Like George Rose Smith [at the Arkansas Supreme Court], you go to the chairman first. I had been working with Senator Biden for three months by that time as the only political appointee there [at the Justice Department]. He said: "Webb, you don't need to talk to me and justify why you're going to be associate attorney general. We've been working together for three months. I just want to tell you one story." I said, "What is it, senator? I'm glad you're going to support me." He said: When I ran for president, I went to my best friend to get his support. I'd always gone to the same best friend for every office I ever ran for and asked for his support and he always gave me his support. So I went to this best friend, and the reason I'm telling you this story is because I understand you're the president's best friend. Mack McLarty's told you're the president's best friend. So I went to this best friend and said, 'I'm running for president.' And the best friend said 'OK.' I said, 'I'd like your support like everything else.' And he said, 'I won't give it to you, Joe.'" And Joe said, You're kidding me. Don't you think I'm qualified? Don't you think I'm good enough?" And the best friend said, "Joe, I think you'd make a wonderful president. I think you'd be great." And he said, "Well, Bill, why won't you support me for president?" And he said, "because, Joe, the president's best friend always gets indicted." Now, literally he told me this story. So I said, "Well, thanks a lot." He said, "I'm telling you right now: remember this story." And when I got off the train from Cumberland, Maryland, where I had been in prison, there was Joe getting on his Delaware train.

ED: This is years later.

WH: Years later. And he looked at me and said, "I warned you." I said, "You sure did." What else can you do?

ED: Well those are great stories, yes. Alan Simpson and Joe Biden, great stories.

WH: So anyway, we spent the weekend together. We went back and I saw him on Monday. I went into his office like I always did if I had any business in the White House. I always dropped by to see Bernie and Vince. He said, "God, that was the best weekend. It was exactly…" I forgot, he used to go to Michigan every year for a month to relax and unwind. He went to Ludington with a bunch of other people from Arkansas. He said, "This was exactly what I needed. "We've already booked the hotel again for next week. Do you think the Cardozos will let me come play tennis?" And I said, "I'm sure they will. I'll call them." He was in a great mood, just a great mood. That evening we were supposed to watch a movie with the president. Vince said, "No, I'm not ." We saw Bruce [Lindsey, an assistant to the president from Little Rock] and Bruce said, "Vince said he's

going to go home. He's not feeling very good." We didn't think much about it. The next day I'm at the White House for something else. I think I was there with Janet and I couldn't stop in to see him so I didn't see him. That evening I got the phone call. It was just awful.

ED: Do you have any theory about what could have caused it. I mean, is it just the nature of depression?

WH: I read a lot about depression and suicide. You usually have a high and then you get back to work and start doing the stuff that you normally do.

ED: And then you sink down to the depths.

WH: Sink down to the depths. Vince was a perfectionist and we never saw what it was doing to him inside. You would never have known it. He would be calm on the outside. We never knew that he was bothered about anything. He was never a guy who seemed rattled or fazed. Only afterwards did we learn that he had called a doctor about getting some pills for depression or that Lisa and he had argued over whether they should stay or leave, you know. And all the pressures that Travelgate had put on him.

ED: Had he been talking to Lisa about going back home? Or did she want to go back home?

WH: I think at times… I read this. I know Lisa knew. I was there when the park police told her. I escorted her upstairs to the bedroom. I said, "Lisa, don't believe it's necessarily suicide because I don't think Vince even owns a gun." Well, there's a gun in the closet, it's his daddy's. I went to the closet and it wasn't there. So she knew, we knew. And that was the gun.

ED: That's the gun he had used to kill himself.

WH: Yes.

ED: At Fort Marcy Park.

WH: Yes. From a wife's standpoint I would say, "Everybody's up here in Washington, we're doing all these exciting things. In reality, you're working your tail off and you're not going to a lot of cocktail parties. It's not all wine and roses. It's a lot of hard work and he was under a lot of pressure."

ED: Well, anyway, that suicide was the second trigger, I guess.

WH: Yes.

ED: Because the suicide raised all…

WH: It still raises all these speculations.

ED: Yes. All the crazy speculations about everything, that he was having an affair with Hillary, that Bill had him killed or something. I mean just all the wild stuff that gets into it.

WH: There's no doubt in my mind that he committed suicide.

ED: Rush Limbaugh and all that.

WH: There's no doubt he committed suicide.

ED: Yes.

WH: No doubt in my mind.

ED: Well, even Kenneth Starr eventually concluded that he did.

WH: I know. Even though I told Phil Carroll [a law partner at the Rose firm in Little Rock] the night of the suicide. I knew Phil was a devout Catholic and so was Lisa. I knew to tell Phil. Phil called the house and I was talking to him. He said, "Webb, tell me one thing. Tell me that Vince didn't commit suicide. I said, "Phil I don't think he did." I couldn't

imagine. I mean that's how hidden this depression was. Nobody could believe it. I, for a long time, had a hard time believing it.

ED: Did you know that he had a depression?

WH: No, no. I mean we were all tired and worn out.

ED: Yes.

WH: Before our wives got there we were working until 10 or 11 o'clock every night. And every now and then the Arkansas people would go out—we called them Arkansas nights—where a bunch of us would go eat. We wouldn't go eat until 10 o'clock at night. Most restaurants wouldn't take us, you know.

ED: Yes. OK, there's no point in getting into all that because it goes on and on now for eight solid years—well beyond eight. It goes on beyond the presidency, beyond the eight years of the Clinton presidency.

WH: Yes. Yes, it does.

ED: You mentioned Joe Biden's prediction about what would happen to you.

WH: Yes.

ED: And it wasn't long. So that was, I guess, the beginning of it. [Independent Counsel] Kenneth Starr pursued you for eight years.

WH: Yes.

ED: But I guess it began back at the Rose Firm and the overbilling.

WH: Yes.

ED: Talk a little bit, briefly, about how that came about.

WH: Well, I don't know. I never knew what precipitated the firm starting to look at my billings, but there were some things. I wouldn't be here today if I didn't admit that I did some things wrong. I did. I take full responsibility.

ED: Overbilling of clients with the firm.

WH: It essentially was kind of hiding expenses, personal expenses in the bill. There are a lot of excuses, but there's really no excuse. I was covering up some personal debt by either billing the client more than I should have or by hiding the expenses.

ED: Expenses in the billings.

WH: Saying it was going against my own fee, so it was just taking money for myself early. So I did it. I wish I hadn't. I would take it back but I can't.

ED: So they take it to the U.S. attorney's office in Little Rock and then…

WH: No, ultimately… I was aware that they started looking at my expenses, and I said, "You know, I was really too busy to deal with it and also I didn't want to do deal with it. You know, I should've resigned then. At some point, I read in the paper that they had taken my bills to the ethics committee. A special counsel had been appointed. They were actually starting to interview me about Madison [Guaranty Savings and Loan]. Our law firm had represented Madison in the billing records and all that. So Bernie had told me, "Webb, you need to get your own lawyer because they're going to start interviewing me because I was the point person in talking to Gerth." I was the one who had the files and I was the one who… So he said, "You're going to the independent counsel," who at that time was not Starr but somebody else.

ED: Fiske. [Robert B. Fiske, the first Whitewater independent counsel, appointed in January 1994 and dismissed and succeeded by Kenneth S. Starr in August 1994]

WH: Fiske is going to want to interview you. "The FDIC is now wanting to interview you" and I said, OK. So I got a lawyer and then my lawyer got a call from the Rose firm lawyers

saying they think there's some irregularities in Webb's billings. My lawyer said, "Well, let's talk about that too, let's get that worked out." He said, it's too late. The independent counsel's already started to look at Webb and Vince's and Hillary's bills.

ED: That was on Madison Guaranty plus everything else.

WH: Yes, all that.

ED: All that.

WH: So the law firm reported me to the Office of Professional Responsibility at the bar. I read that in the paper and I knew I have to, hopefully, get out of the Justice Department and public eye and try to get all of this resolved.

ED: So you resigned as…

WH: I resigned in April of '94.

ED: '94.

WH: And through my lawyer we were trying to… and he kept saying… and then Starr took over from Fiske. My lawyer said, "Webb, they're broadening their investigation.

ED: They broadened to include everything.

WH: Everything

ED: Forever.

WH: Anything and everything. But I was working then as a consultant lawyer in D.C. I started picking up clients so I was leading a two-life scenario. I was trying to build up a practice and support my family. At the same time, I knew this investigation is going on over here. And there was not really much I could about the investigation.

ED: Well, eventually there was the indictment.

WH: There was an indictment.

ED: An indictment over the billings. And I think you plead…

WH: I plead guilty.

ED: You plead guilty in Judge George Howard's court, wasn't it?

WH: Well, at first I plead before Bill Wilson.

ED: Bill Wilson.

WH: Then Bill recused. I was a longtime friend of Bill's.

ED: Yes. The case gets to George...

WH: George Howard ultimately sentenced me to twenty-one years— no, twenty-one months.

ED: Twenty-one months.

WH: Yes, in prison.

ED: OK.

WH: He refuses to accept or ask for a downward departure [from federal sentencing guidelines] and rightfully so. I was the only one in the courtroom who knew he would not.

ED: Yes.

WH: I knew George well enough…

ED: Yes.

WH: …that as he said, "for whom much is given much must be taken away." And I knew George well enough that he could not downwardly depart for young men who were selling drugs and then give a better deal to me.

ED: Sure.

WH: In some ways I'm glad he did.

ED: Yes. So you go to the correctional…

WH: Facility in Cumberland, Maryland.
ED: Cumberland, Maryland. You do your essentially twenty-one months there?
WH: Yes. Through the '96 election.
ED: Through the '96 election. But Kenneth Starr was not through.
WH: No.
ED: He periodically after that would come after you on different…
WH: The day after I got out of prison and I was supposed to go to a halfway house, they called me before the grand jury in Little Rock for other issues. I knew I was under investigation again, officially under investigation again.
ED: By the independent counsel, Kenneth Starr.
WH: Then the next year he indicted me, my wife and my two best friends from Little Rock on tax charges. That case was ultimately dismissed.
ED: Well, that was dismissed by the trial judge and by the court of appeals and the U.S. Supreme Court.
WH: And the U.S. Supreme Court.
ED: The U.S. Supreme Court said there's nothing to any of this stuff and threw it all out.
WH: Right.
ED: But he still wasn't through, was he?
WH: No, he indicted me a third time. This time, he fortunately didn't indict my wife and two best friends. While that was going to the U.S. Supreme Court, my wife and my two friends were still indicted. They were still being charged. So he indicted me again for giving false statements to him and Congress and everybody else. During that whole period of time, my lawyer would call me about once a month. He said he gotten a call from Starr or one of his deputies saying, "You know, Webb can put an end to this any time he wants to."
ED: Just give us Bill Clinton. Tell us something bad about Bill or Hillary.
WH: Just give us Bill or Hillary, either one. I mean they would literally say that to my lawyer. "All he's got to do is give us Bill or Hillary and this all goes away. We know Webb knows where all the bodies are buried. Jim McDougal and others have said, Webb knows exactly where everything is. It all goes away. We'll even make it good for him, you know." And I kept saying: "I don't know what you're talking about. I don't know…"
ED: You didn't know any…
WH: I didn't know about any buried bodies. I didn't have any… But, finally…
ED: And then once you tried to reach a bargain with them to produce some records and then they violated that.
WH: Yes, they…
ED: The court threw that out because they had…
WH: …They had subpoenaed all my records, all the records of my new business during the period of time before I was indicted. They used those and I said, "No, I won't give them to you. And they said, "the way to get around that is to give you immunity and you then produce the records." Well, they took the records and then built their case and said "Well, it didn't apply to the records."
ED: The immunity didn't.
WH: The immunity didn't. And that's the case that went to the U.S. Supreme Court.
ED: And the court said it violated the immunity agreement.
WH: Agreement, right.

ED: They threw it all out. All right. At any rate you did serve that twenty-one months.
WH: Yes and three years' probation.
ED: And three years' probation. What was prison life like?
WH: You know I believe strongly that the worst circumstances can become good if you have the right attitude. I was scared to death like anybody else and especially scared because some of the people in that prison were people that my Justice Department had put there. It was frightening at first, but I made friends and I treated it as a sabbatical. I tried to treat it as a time to get healthy and get my mind right and read seventy-eight books, and I wrote my first book, the autobiography, in prison, the first draft.
ED: So you wrote *Friends in High Places* while you were in prison?
WH: *Friends in*— first draft, first draft.
ED: First draft of it.
WH: Yes.
ED: And that was published in?
WH: '97.
ED: 1997 is when *Friends in High Places* came out.
WH: Yes. And Starr tried to block the publication of that book. I mean, besides indicting me he tried to block the publication of the book.
ED: After getting out of prison you became a kind of consultant or an advisor to people who were going to prison.
WH: I did and I still do.
ED: You still do that?
WH: I believe that the devil you know is a lot easier to deal with then the devil you don't know. Mainly lawyers who know I do this will call me and say, "Will you meet with John or Judy—they're about to go to prison you can you give them, tell them what to expect. It's very difficult because it brings back a lot of memories, but it's helpful to know. So I've been doing that for, gosh, twenty-two years.
ED: You're still doing some of that?
WH: Yes. It's just different people in Charlotte. I'm still doing it in Charlotte.
ED: Jack Abramoff. [Abramoff was a prominent Republican lobbyist and businessman who was sentenced to six years in prison for mail fraud, conspiracy to bribe public officials and tax evasion in 2006.]
WH: Yes.
ED: Did he come to see you about that?
WH: A mutual friend told Jack that he ought to talk to me and I met with Jack two or three times before he went in. Then I kept up with him, wrote him in prison and he wrote me back. So he endorsed my first book. We all have a commonality with what we were going through. Whether you believe you should be there or not, it's kind of a club—a damn big club.
ED: It is a big club.
WH: Yes. Maybe twenty million people, but I hadn't counseled that many. I'd say I have counseled somebody about once every month who's about to go to prison.
ED: A lot of them are just kind of…
WH: I don't know most of them. In Charlotte, most of them have been involved in mortgage fraud from back in the 2007 days and are now just going to prison. I didn't counsel the mayor of Charlotte, who just went to prison, but I would have if he had called.

ED: What kind of advice do you give them?

WH: Some of it's practical like how do you get money into prison. You know, what you're allowed to bring in, which isn't much. What people can send you, what you can do and how to get prepared, how to give people power of attorney, how to get prepared to go in and be gone, how to deal with the phone system, how to deal with stuff like that. A lot of it is just trying to reduce their fears of being…

ED: Assaulted.

WH: …attacked or raped or things of that sort and how to deal with people in prison.

ED: While you were in prison, did you have any threats or any episodes where you thought you were…

WH: I was nervous a couple of times but I never… I'm a big guy.

ED: Yes, well, that helps.

WH: That helps. I guess it was for me and against me. I was high profile so if somebody knew if they were going to attack me that that would probably draw attention to whoever attacked me.

ED: Yes.

WH: And I made friends. I didn't have a protector, but I made friends pretty easily, as you can imagine. I had a nickname called "Big Easy."

ED: Big Easy, yes.

WH: Yes.

ED: That was what they called you in prison?

WH: Yes, that was my prison nickname, Big Easy or Easy. A funny story but also a good story is that if you're in federal prison and you have to be moved somewhere, they have the Federal Express approach. Every federal prisoner is sent to Oklahoma. At the Oklahoma City airport they have a transfer facility. They package you back out. I had to go right before Christmas to testify before the grand jury here in Little Rock. Starr knew that all my family was going to visit me at Christmas, so in November I'm being shipped to Little Rock to appear before the grand jury. After going on buses to various local jails you get on a plane and fly to Oklahoma City and then you stay in Oklahoma City. Then I was brought here to Little Rock and testified to the grand jury. Then I was driven back to Oklahoma City. It was getting close to Christmas and I was really hopeful and my lawyers were calling and saying, "He really ought to be home for Christmas." And people were saying, "We don't know—we're not in charge of how he's being handled. Anyway, about three days before Christmas they say it's time to go. I'm going on a small plane and they chain me up with six Mariel Cubans.

ED: They chain you up, you're all…

WH: Oh yes. Always when you're transported you're locked down in your seat and you have leg chains around you.

ED: So you're all chained together with all the prisoners.

WH: Yes. The marshal says, "We're going to go to Atlanta and pick up one more prisoner and then fly into Baltimore and then take you up to Cumberland." So I was happy. You know, I'm going to be home for Christmas. Not home, but at least my kids can come see me for Christmas. We go to Atlanta and I knew something was wrong when I looked and all the marshals had their heads between their legs. We're circling Hartsfield,I mean the big Atlanta airport, and then we go to another airport. There are fire trucks up and down. Apparently they weren't sure the landing gear was down. So we landed in Atlanta and

they had to repair the airplane, so we're sent to Fulton County Jail. The whole time these Mariel Cubans who were all there for really violent crimes…

ED: They're all murderers?

WH: Murderer was one of them. Who is this one gringo that's being chained up with them? So we spend the night. We're supposed to spend the night in the Fulton County Jail, which is not a nice place, as you can imagine, Atlanta. The marshal said, "Mr. Hubbell if they find who you are, you're dead. So we're going to put you in the suicide-watch cell." And I said, "OK, great I'd rather live." The suicide-watch cell is terrible, and when you read this [he taps a copy of a book on the table] I actually write about suicide-watch cells.

ED: In *Ginger Snaps,* your latest novel?

WH: *Ginger Snaps,* yes.

ED: OK.

WH: It's just a thin mattress on a concrete block and there's nothing in there. All kinds of abusive things are done to you but at least you're safe, so I was fine. The next morning the plane's fixed and they're chaining us back together. The one Mariel Cuban who could speak English says, "Dude, who are you?" And I said, "Well, I'm nobody." And he said, "They made you spend the night in there?" and he pointed to the suicide-watch cell. I said, "yes." And he says, "You must be one bad dude." I got pumped up a little, "yes."

ED: Yes, you better watch your step around me.

WH: Yes. He's talking to the rest of them and they're kind of scooting away from me. So, yes, there were events but I look on it… It's part of who I am. I learned probably as much in that circumstance about people and myself than anywhere else I've been, so everything is a positive.

ED: When you get out, is that when you move to North Carolina?

WH: No, no. We stayed. Suzy stayed working with Interior until [Vice President Al] Gore—he didn't lose the election but he was not elected president.

ED: Yes.

WH: Or not appointed president or whatever you want to say.

ED: He was not given the presidency, to which he was entitled.

WH: Right. So at that time I had to look for real work and started doing some consulting. I went from job to job and Suzy started selling real estate. We stayed in D.C. until I had the liver transplant.

ED: Now let's talk about that. The liver transplant, when was that?

WH: It's been almost five years ago. Five years ago on June 20. About two years before, my legs started swelling and they couldn't figure out what was causing it. They did all kinds of tests for two years. Then in April—I guess it would be 2010—I was seeing a new doctor and he said, well, all of sudden your blood work, your liver tests are getting a lot worse. There's a thing called the MELD Score, which is a combination…

ED: What kind of score?

WH: A MELD, M-E-L-D.

ED: OK.

WH: He said, your MELD Score is starting to shoot up and if you get to 20 you need a transplant. Ultimately, I got to 34, which meant I was close to not being here. All of a sudden finally we figured out what was causing my health problems. I had a rare form of hepatitis called NASH, N-A-S-H.

ED: N-A-S-H.

WH: It's Nonalcoholic Steatohepatitis. They don't really know what causes it but it's a rare form of hepatitis and I needed a transplant.

ED: You don't know how you contracted it?

WH: I don't have any idea how. Anybody who has NASH really doesn't know what causes it. Whether I got it in prison…

ED: Prison or what, OK.

WH: Yes, don't know. Just don't know. But I had it and, fortunately, I got on the list and was really sick. Fortunately, I had a transplant and I've been well ever since. After that. the real-estate market was starting to slow down a lot. Suzy and I said it's time we got out of here. I'd been ready to move for a long time but Suzy loved D.C. She loved working in Interior and loved selling real estate and had good friends, but I was ready to move back south. Not many good things happened to me in D.C. I was ready to move and we started looking around. I've got, as I told you, four kids and one was in Charlotte. She kind of wanted us. It's been a great move. We made good friends and I started writing books.

ED: OK. After all the trouble in Washington, what was your relationship with Bill Clinton? Obviously, you were toxic, so I guess he didn't have a lot to do with you.

WH: I used to be the person in the Justice Department that Bernie Nussbaum would call and say the president's about to be seen with X, Y and Z. Is there any reason why he shouldn't be photographed with this person? And I'd answer the question. For a long time, I was that person. Besides that, Starr was investigating the possibility that somehow because I knew where all the bodies were buried somehow the Clintons were secretly keeping me quiet. Congress was looking into how I was secretly being kept quiet. So it was smart not to have any contact. So from '94—the last phone call I had with either of the Clintons was Thanksgiving '94. Hillary started running for political office after Bill got out. Then she became senator and secretary of state. I had no contact with them whatsoever.

ED: With either of them during all that period.

WH: Either of them. When Bill heard in April 2010 that I was about to die he got on a plane and came to see me.

ED: This was before you had your liver transplant.

WH: Yes, right before I had the transplant.

ED: You were where?

WH: In D.C.

ED: In D.C., OK. So he came to see you.

WH: He came to see me and we had about a two-hour conversation. People say, "What did you all talk about?" assuming we're talking about pardons and things. We talked about the Razorbacks, basketball, football.

ED: Yes, yes.

WH: And that's about it. You know, nothing of any substance whatsoever. When we used to play golf we would drive the Washington pundits crazy, plus the staff, you know. Right after he was elected that weekend we went to play golf. All of a sudden, Webb Hubbell's got five alone hours with the new president-elect of the United States. I was starting to get calls from George. "What did you all talk about? What did you all talk about?" And I said, "Nothing. You know, we played golf."

ED: Talked about bogeys.

WH: Talked about golf and the Razorbacks.

ED: Yes.
WH: That's why he plays golf with me, because I don't bug him at all.
ED: Yes. Well, but he didn't pardon you.
WH: No.
ED: And he didn't pardon Jim Guy Tucker.
WH: Right.
ED: I think in his autobiography, *My Life*… It's been so long. I think he says that he regretted not pardoning both of you. I know Jim Guy Tucker told me that he called him and said, with a catch in his voic,e that he was very sorry that he hadn't pardoned him. I think he says in the book that Hillary told him that he should do both of them because they were largely responsible for both you and Jim Guy getting in all the troubles that you went through, that it was basically owing to them. But he thought, or was advised, that it would look bad, like they were trying to pay you off for not turning…
WH: Not talking.
ED: Not turning them in.
WH: Yes.
ED: Not telling people where the bodies were buried.
WH: Yes.
ED: So did he ever apologize to you?
WH: I never talked to him about it.
ED: He's never talked to you about it?
WH: No, or I've never talked to him about it.
ED: Yes.
WH: I never asked him for it.
ED: You'd never ask him for a pardon?
WH: No. I do know that several of my friends asked him to pardon me. That's normal but I never asked because I don't believe… I don't personally believe that an individual who's a friend should ask a public official for a personal favor. That's just the way I am. I know that a lot of people are saying that he was horrible not to do it or whatever. I don't feel that way. I'm comfortable accepting responsibility for what I did and what I went through. There are over a hundred people in the White House who had legal bills of over $100,000. It wasn't Bill Clinton's fault that that happened. It's just how ugly it is up there.
ED: Yes.
WH: I wish it wasn't. I wish that hadn't happened, but I don't need a pardon. I'm not worried about that.
ED: Yes, yes. But Jim Guy, I think, would like to have a pardon.
WH: Well, I don't blame him. I wish he had pardoned Jim Guy.
ED: Yes.
WH: I wish the current president would pardon all these low-level drug offenders who can't get a job.
ED: Yes.
WH: I mean I can at least write books. There are 45,000 laws on the books that prevent convicted felons from working—45,000 laws.
ED: Wow.

WH: And we wonder why people are poor. The healthcare industry, for example. If you have a conviction you cannot work in healthcare. That doesn't mean you can't be just a doctor; you're not supposed to be a janitor in a hospital if you have a conviction. That's one-fifth of our economy that is totally excluded. There are all kinds of crazy laws. That's my soapbox. I apologize.

ED: Good, good.

WH: I wish he had pardoned Jim Guy and I think he should have. With me, nah, don't worry about that. I don't worry about that. No, we never talked about it.

ED: Yes. So you start the writing.

WH: Yes.

ED: You did that book in prison and that was just an impulse to tell your story?

WH: Yes. That was…

ED: That was just to get it out of you.

WH: Just to get it out. There was so much stuff out there about, you know, I knew where all the bodies were buried and everything else. I just wanted to tell what happened to me, the highest and the lowest. To some extent, *Friends in High Places* was meant to be a warning to other lawyers that if you're not careful you can get in trouble and not even think it's going to happen to you. It can happen.

ED: Yes.

WH: I thought it was a good book but it didn't sell very much because it didn't tell all. Part of the problem is that everybody expected that this was going to be Webb Hubbell finally coming out and telling all. I apparently didn't tell them what they wanted to read. But I learned some lessons from writing nonfiction. Nobody likes what you write about. In *Friends in High Places* I describe one woman as an attractive intelligent brunette. And she called me and said, "Webb I'm never speaking to you again. I'm not a brunette." I said, "Suzy isn't she a brunette?" "Yes, she's a brunette, but women don't like to be called a brunette." I said, "OK."

ED: Well that's…

WH: I use that as an example. Nobody else liked it. Like whatever they see…

ED: Whatever you wrote about them…

WH: They see themselves differently than you see them, so that's the beauty of writing fiction. I've learned that you…

ED: You can just say it doesn't have anything to do with anybody.

WH: It doesn't have anything to do with anybody. And even if you're modeling it after somebody, you know, you give them a different name so they can't claim that you're writing about them.

ED: When did you get the idea of writing fiction?

WH: My daughter asked me when I was waiting on the transplant. She said, "Dad, you're going to make it. What do you want to do?" And I said, "Well, I've always wanted to write a novel." Always. you know. This part of me that never had no English in college, I still wanted to write. Lawyers are storytellers anyway, you know. I feel like I'm a storyteller. You've been listening to me for several hours telling stories. So, I said, I always wanted to do that.

ED: Were you modeling after what's his name from Mississippi?

WH: Grisham, Grisham.

ED: Grisham.

WH: Yes, except a little later in life.
ED: Yes.
WH: But I said I've always wanted to do that. I've always wanted to write about growing up in the South. So I had an idea that if I make it through all this that's one of the things I want to do.
ED: So you did.
WH: So I did it.
ED: The first book came out what, two years ago? Three?
WH: No, last May.
ED: Last year, last year. It came out 2014.
WH: It took me a long time to get it published, as you can imagine.
ED: Yes, did you have an agent or anything?
WH: Well, I had an agent who represented me for the nonfiction book.
ED: Yes.
WH: A guy named Michael Carlyle. At that time, he was with one of the big agencies. Now he's on his own. When I finished the first draft of *When Men Betray* I sent it to some friends. Their universal response was cut it in half. I sent it to Michael and he called me and said, "Webb, I don't do fiction. I only do nonfiction. But I'll skim it and give you some ideas, but I can already tell you to cut it in half."
ED: Did you cut it in half?
WH: Yes, it was 800 pages long, the first draft.
ED: Yes, *War and Peace*.
WH: Well, it had a lot more stories in it, but I got it all out of me. So I spent the next year cutting it in half. It took me longer to cut it in half than it did…
ED: It's much harder to write brief then it is to write long.
WH: I finally got it to there and Michael said, "Look, I'll do this but as a favor to you. I'll send it to publishers, but I'm not going to represent you. I'm not your agent, but I'll do this as a favor to you. They all came back rejecting it, you know, for various reasons. Some sai they didn't want anything to do that touched the Clintons. For some, you know, I'm still labeled with that. And some saying we don't take first-time novelists. You know, all the reasons but you never know what the real reason is. So Michael said, "Webb, if I were you I would self-publish. I was depressed a little bit, but I started reviewing all the rules of self-publishing, trying to figure that out. I'm not a computer techy, so it looked like it was going to be really tough. A friend of mine said, "Webb, I've got a really good friend who's a distributor of books for second-tier books. Why don't you call him and just let him explain to you how books get distributed. I said OK. So I called him and he said, "Webb, I know who you are. I've read the papers. I'll give you some ideas about self-publishing." So I sent it to him and two days later he called me and said, "I've just read your book. I can't put it down and I'm going to publish it." He has a small publishing company. Their rules are they don't do any marketing. You do all your own marketing. But he at least…
ED: Published it.
WH: …published it so I had a real book. It took me another year. That's the other frustration. You've got a book you think is the final manuscript and then they say, "Oh, now we've got to give it to our editor." Once you get it to the editor, they say, "Oh, it's October. We'll have it out next May." I said, "thanks a lot."

ED: Yes, I'm familiar with that process.

WH: You're familiar with that process. So it came out last May and I was real proud of it. Really, it's a good feeling. It's a really good feeling.

ED: Yes.

WH: I'm enjoying myself. I do a blog every morning. I do a meditation every morning and write it and put it online. I started doing that during Lent of 2004. After my transplant, I do it now five days a week.

ED: And then you write for the Clyde Fitch Report.

WH: Clyde Fitch.

ED: You write a column; how often do you write it?

WH: I was doing it twice a month. I have backed off to doing it once a month mainly because I want to write my books more and, second, I talked to… You know Roger Armbrust.

ED: Yes.

WH: Roger's the one who got me involved with it.

ED: With the Clyde Fitch Report?

WH: Clyde Fitch deal.

ED: Yes.

WH: And his friend in New York, Leonard Jacobs, who started Clyde Fitch. I said, "Leonard, I've been kind of open about criticizing government—you know, drones and everything else. But my friend Hillary is about to run and I can't cough without people presuming that I'm speaking for the Clintons or not speaking for the Clintons and I just don't want to do that. So I proposed that I not write anymore. He said, "No, Webb, I want you to at least write about the court. So I'm going to write about law and courts but nothing about the Clintons or what's going on. I feel like I owe it to them and I just don't want…

ED: If you did, it'd bring you back into the public arena and get you involved in…

WH: Well, you know…

ED: …in politics again.

WH: I take an antirejection drug since my transplant. Medicare came out with this new rule and all of a sudden they weren't going to pay for antirejection drugs or they weren't going to give a discount, or whatever it was. I thought, "Wait a minute. This is personal." So I did a lot of research on it and wrote this piece. I thought it was pretty good. A guy with a real conservative press, *World Net Daily*…

ED: Oh yes, I'm familiar with it, *World Net Daily*.

WH: A guy named Joseph Farah called me.

ED: Really far out.

WH: He said, "Webb, this is great. You know, you are really lambasting Obama on this." I said, "I'm not lambasting anybody. I just want to keep my drugs. I admit it." It was published like on Sunday. On Monday, the administration reversed its position. So the next thing I know, "Hubbell speaks, Obama listens." Clinton ally, you know…

ED: Yes.

WH: …calls Obama to task. I'm going, "Wait a minute." He says, "Webb you're reading… Nobody will think it's the Clintons." I said, "You just don't know this crazy world." You, being from Arkansas, understand.

ED: I understand that perfectly.

WH: Yes.

ED: Yes.

WH: I just don't want to do it.
ED: All right. So you're already working on another novel?
WH: I finished the second one, *Ginger Snaps*.
ED: Yes. It just came out.
WH: And it came out this week and working on a third. But this one will be set in D.C. as opposed to Arkansas.
ED: We call them legal thrillers. Is that it?
WH: Legal thrillers, I think, is the genre.
ED: That's the genre.
WH: Yes.
ED: All right, they're not bodice rippers but legal thrillers.
WH: No, no, legal thrillers, yes.
ED: OK. Well OK. What else do we need to cover? Any of your other activities?
WH: You know, I love being in Arkansas, it's great. My kids say I was the best I ever was when I was on the Supreme Court.
ED: That was your peak.
WH: That was my day. My kids, you ask any one of them when was your dad his best?
ED: It was when he was happiest and…
WH: On the court. I always agree with them. I loved it. I think, to some extent, writing novels is a little the same way. I'm as at peace as I've been in a long time.
ED: Good. Well, all right. Well I think we'll wrap this up.
WH: OK.
ED: And then we may…
WH: Oh, if you have…
ED: If anything else occurs to me we'll…
WH: You've got my phone numbers.
ED: Email, we'll do that by email or phone.
WH: OK.
ED: And then when we get the transcript of this I'll patch it up and send it to you.
WH: OK.
ED: And anything—names, for example—that we couldn't remember today…
WH: Yes.
ED: …or yesterday, they'll probably come to you when you're reading it…
WH: Yes, they probably will.
ED: And we can insert those and anything else that comes to you.
WH: Great.
ED: So we'll wrap it up.
WH: Great.
ED: Thanks for doing this. And the Arkansas Supreme Court Historical Society thanks you as well as well as the David and Barbara Pryor Center for Oral and Visual History.
WH: Yes.
ED: Thanks.