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Processing Note

A copy of this transcript was interfiled on this date from the Alpha transcript series.

Transcript only of this conversation; there is no recording.

DATE: 6/18/68

TIME: 3:59 PM

CALLER: Ralph Yarborough

Pages of Transcript: 4 pages

Barbara Cline
Archivist

13118

June 18, 1968
3:59pm

President Johnson to Senator Ralph
Yarborough

mr

June 18, 1968 -- 3:59pm

A - How are you, Ralph?

B - Yes, Mr. President, I am just fine.

A - I remembered you raised a question about these clerks appointed by Judges; when I was home I got a good deal of static that we were bringing in a man from out of the state to be District Clerk.

B - I got that too. I have just phoned Ernest Guinn to see what he thought about it. They are meeting tomorrow in San Antonio. This District Clerks are phoning me. I had talked to Settle about it. Adrian Spears is the Senior Judge and the one who will work closest with the Clerk. (Then said something to the effect that Adrian had agreed to it, but the other judges want someone else.) It is just unfortunate they have an argument among themselves. They are our best friends. Here is what they say happened: They say our Judges are all one way, but the Administrative Court up here is proposing this fellow and moving him down there to take Maxey Hart's job. Adrian Spears said they have talked him into it, and the other judges don't like it. That want a man in Texas.

A - I think they ought to have a man in that area that is our friend.

B - Mr. President, it would make it a lot easier to pick a clerk from down there.

A - What can we do about it?

B - I would like to see those judges get together. I just called Ernest Guinn and he thinks the Senior Judge can appoint him. Jack Brooks said he never agreed to it.

A - I don't want to get any fight started. They told me there is a fellow they are considering -- somebody who is head of the clerks who is a good man -- a Yarborough man and a Johnson man. Then they said this fellow was sent down from Washington. I said when I get back I will talk to Sen. Yarborough. There is a lot of talk among the lawyers.

- B - Justice Tom Clark could do a lot with that. I found out this morning from talking to Guinn that the fellow said he used to live in San Antonio and Judge Spears knows him. So Adrian must not be pushing in an utter stranger. I haven't called Adrian. He is the Senior Judge. It is the Judges' prerogative to appoint the Clerk. Judge Spears, as the Senior Judge, has to work with him more than anyone else, and Judge Guinn feels he should yield to Spears. But Judge Roberts doesn't feel that way. He called me and gave me a pretty strong appeal.
- A - Why couldn't we say to Ernest and Jack that we would like to have somebody who is a good Democrat, who likes us, and comes from down there, and will be there a long time?
- B - I have in a call to Jack Brooks to tell him to be in San Antonio tomorrow for the meeting, and Ernest Guinn advised me to call Shaw in Dallas and tell him to get his _____ over there.
- A - Would it be all right to say that you and I have wanted the Judges to have local people and people who have our philosophy? We don't have any specific person in mind, but they should get a good Democrat like we do when we get Judges? Somebody told me that you said before you confirmed any more Judges you wanted them to understand that they had to be decent on these appointments.
- a
- B - I said I am 100% for that. Let's don't send a name until we get a commitment from them. We appoint these Judges and they get invited to the Country Club and start running around with rich people, and then they start appointing the big Republican lawyers to handle cases. A good friend of ours is Joe Sheehy At Tyler. He had a fat receivership. The Referee in Bankruptcy recommended Tunnell's law firm, Bolter (?) & Tunnell. But Sheehy appointed Lee Lawrence. He said Boulter and Tunnell were too young. Lawrence is younger than Tunnell and he voted for Barry Goldwater. His fee in the case was over \$400,000.00.

- A - Why don't we say to them ---
- B - Back to the Clerk; that is so personal to the Judges. I have not said anything. I have thought of talking to Justice Clark, but I found they are going to make the decision in San Antonio tomorrow.
- A - What does Clark have to do with it?
- B - He has some function over there, some new organization for efficiency in courts.
- A - What do you suggest we do?
- B - I am fixing to phone Judge Roberts.
- A - Tell him you and I agreed sometime ago that there was something we wanted of them -- that they be a friend of the people, try to get Justice, and we want the same thing for the commissioners, the reporters, clerks; that we don't want to tell them who to appoint, but we want to tell them who not to appoint. We don't want people from out of the state. They can't bring in a clerk from Maryland who has been in the VA in Washington. It doesn't look good.
- B - Mr. President, you appointed able Judges here in Texas. One thing though when they go to appointing receivers, they want to appoint the big lawyers, the rich ones, and they are the Republicans.
- A - Tell him that, and that you are authorized to speak for both of us.
- B - The lawyers in West Texas are disgusted with it.
- A - Jesse said there was a fellow in Austin who wants it.
- B - They wanted a District Clerk at Ballinger.
- A - If you want me to call anybody I will. I will talk to Jack Roberts.
- B - I hate to ask you to call Adrian Spears. I will call Jack Roberts, and I think they will do it.
- A - Tell him I am not going to send a name up.

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