

INTERVIEW I

DATE: May 6, 1971

INTERVIEWEE: ROBERT CALVERT

INTERVIEWER: DAVID McComb

PLACE: Chief Justice Calvert's office in the Supreme Court Building, Austin, Texas.

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M: To start off with, let's start with you. Where were you born, when and where did you get your education?

C: I'm a native of Tennessee. I was born in Lawrence County, Tennessee. My father died when I was quite young, six. I came to Texas with my mother and my brother and sister, older brother, younger sister, in 1913. Oh, I didn't tell you I was born in 1905, February 22, 1905. I came to Texas in 1913, had an aunt, my mother's sister, living in Corsicana. We landed there, and after two or three months at the home of our aunt we were--the three of us children--placed in the State Orphanage in Corsicana, where I was reared. You asked about education; at that time the institution had its own school system from the beginning through high school. I was there ten years, graduated from high school there in 1923.

M: And then you went to college?

C: I came to the University of Texas. I operated the elevator in the Capitol the first two years I was here--in the afternoon. That was my identification with the executive department of the government.

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I took two years of academic work at the University. In those days you could enter the law school with two years of academic work. I was in and out of school some; worked in the state departments, and as a night watchman. I finally finished my law course in January, 1931, got my license in February and my degree in June of that year. In March, 1931, I went to Hillsboro, Texas to practice law and was there in the practice until I became a justice of this court. I took the oath here on September 17, 1950.

During that period of time in Hillsboro, nearly twenty years, I was a member of the House of Representatives for three terms from Hill and Navarro Counties and was Speaker of the house in 1937-1939. I was what was known as criminal district attorney for four years, 1943-47. I was chairman of the State Democratic Executive Committee, 1946-48. I've held various other minor type jobs, like president of the Hillsboro School Board for a period of time and things of that sort.

I was nominated in the Democratic primary in 1950 for an associate justice place on the Supreme Court. The incumbent justice who was defeated in that primary died in August, immediately after the primary, and [whereas] normally I would have been elected in November and would have taken office first of January in 1951, Governor Shivers asked me to come on down there and take the oath. I did so, and I actually began my active service here on the first of October, 1950. I served as associate justice through the year 1960. In 1960 I was nominated in the Democratic primary and elected in the general election as chief justice of this court

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and was re-elected in 1966.

M: Do the justices of the court specialize in certain areas?

C: No.

M: Then you'll take all cases.

C: Yes, right. And as a matter of fact, we rather studiously avoid specialization.

M: Why?

C: Well, we have a feeling, and this may be contrary to some people's ideas, that when you start specializing you start to become a one judge court. If you start saying, "Well, Joe Blow is our specialist in oil and gas matters and he's going to decide," why, I can tell you the first thing you know you're liable to be keeping hands off. It ought to be a nine judge court. Everybody should know what's going on in every case and be an active participant and contributor. That's our view about it.

M: Now this is your story. Where do you tie in with Lyndon Johnson? When did you first meet him?

C: It's impossible for me to remember when I first met him. I could say that I first learned of him when I was a member of the Legislature in 1934. There were two newly nominated and elected members of the House of Representatives--I'd gone to the House in 1933--I really believe there were three, but two of them I distinctly remember in 1934, who were schoolmates and close friends of Lyndon Johnson. I remember some discussion about Lyndon Johnson with those fellows. At that time, as I understood it

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he was on the staff of Congressman Kleberg of Corpus Christi. That's my first recollection about him.

M: Do you remember anything about what they were saying about him, or [they] just brought up his name, or what?

C: Well, there's a little part of it

M: The tape can be restricted.

C: All right. This gets back into legislative politics. The speaker of the House in 1933 was Coke Stevenson, a close friend of the Fergusons, and really put into the speaker's office by the Fergusons. Mrs. Ferguson had been elected governor in 1932, and in 1933 she and her husband, Jim Ferguson, strongly supported Coke for speaker, and he was elected. In 1934 [James V.] Allred was elected governor, and Stevenson was strong anti-Allred. The Allred people in the legislature were determined that Stevenson was not going to be re-elected speaker without a contest, and they fed me to the wolves.

We had a hot, bitter race for the speakership, and these two or three newly elected members who were friends of Johnson's at Southwest Teachers College both voted for Stevenson and told me they did so at Johnson's urging. I didn't know him, but he apparently at Kleberg's insistence--Kleberg was a friend of Stevenson's--interceded with these fellows to support Stevenson. At least that's what they told me. I didn't know the man. I didn't know a thing about whether he did in fact or not. But this at least is my first hearsay about him. I don't even know it to be fact, I just know what they told me.

M: Well, then, when did you finally meet him?

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- C: Let me see, let me try to refresh my memory a littl bit. I said that at the time he was on Kleberg's staff. I'm not sure. He had been teaching public speaking in Houston, and whether he had gone from the teaching job to Kleberg's staff at the time, I'm not certain. One of these fellows was a speech teacher, a fellow named Hollis Frazer, he's dead now. He came to the legislature from Robertson County, Franklin. I believe he taught speech and some other things. He had taught speech in Houston.
- M: Who was the other one?
- C: Another one was Tom Dunlap, and he represented San Marcos or Hays County. He still lives here I'm pretty certain. I see Tom once in a great while. He lives here now, I think. He may have had some fairly close connection with Johnson in his college days.
- M: Well, now, do you remember when you finally got around to meeting him?
- C: No, I do not. I know I was pretty . . . I just do not. I knew he became identified with the National Youth Administration. I knew that, but I had no contact with it. I was a pretty good friend and strong supporter of Gerald Mann, who was elected attorney general in 1938. Mann and Johnson and O'Daniel were in the special election in 1941, and perhaps some others, but these were the three prominent ones. In the special election for the United States Senate in 1941, I did what I could for Mann.
- M: But you were aware of the opponents?
- C: Oh, yes, and the national administration put on a big push for Johnson.

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Of course, the anti-administration people were for O'Daniel, and Mann got caught in the middle like a lot of good people do and was third man in the race. O'Daniel won it as high man, since there would be no run-off. I recall that O'Daniel won it by three, four, five thousand votes over Johnson. I knew of him as a congressman and quite active in politics at that time, but I still didn't have any personal connection with him.

M: Well, Johnson lost that race, then the war came through, and he ran again in 1948.

C: 1948, right.

M: And this is where you had some . . .

C: This is where I began to get in the picture.

M: Tell me about 1948.

C: 1948 is an interesting story. Let me give you a little preface. In 1946 I was a rather staunch, active supporter of Beauford Jester for governor. Your records probably show, even if you don't remember, he defeated former University president, Homer Rainey, in the run-off in that race by a pretty big margin, nearly two to one. Then, at Jester's endorsement, I became Chairman of the State Democratic Executive Committee at the convention in San Antonio in 1946. So, this had me in the chairman's role when the Johnson-Stevenson senatorial race came off in 1948. Would you like a little color on that?

M: We would.

C: All right, I can give you some, and I may be able to give you some

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you can't get any other place. I don't know, I sometimes read about things that happened in that thing and read things that I know weren't true, and nobody will drop around to try to find out.

M: Well, let's set the record straight.

C: It makes an interesting story. The race between Stevenson and Johnson, as everyone knew, was very close. And when the election was over, when the primary was over, the second primary, they were getting unofficial reports from all of the counties throughout the state and adding up their votes and coming out with different results. It's too long ago for me to remember accurately the margin each was asserting he had won the race by. Stevenson would be putting out statements, you can find this in the newspapers of that day, "I've got it won by eight hundred votes." Or Johnson would put out one, "I've got it won by twelve hundred votes," and this sort of thing.

Under the system they had then, and I suppose they still have, the various county chairmen were supposed to certify those primary results to the state chairman of the party. Because I knew this was a very heated thing, lots of feeling, Mr. Vann Kennedy, who was then here with the United Press, was secretary of the [State Democratic Executive] Committee, I asked Mr. Kennedy to take those certificates as they came in--a lot of them came to me and I forwarded them to him or they came to him--and to put those certificates in a vault and lock them up where no human could see them. [I told him that] I didn't want to see them, and I didn't want to know the result in advance of an official canvass of the

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vote. He did that, and no one knew. He kept them here, locked in a vault as they came in. Well, the state convention was set for Fort Worth, and so in September, when we were supposed to canvass the result of the primary, I appointed a subcommittee of the State Executive Committee to canvass the vote.

M: You hadn't seen the vote?

C: No. I may have seen a few of the certificates that were sent on to me at Hillsboro, but I mailed them promptly on to Kennedy.

M: It seems like you were being very super-cautious.

C: Well, I wanted to be divorced from any charge of favoritism or wrongdoing about the thing, naturally. So I appointed a subcommittee to take those certificates out of the receptacles and add those votes, get the total.

M: Yes. In appointing a subcommittee, did you try to balance . . . ?

C: This is what I'm telling you. I'll get there. I wrote Governor Stevenson and Mr. Johnson and told them, each of them, that I was going to appoint such a subcommittee. I told each of them that I would appoint two members of the Executive Committee recommended by him, each of them. Then I was going to appoint three members independently of any of their wishes, and we'd have a subcommittee of seven. They participated in this. Johnson gave me two names and Stevenson gave me two names, and I appointed those four people on the subcommittee. Then I appointed three others.

The convention was to begin in Fort Worth on, I guess, Monday noon. Sunday night about midnight in Fort Worth in the hotel, and

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everyone had gone off except Kennedy, the secretary, he looked at me and smiled, and said, "Do you want to know who's won the Senate race?" And I said, "Well, it's a little late for anybody to change anything; yes, I'd be curious." "Well," he said, "Johnson has it won by eighty-seven votes." I said, "All hell's going to pop tomorrow." So, the next morning the committee met, and they took these certificates. They had adding machines, and it was just a simple matter of adding the totals shown on these two hundred fifty-four certificates. They came out with Johnson winning by eighty-seven votes, or having eighty-seven more votes according to those certificates.

Some interesting little sidelights. One or two certificates had been changed, I mean the original certificate sent in by the county chairman and then he later sent in an amended certificate.

M: Was this common or uncommon?

C: I think not uncommon.

M: Do you think they could make a mistake?

C: Yes. For example, I think perhaps from Dallas [there was] a voting machine error. He [the chairman] sends in his certificate, and then they retabulate this voting machine thing and discover an error and he sends in an amended certificate. There were a few.

M: But it would not be unusual?

C: No. Not many of them happen, but not unusual. But this gave some people some ideas. After the subcommittee had canvassed the vote, publicly announced the result, it made the press of course, and what not. A county chairman, I hesitate a little bit to call--

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I don't remember his name. I hesitate to even mention the county he was from because he might still be living and I wouldn't want to reflect on him. A county chairman came to me and said, "I think we made a mistake in the certificate we sent from our county and gave Johnson about two hundred and fifty votes more than he was supposed to have. If I file an amended certificate at this point, will it be accepted?" This, of course, could have presented a very sticky problem. These certificates were sworn to. And I said to him, "These certificates are sworn to. If you're prepared to swear to a certificate saying your first one is in error, and run the risk of an indictment for perjury or false swearing, if you're prepared to do that, send it in. Go ahead and send it in, and I will present the matter to the Executive Committee at its meeting tonight for whatever action it cares to take." He didn't send in a certificate. Of course, it would have changed the result. It would have changed the eighty-seven votes. I think he decided the better thing was to leave the situation be, particularly when I mentioned perjury and false swearing, and such things.

Well, the State Executive Committee met that night in the main ballroom at the Texas Hotel in Fort Worth. Let me back up just a second. There was a good deal of publicity that the Stevenson people were going to contest the certification of Johnson before the State Executive Committee that night; going to contest it on grounds of fraud, the stuffing of Box 13 in Jim Wells County by some two hundred votes after the polls closed. Well there had been

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a lot of . . .

M: They hadn't contacted you about this yet? You read about it in the newspapers, or what?

C: No, really there had been a lot going on in the newspapers about it for two or three weeks before we got up there, couple of weeks about possible contest if Johnson won.

So, we were rather looking for it. In the meantime though-- there is a case, the style of it I think is Ferguson vs. Huggins, that this court, the Supreme Court, decided in 1932, in which there was some indication the Sterling people might contest the Ferguson election before the State Executive Committee. The Ferguson people came to this court for a writ of mandamus, and this court held, clearly, that the State Executive Committee had no power to investigate charges of fraud or to otherwise question an election. Its only obligation and its only right was to add those votes on the certificates and certify the results as shown by the addition. It was purely a ministerial function; it had no discretion about it. So I was familiar with this.

Before we met in Fort Worth I sent out a letter to all the members of the committee calling their attention to this case and that I thought our duty was clear. We had the duty to add the votes, and we had no right to try a contested election or get into a question of fraud. This is really before I knew who won. But this didn't deter the efforts. So that night the Executive Committee met in the ballroom at the Texas Hotel.

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M: This is a public meeting?

C: Yes. Yes, that room was packed to the walls, people jammed in there, all chairs taken, standing against the wall. It was a jam-packed meeting. There were sixty-two members of the State Executive Committee; thirty-one men, thirty-one women, and then a chairman and vice chairman. I was chairman, and a woman was vice chairman. The vice chairman was Mrs. Marie Thompson of Goliad, George Parr's sister. George Parr was one of Johnson's strong supporters, but Mrs. Thompson was strong for Stevenson. She had become offended, I don't even remember why. She had fallen out with her brother George about politics and some other things. So when the committee met that evening, she was not there. I was on the platform with the secretary; where Mrs. Thompson was I don't know to this good hour. But she was not on the platform in her accustomed place.

I don't remember which motion . . . Well, we debated this. We opened up debate. There was a motion made for the committee to certify Stevenson as the nominee, based on fraud, stuffing the ballot box with two hundred votes, [and a] substitute motion to certify Johnson. These motions were debated pretty strongly, rather bitterly. We finally concluded the debate, and I asked Mr. Kennedy to call the roll on the motion to certify Johnson, as I recall it. This is a detail that probably isn't greatly important, but it was to certify Johnson, substitute motion.

Everybody in the room was keeping tabs on the vote; they had a pencil and a piece of paper, (Laughter) nearly everybody

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in the room. So that, when the roll call was completed and the vote had been taken, everybody knew the Johnson motion had carried by two votes. So I said to Mr. Kennedy, "Verify your vote before we announce it." I told him to re-check his list and be sure. While he was doing that, Mrs. Seth Dorbandt, of Conroe, a member of the committee . . .

M: How do you spell her name?

C: D-O-R-B-A-N-D-T, Dorbandt. Mrs. Seth Dorbandt got up in her place and said, "Mr. Chairman, has the vote been announced?" I said, "No, Mrs. Dorbandt." She said, "Then I want to change my vote from 'yes' to 'no' on this motion," which made the vote even. She had voted for the Johnson resolution, and instead of carrying by two, that made it even.

I frankly didn't know what to do, because I didn't think . . . If it was a matter of breaking a tie I didn't have any problems, because, as I say, I'd sent this letter out, and we didn't have any right to even be doing this, legally. I didn't have any problem, except for Mrs. Thompson. I didn't know whether she was in the room or not. If she was, I supposed she was entitled to her vote before I started breaking ties.

M: You could vote in case of a tie?

C: Yes.

M: But she had a vote?

C: She had a vote. Well this was it. She surely had a right to be called to vote, and she wasn't on the platform. I didn't know

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whether she was in the room. I didn't know whether to call her; it just caught me off balance. So, to gain a little thinking time, I suppose, I said to the secretary, Mr. Kennedy, "Mr. Kennedy, call once again the names of those who did not respond." There were about five, I guess, who did not respond, apparently absent. And so he started down the list; "Mr. Jones." No answer. "Mr. Jones." No answer. Then he'd move on down the list. And the last one on the list was a man named Gibson, Charlie Gibson from Amarillo. "Mr. Gibson." No answer. "Mr. Gibson." Gibson ran in the back of the hall and said, "Are you calling me, Mr. secretary?" He said, "Yes." "But why are you calling?" I said, "We want to know how you vote on these pending motions." And [Gibson] said, "What is the motion?" And I told him. He said, "I vote 'aye'." Well this gave it to Johnson by one vote. So I promptly declared the vote, and Johnson was certified to the convention as the nominee. The fight was really not over.

M: Let me interject a question. Would you have voted to break a tie?

C: Yes. Yes.

M: Is it fair to ask you which way you'd have voted?

C: Oh, yes.

M: Who would you have voted for?

C: I would have voted to certify Johnson. Because, as I said, I had sent out a letter saying whoever has got the larger number of votes on these certificates is entitled to be certified as the nominee, and we've got no business in this thing.

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M: You wouldn't have questioned it?

C: No, no. I thought the Supreme Court had said that we must not do that.

M: This may be an unfair question; as a lawyer you can take a stand on it. Is it fair to ask you, do you think there was a fraud involved?

C: Ah, I, yes, I will answer that question to this extent. The evidence that was produced before the committee that evening left me convinced absolutely and without the shadow of a doubt that somebody had added two hundred votes in Box 13 in Jim Wells County for Johnson that were not actually cast for him. Now, whether there was any other fraud anywhere else, I don't know. You get a lot of talk about these things, but this I think there was just no doubt of it.

M: How can you judge that there was fraud?

C: It's a long time to call on your memory.

M: What was the evidence?

C: Well, this is why I say it was a long time ago to call it all up in your memory, but I can still state the principal evidence. As I recall, it was that there were two hundred names added on the poll list in a different ink in the same handwriting.

M: All two hundred of them?

C: All two hundred of them. I say added on--wait--not the poll list, added on the voting list, who were not on a poll list in that box. There were no such voters.

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M: There were no registered voters?

C: There were not registered voters by those names. Some of them were names of dead people, and some of them were names of people nobody had ever heard of.

M: On a list like that would each signature be different? I mean would the voter himself sign it? Or the secretary? What I'm saying is, would it be unusual to have two hundred names with the same handwriting?

C: No, it probably wouldn't. No, they're put on by an election judge or an election clerk. But there was also testimony by some of the election clerks that these names were not on there when the polls closed.

M: I see, something happened.

C: Yes, something happened. At least there was no doubt in my mind.

M: But you were taking the position that the courts would decide that.

C: Well, either the courts or, and this I hadn't checked out, under the Constitution of the United States, the Senate is the judge of the qualification and election of its own members. There was a contest filed up there. It was abandoned, but there was a contest filed. This is true even here. For example, when I was Speaker of the House there was a contest filed over here over the seating of a representative. We judged it. It wasn't a court matter, because the constitution provides that the House of Representatives is the judge of the qualification and election

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of its own members.

M: It seems clear that you were as cautious and impartial as possible. But let me ask you this, too, which you may wish to qualify. Were you more favorable to Johnson than you were to Stevenson personally? Who did you want to see win?

C: That's not an easy question to answer because I had divided feelings about it, and I don't mean to be riding the fence. Let me put it this way: in spite of having had a very bitter speaker's race with Coke Stevenson, he and I had become good friends in the Legislature. He came back to the Legislature and served an extra term while I was speaker. He and I were good friends. My preference probably would have been Stevenson, on the basis of personal friendship. I didn't know Johnson, still didn't really know him. I knew about him, but I'd had no personal connection with him.

M: Were Johnson and Stevenson present at this Executive meeting?

C: I don't think so. No, but they had friends. Let me finish answering that other question. I definitely felt over the long haul it was much better for this country that Johnson be the senator.

M: Rather than Stevenson?

C: Yes, I thought this country was in a period of change and movement and progress, and particularly these programs that Roosevelt had inaugurated for the poor and the needy and the people of this kind. I don't think Stevenson ever even understood that. He was

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a staid, conservative country banker-lawyer. I felt Johnson was far better fitted for the times, and particularly over the long haul than Stevenson. So as I say . . . Well, it doesn't matter to say it now: I voted for Johnson in the primary election; I voted Johnson, although I felt a closer relationship, a personal relationship, with Stevenson than I did with Johnson.

M: That did leave you kind of divided.

C: Yes. Yes, it sure did. Sure. You don't want to hurt people you like you know.

M: Sure.

C: So, I say, in spite of a very bitter speaker's race, I had a very warm personal relationship with Stevenson. But I had none with Johnson.

M: Well, back to your story. You brought the gavel down, and Johnson was certified. Then what happened?

C: The fight was to be made on the floor of the convention, because finally the convention itself, not the committee, had to certify the nominee's name to go on the general election ballot. And so the fight was to be made in the convention. There were other cross currents in this convention. This was a day of . . . Well, I started getting involved in these state political conventions up to my neck in 1944; 1944, 1946, 1948, these were times when there was a strong growing anti-Roosevelt sentiment among the conservative business community. And the history of the times will tell you that in 1944 the conservatives had gotten control of the

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convention here at Austin in the spring and had selected the presidential electors, and then had instructed the electors at a later time to vote for the Republican rather than the Democrat nominee in the electoral college.

To me this was a form of fraud and dishonesty. This is when I got involved up to my neck in convention politics. Some of us active in the party circles got control of the September convention of 1944, removed those electors, and appointed new electors. In those days the name of the presidential candidates didn't go on the ballot, it was the names of the electors. And so we got control of the September 1944 convention by a narrow margin and a bitter fight. Out of over twelve hundred votes we won control by sixteen votes. But once we got control we removed these, what we called, unfaithful electors and substituted new ones who would vote for the Democratic nominee.

Well, this same party fight was carrying on through 1944, 1946, 1948. So this 1948 convention, where this nomination of a senatorial Democratic candidate was to be certified, was also caught up in this fight between the anti-Roosevelt, anti-Truman people who were determined to get control of the Democratic Party to keep Truman from getting the Texas Democratic vote. This fight went on, and the Johnson-Stevenson fight went on. Actually, the Johnson pro-Democratic Party forces were nearly identical in the convention and the Stevenson anti-Party forces. But there were some break overs in this sort of thing. And so the

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the cross currents were pretty rough. The pro-party people's first move in the convention was to unseat the Harris County delegation that had been sitting there, on the grounds that they were not Democrats, they were Republicans. This motion carried by a convention vote. This put out of the convention the biggest delegation which was pro-Stevenson and anti-party.

M: That was a crucial vote.

C: Oh, very crucial; it put them out. And once it got them out, then it put Tarrant County out and a couple of other counties out, so that the pro-party people and the pro-Johnson people ran it roughshod as it finally turned out. They just had everything. I was sort of standing in the middle getting threatened with physical mayhem.

M: What was your role in the convention itself?

C: I presided as chairman until they elected a temporary chairman, and these votes came before a temporary chairman was elected.

M: So you were presiding at the beginning of the holding of the convention.

C: Yes. And an interesting little side light. This has nothing to do with Johnson and Stevenson, but it's interesting about this convention. When the Fort Worth delegation, the Tarrant County delegation, was unseated and they marched out, enough of them stayed to come on the platform and carry out all the furniture. They carried out every chair, every typewriter, their adding machines. They said, "We brought them in, and if we're leaving, we take them out." They left us standing up there. (Laughter) You know, we were trying to run a convention, standing on a bare

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platform with not one stick of furniture of any kind.

This thing had been going on all day. And then to cap it off, at midnight, or about eleven thirty, the manager of the Will Rogers Coliseum where the convention was being held came to me, and he said that "The rent on this Hall is just paid until midnight, and so unless I get another fifteen hundred dollars at midnight ya'll are going to have to move out of here." So I said, "Well, I don't have fifteen hundred dollars." And he said, "Well, I want my rent, and the rent is just paid until midnight." I knew these people were having him do it, so I said, "Well, I'll see that you get your money." One of the fellows that was kicked out was a close friend of mine, and he'd had a drink or two. He said to this manager, and the fellow that was doing the talking was a very wealthy man, "If Bob Calvert tells you you'll get your money, I'll underwrite that you'll get your money." So while he'd been kicked out and had been carrying all the furniture out, he was underwriting my commitment to see that the rent was paid.

Anyhow, I thought this was a strange situation. Allred was there, a former governor. So I had a little conference with two or three of them, and Allred said, "Let me have that microphone about five minutes. He was a fiery fellow. He took the microphone and told them what had happened. He said, "We've got to have fifteen hundred dollars." We appointed some people to pass the hat. "We want fifteen hundred dollars." We got about three thousand, so we not only paid the rent, we had some money to go in the

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treasury. The ouster of the Harris County and the Tarrant County and maybe one or two other little delegations just cinched the thing and Johnson was certified as the nominee.

M: Were Johnson staff people putting pressure on you and talking to you all the time, all through the [convention]?

C: No.

M: They were pretty well reasonable?

C: Yes. They were working the delegations for votes.

M: As far as you were concerned.

C: As far as I was concerned, no, they weren't putting any pressure on me. As a matter of fact, I don't guess this has any important part in history, but the day before I had told the Stevenson people, some of the leaders, "Now, if you folks will agree with me that you'll not try to take over this convention in order to use it against the Democratic Party, I just won't even entertain a motion to put you out of this convention. And you Johnson people and Stevenson people can have your fight. But if I can't get this commitment from you, the Party people want to put you out of here, and I'm going to step aside and let them do it. I'm not going to stand here and protect you in this convention, knowing that your ultimate goal and aim is to take this Democratic convention and turn it to the Republican Party. I'm not going to be a party to it. So if you'll make me a commitment I'll protect you. If you don't, I'm going to step out of the way." I couldn't get the commitment, so I

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stepped out and entertained the motion the next day and let them go. Because I wasn't . . .

M: But the Johnson people had nothing to do with that?

C: No. That was the Stevenson people. No, Johnson people didn't put any heat on me, never did. As a matter of fact, this sounds a little amazing, but I think that the Johnson people had too much sense to do that. They were getting a fair shake, and they weren't going to get anything more.

M: Did Johnson say anything to you about this, in the process or afterwards?

C: No, not then or after.

M: Well, now, this is not completely the end of the fight.

C: No, they had some lawsuits, and there was even a contest filed in the Senate. It was abandoned later. It was abandoned when Truman was elected. If Dewey had been elected, that contest might have been pushed in the United States Senate. I wasn't a party to it, and I don't really know about it. I just guess about that.

M: You didn't have anything to do with the appeal to Hugo Black or that other part of it?

C: No. You're talking about the fraud, those votes. I was pretty close to Allred, and Allred was very close to Johnson and one of his strongest supporters both in the political field and in the courthouse. Not long after this convention I was in Austin and ran into Allred in the Driskill Hotel lobby and visited with him a

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few minutes. I said, "Now, Governor, be honest with me. Don't you really think somebody stuffed two hundred votes in that Box 13 in Jim Wells County?" I guess his answer was predicated on the sort of Darrell Royal philosophy, a good offense is the best defense. He said, "Well, what if they did? The Stevenson people stole that special election from Johnson in 1941. They stole it over in East Texas." He named about three counties over there, and said, "We had the FBI investigate. There's no doubt in my mind they stole it from him. It just reached the point where it was too late for us to do anything about it. And if they stole it back it was just getting even."

M: What did all this do to your friendship with Mr. Stevenson?

C: Nothing, really. Stevenson, obviously, was a very bitter man. He not only went into political retirement, he almost went into hermitage. He went back out to Telegraph, near Junction, and he wouldn't come out for anything, not for any public function, for years. By way of example, two of his very closest political friends, former speakers of the House, as speakers after he was and after I was, for several years here had annual dinners honoring all former speakers of the House. They couldn't get him to come to those either. He just really withdrew from society until very recently. In the last two or three years I've seen him at some public functions, but for a long period of time not at all, had not laid eyes on him. Now when I spoke of my friendship with Stevenson, I don't mean that I was close to

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him. I just meant that we had a very cordial sort of relationship. It was not an unpleasant relationship.

M: Well, now Johnson is senator. What kind of a connection did you have with him after this?

C: None.

M: In your career as a justice, and so forth, you had no connections with Johnson?

C: None, except once in a while I'd see him and shake hands with him at public functions. I guess, like you do and everybody else does.

M: Does he ever call you on the phone?

C: No. After he became President, I was invited to one or two functions. For example, he had a function over at--not Johnson City--what's the peach place over there, peach growing center?

M: Stonewall?

C: He had a function over at Stonewall honoring Konrad Adenauer not long after he became President and invited me, and I went. And then my wife and I were invited to a private showing of this film that Mrs. Johnson made, a tour of Washington I believe. But other than those and just seeing him casually at functions, I've not had any.

M: Were you involved at all in the 1956 party fight?

C: No.

M: You were on the bench at that time?

C: Yes.

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M: Does this mean that when you went on the bench you sort of kept hands off of the politics?

C: I was asked in 1956 to accept the chairmanship of a convention in Dallas by Johnson people. That was a fight between Johnson and Shivers primarily. The Johnson people reached me, not him, but his people, called me. There were three, I think, on different phones talking to me at the same time about accepting the chairmanship of that convention. They thought they had it under control. In the first place, I just really didn't think I should, being on the bench. I thought it was contrary to judicial ethics. And I told them so, but they were pretty insistent, so I told them that I would talk to Chief Justice Hickman, who was chief justice then, and I would call them back. I talked to Judge Hickman about it, and he said that I shouldn't do it under any circumstances. He was as outstanding [an] example of the ethics of the profession as any man I ever knew. And he said, "No." I just called them and said, "No."

M: And you stayed out of that?

C: Yes. I was not in it.

M: Is this generally your position in regard to politics?

C: It has been ever since. The only politics I had and have had in recent times is when we meet down here for coffee the judges talk politics. We talk about it, but nobody participates actively except in their own races, and maybe a little bit in another colleague's race quietly, where you can't be observed too much.

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M: Well now does this fairly well catch up then your connection with Lyndon Johnson?

C: Yes.

M: Was there something else that ought to be covered?

C: No. Nothing I know of. I think this sort of wraps it up. In his tenure as president and in his retirement after his presidency I just had no personal connection with the Johnsons.

M: Let me thank you, then, for the interview.

C: Oh, pleased [to do it].

[End of Tape 1 of 1 and Interview I]

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