INTERVIEW I

DATE: January 12, 1984

INTERVIEWEE: HOMER E. DEAN

INTERVIEWER: Ted Gittinger

PLACE: Mr. Dean's residence, Alice, Texas

Tape 1 of 2

G: Mr. Dean, if we may begin with a little background. Are you a native of Alice?

D: No, I was born in Kaufman County up in Northeast Texas, thirty-six miles from Dallas, Texas, and went from there, when I graduated from high school, to Baylor University at Waco, then worked a year in Austin and then moved to Alice in 1941.

G: And you took a law degree?

D: Yes, I graduated from the Baylor Law School in 1940.

G: And then the war came.

D: Yes. As I said, I worked in Austin from the summer of 1940, when I graduated, till the summer of 1941, and then I had an opportunity to come to Alice to go to work for Ed and Frank Lloyd, who were lawyers here, Lloyd and Lloyd. I got here in August of 1941. I married in November of 1941. Pearl Harbor was in December of 1941, and I left in January of 1941 [1942] to go in the service, so I wasn't here long before the war and then I came back, of course, after the war.

G: Could I ask how you made the connection to the Lloyd firm?

D: Yes. When I got out of law school in the forties, the Depression was still on. You're probably too young [to know], but the way we got out of the Depression was the war--it really wasn't over until the war. It was awfully hard to get a law position, and I had no family [members who were] lawyers, I just decided to be a lawyer--I had one uncle, who was quite elderly, though.

My best friend in law school was Clarence Guittard. He's now chief justice of the Dallas court of appeals.

G: Could we spell that name for the transcriber?

D: Yes. Guittard, G-U-I-T-T-A-R-D. Clarence Guittard. Clarence's father was Dr. Frank Guittard, who was head of the History Department at Baylor, and he [Clarence] had an older brother named Francis or Frank Guittard, who was a successful lawyer in Victoria, had a firm called Guittard and Henderson. When I was in law school, Frank Guittard had a rather large land-title lawsuit, oil and gas land dispute, in Duval County, and he invited his brother Clarence, who was my best friend in law school, to come down and see a real live trial. So I think in our junior year, middle year in law school, we came down here and stayed a week and sweated this trial over in the Duval County Courthouse.

While we were here we met the Lloyds, because Frank was associated with Ed Lloyd and Frank Lloyd in the trial of this case. And due to Frank's connections, the Lloyds were looking for a younger lawyer to come in the firm, and so they invited Clarence, who got out the same time I did in 1940, to come down here and be associated with them. I was not so fortunate, and as I told you at lunch today, I had spent a year in Austin with the Texas Employment Commission due to a family friend from Kaufman days by the name of Patrick--Pat--Moreland, who was a Methodist preacher and friend of Jimmie Allred's--my first introduction to the rewards of politics.

But anyway, Clarence was here for the year, from August of 1940, and meanwhile our best instructor and best friend at Baylor Law School, James P. Alexander, who was at that time, while we were in law school, the chief justice of the Waco Court of Civil Appeals, it was called then, decided to run for the Texas Supreme Court. So he ran and was elected, and he invited Clarence to come to Austin and be his briefing clerk. Meanwhile I had come down here to visit Clarence several times and got better acquainted with the Lloyds. So when Clarence left, well, the Lloyds invited me to come

down and be associated with them. I came for the tremendous salary of a hundred and twenty-five dollars a month. Based on a raise from a hundred and twenty-five to a hundred and fifty after I had been here about three months, I got married.

G: A princely salary. So you practiced law for about four or five months and then the war came.

D: Yes. Well, let's see, August to December. When the war came, I can still remember riding down to Falfurrias with Mr. Frank Lloyd, who was at that time district attorney here. I was out on maneuvers with the Texas State Guard. They had already nationalized the National Guard by that time, and they'd organized a little substitute force called the Texas State Guard, and I knew I was going in the service, because everybody knew the war was coming. So I had been out on maneuvers on Sunday when Pearl Harbor came, and the next morning, on Monday morning, I drove down to Falfurrias with Mr. Frank Lloyd and I remember sitting out in the car while he ran on in while I listened to President Roosevelt addressing Congress on the outbreak of the war. Anyway, then I was here until January. I left in early January to go in the service.

G: When did you come back to Alice?

D: I got back to Alice just at the end of 1945. I think I was discharged on December 16 or something like that in California, and I came back on the Southern Pacific train from California and got back here just before the end of the year, 1945.

G: I see. Did you go back to work for the Lloyds immediately?

D: Yes. I can remember riding on the train back, sort of outlined some goals I wanted to achieve. That's been a habit of mine through the years. Amazing. Every five years I'd set new ones, and they've generally happened. One of them was I decided to get better acquainted, that I would run for political office. So as soon as I got back I announced for county attorney. In a little country town like this, though, you could practice law

privately and still be county or district attorney. So I ran for county attorney the spring of 1946 and was fortunate enough to be elected.

G: Did you stay in the Lloyd firm?

D: Oh, yes. I came right on back in with them. I was of course a salaried lawyer before I left for the war and for a short while after I got back. I was made a partner in the firm in probably 1947 or 1948.

G: So it became Lloyd, Lloyd and Dean?

D: Yes. Later Lloyd, Lloyd, Dean and Ellzey. As the usual progression, I was made a partner on a small percentage at first and then, as is also customary, instead of raising you very fast they put your name in the firm. That pays for a year's raise.

G: Well, there's something to be said for prestige.

D: Yes.

G: When did you become aware of the rather, I guess, unique political situation in this part of Texas involving the Parrs and so on?

G: Well, of course, if you've got eyes open and been to a couple of county fairs and a goat roping, you don't have to be in a place very long until you learn pretty well the peculiar politics of an area. Of course, there are politics everywhere; there was politics in my old home of Kaufman. I remember some of that as a boy growing up. I was in Sam Rayburn's district, and Mr. Rayburn was very popular, and we had local politics there.

When I got down here this county, Jim Wells County, had for years been dominated by a strong sheriff, Charlie Price. I believe you interviewed his son Dinky today. C. W. Price, or Charlie Price as he was called, had been sheriff here for many, many years and a very strong, political, powerful local politician. The courthouse in-group, like nearly every county has, consisted of Charlie Price and Judge [C. W.] Perkins, who was the senior partner in the oldest law firm here, called Perkins and Floyd. Jake Floyd was the other partner. Judge [R. R.] Mullen was the county judge, and Mr.

Childress [?] was the tax collector. Mr. Jake Floyd was very powerful politically although he held no public office except school board, that I remember. But anyway, they had been entrenched in power here for years and years, and long before I got here, from the twenties on up through the thirties, the sort of insurgents were led by Ed Lloyd, and Frank Lloyd to a lesser degree. And about the time I got here for the first time, that is in 1940 or 1941, they succeeded in winning some of the offices from the group that had been in power for twenty-five to thirty years. Ed Lloyd was sort of the pusher and leader of the new party, I guess you'd call it, or the insurgents, the new group. H. T. Sain, Hubert Sain, was their candidate for sheriff. Of course I was very young and green. All I did was mostly carry books in those early days.

But the connection with the Parrs was strengthening during the time I was away. A lot of it I know only by hearsay, but Ed Lloyd had started representing George Parr in I guess the late thirties or early forties. I don't really know how it came about or what, but anyway, he was a client. Ed was his attorney and George Parr was a client of his when I came here. I used to see him in the office regularly. I remember when George went to the penitentiary on his income tax evasion, but I think it was in the thirties.

G: I think that's correct.

D: And I think maybe Ed started work for George shortly after that or around about that time. While I was gone there was a famous case called *Parr* v. *Hamill* [?] or *Hamill* v. *Parr*, involving an oil and gas lease on, it turned out to be, a rather valuable tract of land in Duval County in which Mr. Ed Lloyd had represented George Parr, and I believe ultimately won the case, while I was away during the service. Of course, George Parr was a regular client, came in the office regularly from time to time.

I'm trying to remember when the Parrs bought the bank. I think it must have been about the time that I got back, or something. It was called the Texas State Bank and our firm represented the bank, did most of their legal work. As a young lawyer I did quite a

lot of it, pick-and-shovels-type thing, drawing deeds of trust, examining titles, writing opinions. So I was well acquainted with the officers of the [bank]. Givens Parr, who was George's older brother, was the president of the bank, a fine man. And Tom Donald was the cashier of the bank and they had two younger officers who were about my age; Karl Williams, who later became the president of the First State Bank in San Diego and recently retired, a very fine gentleman by the way. You might like to write that name down and talk to him because he might have some information.

G: He's in San Diego?

D: Well, he lives here in Alice. He's married to Joyce Lynn. And Karl was a young officer in the Texas State Bank, it was called; he and Reed Nunley, N-U-N-L-E-Y. Reed is still an insurance man here in town. Those were the officers over there at that bank. As I say, since we did their legal work I was in there regularly. I didn't see George as often in the bank although George had the controlling voice in the bank. I'd occasionally get notes that he'd send over to Givens; he'd say loan So-and-so so much money on this collateral or something. We would draw papers to carry it out. It was pretty clear that he was the dominant voice on the bank.

G: Let me understand. He owned the controlling interest, is that [correct]?

D: That's my understanding. I didn't own any of it. But I think Frank and Ed had a little stock in it, and I know Givens did because he was the president of it. At least I understood that he either owned control or exercised control by force of personality, because he was--Givens was always a quiet, gentlemanly, retiring sort of fellow, very bright, very fine man, well loved here in town. But George was the dominant one. He was vigorous, strong, assertive.

G: Is that the way he exercised his influence in Jim Wells County eventually, by force of personality? Or what other means might have been used?

D: Of course I think in the long analysis, charismatic people, like most successful politicians, good or bad, tend to exercise most of their influence by sheer personal charm. Not that they're in the same category, but I think apparently from what I can understand Hitler was a very charming, strong, assertive, domineering-type person, and [so was] Theodore Roosevelt. Practically everybody that succeeds has got a personality that wins people. As you know, being an ex-army officer, if you're a successful leader you lead by force of your personality. About 98 per cent of the people want somebody to tell them what to do, and the two [per cent] that are willing to do it can usually lead if they want to.

G: So your introduction to politics came soon after you got back here after World War II?

D: Yes, I was ambitious. I decided a good way to meet people and build up my personal law practice would be to run for county attorney. The Lloyds wished me well and helped me. A strong character that was of great help to me was a county clerk named Hap Holmgreen, C. H. "Hap" Holmgreen, H-O-L-M-G-R-E-E-N. Mexican people usually call him "Homegreen." They were always confusing him with me because they pronounced my name "Homerdean;" Homerdean and Homegreen sound alike in kind of a Spanish accent. But Hap was a great help to me. He was a good politician. He gave me a list of people to see in each of the little rural precincts. Like everything I've ever tried to do, I tried to really do it hard and prepare for it. So there was an incumbent county attorney, an old fellow named Judge Griffin. Then Raeburn Norris [who] was a young lawyer back from the service like me, [was a candidate]. Raeburn had a good military career. He was a navigator, I think, in the air corps. And I [ran], so it was a three-way race.

So I went door to door all around the county and saw all the people that Hap told me to see. There wasn't a particularly partisan thing to that race. The old bunch, Jake Floyd's group, the Charlie Price group, didn't particularly have a candidate. In other words, Griffin wasn't particularly their man. He was kind of old and tended to be an

alcoholic and had held the job during the war because there just wasn't anybody else to contest him. But Raeburn worked hard, and later, as you may have run into him or not--he's now dead--he was very active in the Parr side after I was out of politics, and was a district attorney for a brief period.

G: What exactly would the county attorney in Alice or Jim Wells County do? What would be the bulk of his workload? What kind of things did he take care of?

G: The county attorney then and now handles all of the misdemeanor charges, that is, anything that doesn't involve going to the penitentiary; criminal cases involving jail time or fines which are tried in the justice of the peace court or the municipal court or the county court are all handled by the county attorney, any criminal case. We handle peace bonds; men would beat up their wives, their wives would put them under a peace bond. And people threatened others, we'd have them under a peace bond. Then of course we advised the commissioners court with reference to any legal advice they needed. As I've indicated, it was not a full-time job then. I'm not sure it is now, but they've got three people up there and about four secretaries doing what I and a half-time secretary used to do.

G: The felonies would go to the district attorney?

D: Yes, they'd go to the district. At that time Frank Lloyd was district attorney, although he was full-time practicing law. He just sort of did the district attorney's job on the side. Judge Lorenz, L-O-R-E-N-Z, Broeter was the district judge and Frank was the district attorney, and then I got elected to be county attorney. Since I was Frank Lloyd's junior associate at that time, he gave me a lot more criminal-felony-type trial work than I normally would have, because it's part of my training and partly because he'd rather practice more at the civil job. Many of the felony cases that were not particularly noteworthy he would turn them over to me to try. As county attorney I had the authority to do it if the district attorney wanted me to.

I had had quite a bit of experience in criminal law by that time because during the war I got assigned as a trial judge advocate, which is the same as a district attorney, and one of my spells was assignment to the Infantry Replacement Training Center at Fort McClellan, Alabama. After I got my commission as an infantry officer I was over there training troops, about 90 per cent of which were black troops. [It was] kind of an experiment of the service in the beginning stages of avoiding the segregation. Although the units were segregated still at that time, the army was attempting to train black infantry soldiers and they were meeting a considerable amount of resistance from these boys, so there were a lot of court-martials around there. So I would train the troops all day and then I would prosecute cases from six o'clock till about midnight every night, for malingering and for shooting themselves in the foot and for theft and for mutiny and everything else. I had more experience in a year at Fort McClellan than I got in five years as district attorney down here, because as you know, the army runs a--they don't delay things like you do out in civilian life. So I had tried a lot of criminal cases, so when I got back I really got busy trying criminal cases, both in the county court and the district court.

G: It sounds to me like the so-called new party had made a fairly clean sweep, then, of the county by 1946. Is that overstating the case?

D: No, they pretty well had. One of the lawyers who did not go to service was allied with them, by the name of Woodrow Laughlin, who's still our district judge here now. C. Woodrow Laughlin got elected county judge perhaps in the same year that I got elected county attorney, I don't remember.

G: That would have been 1946?

D: 1946, I think. He beat old Judge Mullen, who was allied with the old bunch. Back in those days you only were elected for two years. The constitutional amendment making it all four years came along later. Hubert Sain won the sheriff's office either in 1946 or

1944 or somewhere in that area, I don't remember exactly. And as I recall, whenever Judge Laughlin became county judge, Dan Scruggs, who was allied with the new party, the Ed Lloyd group, was elected commissioner of Precinct 1, and Doc [T. E.] Patterson, who was allied with the new party, was elected commissioner up in the northwest end of the county at what we call Parilla. Old Walter Kirchoff perhaps may have been the one that was commissioner in the Orange Grove area of Precinct 1.

G: What was that last name again, sir?

D: Kirchoff, K-I-R-C-H-O-F-F. I believe Walter was elected about that time. Those three, Dan Scruggs, Doc Patterson and Kirchoff--and Laughlin--were all new-party people. Kirchoff was perhaps more independent, in between the parties. And Gus Canales was the commissioner at Precinct 4, the south end of the county at Premont, and Gus was a staunch old-party, Jake Floyd-party group. But as you've indicated, the new party had pretty well gotten control at that point. I don't know when--they took over the city. Ed Lloyd was mayor back in those days. That was the only political office that I know of. He had been on the school board but then he ran for and was elected mayor. Bruce Ainsworth [?], Barney Goldthorn were on the city council with him. Paul Bingaman [?].

G: Is Bruce Ainsworth still alive?

D: No, Bruce is dead. Wonderful fellow, great person, a great human being. I always remember one story Bruce would always tell. Bruce would say, "Now, Homer, I heard this confidential. When you tell it, you tell it confidential."

G: I had a particular reason for asking about him. I'll tell you after a while when we get a little further along in chronology.

How important is George Parr's influence at this point in time?

D: My impression then was that he was very powerful in Duval County, absolutely powerful in Duval County, but that he was just a friendly ally of Ed Lloyd's in Jim Wells County and that the real powerful leader in Jim Wells County was Ed. George, as you know I'm

sure, spoke beautiful Spanish and related extremely well to the Mexican-American people, going back through the years to the fact that his father had sided with the Mexican-American people in Duval County against the Anglo-, more Republican rancher-type control that originally back there--when Senator Archer Parr came into power. So George had tremendous influence with the Mexican-American voters. But in those days, as you can tell from the names I've rattled off here today, taking the offices, there were practically no Mexican office holders. And I would guess that the voting population at least--I don't know about the actual--but the voting population was about two-to-one, Anglo versus Latin.

G: When you say that, do you mean the people who actually voted or the people who could have voted?

D: I wouldn't be surprised if it wasn't both. Maybe could have--well, by "could have," in those days you had a poll tax. You had to pay a poll tax to register. Of course, one of the ways that politicians did, then as now, is registering people to vote, like Jesse Jackson is out getting people to register now. You go to see the black Baptist churches, their principal activity is getting people to sign their voter registration cards. In those days the principal political activity to prepare for political activity was to get people to pay their poll tax or pay it for them and get them to register. So because of the fact that the Mexican people were poorer and therefore inclined to be more with the outsiders than the power structure--the insiders, the old Jake Floyd group around here--the Mexican people by and large were allied with the new group, with Ed Lloyd's group.

I didn't then, and I must say I still don't think that except through certain key leaders that George Parr had any particular dominant following in this county. He was allied with Ed and the group that Ed Lloyd supported, but he was not the dominant force. In those days the three recognized leaders in South Texas were Ed Lloyd in Alice, Jim

Wells County, and George Parr in Duval County, and Manuel Raymond in Laredo. They were like Chinese warlords, each with his own domain.

G: Now then, let's go to 1948. You had assumed some prominence in the Democratic Party locally by that time I believe, is that correct?

D: Well, of course I was elected in 1946 I guess, took office for a two- year term on January 1 of 1947. Then I ran for reelection in 1948 in the same election, the famous election that Senator Johnson was involved in--to-be Senator Johnson, then Congressman Johnson. I was fortunate enough in 1948 to not have an opponent. I'm kind of about that like Tex Guinan is; she said she'd been rich and she'd been poor and believe her, rich was better. I've run for office with opponents and without, and believe me, running without is better. They say that's the difference between a politician and a statesman.

So since I didn't have an opponent and I was always interested in politics--Mr. Ed Lloyd had taken me to state conventions with him already by that time--I was interested in it, and I was invited to--I had known Senator Johnson very casually when I was in Baylor. I believe he was with the National Youth Administration back during the Depression. I worked my way through Baylor because we were very, very poor. I had to pay all my way. So I worked briefly in connection with the National Youth Administration. He came to Baylor several times, and I met him briefly there. Then when he ran for senator I probably wrote in or told him I'd support him or something. I don't know how it came about, but anyway, of course politicians, particularly when they're running statewide like Lyndon was then and don't have a big organization, well, they seize avidly on anybody that's interested in them and indicate support. So I think he designated me as county chairman or something of that like. So I did what I could to help him in connection with the primary election and the run-off.

G: Who was your contact in Austin, if you needed literature or posters or whatever?

D: It's been a long time. Well, of course the district area contact was Cecil Burney. Cecil was a fine lawyer in Corpus [Christi], slightly older than me, five or ten years. I'd already known him for quite a while. Cecil was active in Johnson's campaign as a district man, and I was the county man here. And gosh, I don't remember the names of those guys in Austin. Of course, John Connally--was John in the 1948 campaign?

G: Yes.

D: I guess that's where I met John originally. I had contact with him. He would call the county chairman or get us to do jobs for him, mostly trying to raise money or arrange publicity or arrange engagements. Lyndon--wasn't that the campaign where he used the helicopter?

G: Yes, it was.

D: Yes. We had arranged to get as big a crowd out as we could when he came through here. I remember his coming because it was a great gimmick. It got a lot of people out that maybe wouldn't come otherwise. If you can give me a name or two I can probably remember them, but . . .

G: No, that's all right.

D: I remember Sam Houston, his brother, at one or two occasions. I remember a meeting in Seguin between the primary and the run-off, on a Sunday morning I think it was, which Sam was there. But he didn't have much to say or do much. It was mostly John that was running that.

G: That was, you say, between the primary and the run-off?

D: That's my recollection.

G: Were they planning strategy?

D: Yes, all county leaders and district leaders from South Texas came together at--I think it was Seguin, or New Braunfels maybe, I don't know. It was right around in that area.

G: Yes. Was Lyndon Johnson there, do you recall?

D: I think so, but I'm not sure.

G: But John Connally was running that?

D: I remember John was there. What's the guy that had the newspaper over at Robstown? There was a newspaper over at Floresville, a big heavy set man.

G: Oh, at Floresville. Yes, I know who you're talking about.

D: Fore or--he was there.

G: Sam . . .

D: Sam Fore. F-O-R-E. Sam Fore. And he had a son-in-law [Carroll Keach] that ran the paper over here at Robstown that was active, a friend of Lyndon's. But of course John Connally was a dynamo. He's the main one I remember getting orders and instructions from.

G: Now, of course they weren't worried about this county. This county had gone for LBJ, had it not?

D: Yes. I don't remember the details; I guess you've checked the results. But my recollection is that Lyndon was at least the leader in this county in the primary.

G: Who was your counterpart in Duval County?

D: I never knew of anybody to do anything over there except George. The deal was, back in those days--was afterwards, too, for quite a while--that George would pass the word down. He would take a fellow around, or say, "This is the man we're supporting for United States senator." They had learned through the years, due to their long, active politics over there, very bitter politics as you know if you're familiar with Duval County politics, that their strength--because Duval County after all was a pretty small county as far as population goes--their strength lay in being able to produce a large bloc of votes, same kind of thing that made the Irish in New York and Poles in Chicago [powerful]. They didn't have much else to sell or give or have influence with except their vote, and George had convinced them that if they'd stick together that he'd take care of them. He

could get influence by them all going with him. So I don't know who held the title of county chairman in Duval County, but the actual power was all with George Parr.

(Interruption)

G: Do you recall anything of the helicopter visit to Alice that Lyndon Johnson made?

D: Yes, I remember it vividly. Of course, I don't know whether I'd ever been close up to a helicopter before. I guess I had in the service. But anyway, it was arranged that he would land here. You know where we had lunch today, at the Americana?

G: Yes.

D: Only now they call it the King's Inn. Where the highways come together over the overpass, and one goes west to San Diego and one south to Falfurrias, there's kind of a Y in there where the highways come together, and in the center of that was kind of an open, grassy knoll. So it was arranged that Lyndon's helicopter would land there. So we stirred up as big a crowd as we could and all went out there to greet them at the helicopter.

G: Did they have a good turnout?

D: Yes, well, two or three hundred people, maybe more. But it's hard to get people out for politicians, anytime, anywhere, I don't care who you've got.

G: Even in a helicopter?

D: The only one I ever saw that could turn them out was old Pappy [W. Lee] O'Daniel. I don't know what his charisma was, but he could turn them out.

G: Well, he had that band. That may have helped.

D: Yes, "The Light Crust Doughboys are on the air."

But anyway, we got a good crowd out there. I haven't reread your chronology here since you showed it to me the last time, but I would guess that was a month or so before the first primary.

G: Right. Did he throw his hat into the crowd? He did that sometimes.

D: I don't remember. If he did, it didn't--

G: Was he pleased with the arrangements?

D: Oh, yes, he was very happy with it. Of course, Lyndon had a special rapport with the Mexican-American people, going all the way back to his school-teaching days out at Carrizo Springs or Crystal [City]--

G: Cotulla.

D: Cotulla was where it was. So we had a lot of them turn out. Plus all this new-party group that Ed Lloyd was allied and I was allied with at that time. So we could turn out a pretty good crowd and did.

G: Let's talk about the primary a little bit. How would you characterize that election? Were there bitter contests for any of the positions?

D: Like I say, that's a long time ago. I could probably, and I should have done this [before I] talked to you, but I should have looked at the state election returns.

G: Well, let me suggest this to you. This may ring a bell, and I don't know if it's true or not, but I have heard that the position of sheriff had generated a lot of hard feelings because of the 1946 election, or whichever election Hubert Sain won over Mr. Price.

D: Charlie Price.

G: Yes.

D: To an average person, particularly the Mexican-American, the only real office that counts is the sheriff, because he packs a pistol and to mostly the economically deprived people the guy that's got a pistol is *the* law and *the* power. So the office of sheriff was very powerful in all these counties and hard-fought [for]. And as you say, the new party didn't really win until they won the sheriff's race. My recollection is that they had won it in the two years before I was elected in 1946, but I could be wrong. But anyway, there was still a bitter fight over that. Did Halsey run in 1948?

G: I think so.

D: Halsey Wright was Charlie Price's chief deputy, and Halsey Wright was the son of Mr. Willie Wright, W. M. Wright, and Willie Wright was one of the pioneers of this county, this group of Englishmen, the Wrights, the Almonds, the Adamses, the Reynoldses, that came over here in the last century and settled up on big ranches in the north end of the county. Mr. Willie Wright was a patrician-sort of fine old gentleman. I knew him and liked him well. His son Halsey was the chief deputy for many years under Charlie Price, did most of the work. Charlie, in his later years, was more honorific than serving. Halsey was a fine officer; I liked him. He later became sheriff when I was district attorney. I don't remember the details of when he got in, but it was still bitterly fought-over, the [office of] sheriff, and I'm sure that you're right that that sheriff's campaign was the exciting local campaign that year.

G: It was the local campaigns that people really got excited about around here, wasn't it?

D: Here particularly.

G: How tough was it to be the sheriff in Jim Wells County? Were there a lot of tough characters that had to be kept in line down here?

D: We didn't have the drugs like we do now. There was the usual bunch of car thieves and cattle thieves and bunco-type people. And of course you had your usual group of crimes of passion, murder. In those days a husband would kill a guy that was messing with his wife. Now they just get divorces. So we'd have a lot of prominent killings in those days. But I don't think it was any more criminal element here than in most parts around the state, except of course politics is the second-favorite indoor sport in South Texas and always has been, always will be I think. The sheriff is so important to that because he can intimidate, just by choosing to, voters. He's very powerful and [it's] very important to a political machine that they have a sheriff if they can; in those days particularly. I don't think it's near as important now. Still is, but it's not as important now, because there

are so many more educated people and independent-thinking people than there used to be back there in those early forties.

I'm sorry I'm not more precise about those campaigns, but in the 1948 campaign I'm sure that the sheriff's race was the hot race. Who won sheriff here? Did Hubert?

G: Hubert Sain, yes.

D: I was thinking he did because I know that his chief deputy, Sam Smithwick, was involved in the shooting of the radio commentator Bill Mason in the fall of 1950. I had just gotten appointed district attorney and the first big case I had to help try was Sam Smithwick for killing this prominent radio reporter, for spilling the story about Sam's mistress and Sam's participation in some sort of a nightclub out in the Rancho Alegre area of [the] southwest county. So yes, Hubert was elected--I know he was elected in 1948 because he was then sheriff in 1950 at the time I went in as district attorney.

G: What was your position in the local Democratic Party structure?

D: None. I mean, I wasn't county chairman. I don't know who was the county chairman in 1946, when I first ran for office after I got back here and began to find out where everything was. But Clarence Martens was, at the time of the 1948 election. I think he was replaced by Harry Lee Adams.

G: H. L. Adams, yes.

D: Harry Lee was his name. Harry Lee I believe was the county tax collector, then or shortly thereafter. And Harry Lee was allied with the old-party group, with Jake Floyd's group. But [I don't know] whether Clarence had served two years, because I guess Clarence was in the service. I don't think very long though; I think he had some medical disability. But anyway, Clarence I know was elected county chairman in 1946, probably the same year I was elected county attorney, and was serving in 1948 during the famous election.

G: Right. I had heard that there was some kind of altercation at Precinct 13 during the primary, not the run-off now, but the primary, and that there had been a suit brought or a case to be heard or something to that effect, and it seems to me that it involved Mr. Holmgreen. Do you recall anything of that?

D: I have the vague impression--it's pretty vague. I'm sorry I don't remember this better. But Hap Holmgreen had originally been allied with Ed Lloyd's group, the new group. But Hap had gotten into office, and it seems like to me he had gotten in earlier than anybody else. Maybe he was the first one to break the old group and be elected county clerk. And Hap, as I've indicated, befriended me very much in 1946. I was very fond of him. My recollection, [although it] is pretty vague, is that Hap had sort of fallen out with Ed and his group and that there was some feeling between [them]. Because the county clerk had pretty good power in elections, because he kept the ballots and he conducted the absentee ballots. He could help a group, a political organization, or not, or hurt it if he wanted to. There was some feeling, as best I remember.

I can remember as county attorney that there always--elections were so important in those days, and the rival groups, particularly among the Mexican-American boxes, would set up rival tents just beyond the markers. And they would have groups of supporters in their tents and it wasn't any secret which tent belonged to which group and the other. They would sit there with their poll list and then they would hire cars. I know it's illegal now and probably was then, but it was pretty well the custom that each faction of a party would employ drivers, give them twenty dollars or so to drive a car all day, and they'd have poll lists and they'd send them out to make sure that everybody that was friendly on their side on that poll list would come in. They would come by the tent and shake hands with everybody and then go in and vote and come back out and they'd check them off. In those days everybody pretty well knew, at least your alliances and

allegiances were pretty publicly known. That way they'd keep tally on them. I understand they still do that in a lot of political machines all over the country.

But anyway, that was the way they'd do it, and as county attorney I can remember being called out to several polling places to settle problems that would come up. I don't know whether it happened at Precinct 13, which was the old Nayer School down off of South Cameron, about three or four blocks from Main Street south. I don't recall whether there was any particular problem at Nayer School or not. I have a distinct recollection, on at least one or two occasions, of being called down there when Luís Salas, who was the traditional presiding judge down there, would have some problem, and as county attorney give him some advice or tell him whether a voter could or could not vote in my opinion. Luís was a very bright and aggressive kind of election judge. He had read about how election judges had the power of a district judge during the day of election, and he tried to use his power pretty completely. I remember being called to Orange Grove and several other places.

I can remember in those days there was so much tension in the air that there would be occasions, and I can recall--I don't know whether it was the 1948 election or one other one--there was some question about somebody doing something and the group got excited and they wanted me to get an injunction against something. I can still remember going to old Judge Broeter's house, which was across the street from the Baptist Church on 2nd Street there. I went in to see the Judge and said, "Judge, they say this and they do that. We've got to get an injunction, because they're violating these people's rights." I can still remember Judge Broeter sitting down and [saying], "Homer, now just sit down and think and tell me who 'they' are." So I told him the two or three people that "they" were, and he said, "Well, I don't know that that's serious enough to do anything about." He was a pretty level-headed old Dutchman. That could have been something down there. I don't remember it beyond that.

G: Well, it's not important. I'd seen a passing reference to it and hadn't seen it since, and I don't know what it was about. But it seemed to me that it involved an altercation between Luís Salas and Mr. Holmgreen during the primary, and it seemed to me it happened when Mr. Holmgreen went in to cast his vote, but I might be mistaken on this.

D: Well, I think Hap lived in Precinct 1.

G: So that wouldn't have been possible.

D: Probably not. I don't remember him living in Precinct 13. Now Mrs.--what was the lady at the [trial], Frances--you and I talked about one time.

G: Mitchell.

D: Mitchell. She lived in 13, I think. There were quite a few Anglos that lived in 13. You see, Alice is so flat that it's kind of hard to imagine any part being "the heights," but in the early days the prominent citizens lived down there off of South Cameron. Old Judge Perkins and Judge--I was trying to think who all [owned] those old houses down there, but fine homes were built. That was really the center area. Then there was another pretty good Anglo settlement down on South King Street. Later as the populations tended to shift apart, and the Anglos traditionally occupy the north side and the Mexican-Americans the south side, well, these fine houses were kind of left as enclaves. But there were still quite a few Anglo families in Box 13, even in the 1948 election.

G: Right. Let's talk about the run-off itself. Do you remember what you were doing that Saturday, election day? Were you watching polls or watching poll watchers or what?

D: It seems a shame to have been present at such a historic event and not to remember, but I'm sure that I did what I normally did on election days, particularly if I had a job or an interest, and that was to cruise around to the polling places and see if there was any problem or trouble, and as I say, check the tents and see the poll--the political party had a tent and they had people there giving out soft drinks and checking people's names off. I don't recall whether there was a local run-off race or not.

G: I don't think there was. It seems to me--

D: My recollection is that it was pretty peaceful and pretty calm and that really didn't all that many people go out.

G: Light turn-out. Not a whole lot of interest. I had heard that from other folks. Did you run into C. W. Price, Dinky Price, that day that you recall?

D: I don't [recall].

G: Later in the hearings he testified that he was doing the same thing, kind of circulating around the polling places.

D: I'm sure I must have, because Dinky was--although we've been on opposite political sides, we've been personal friends for years, and I'm very fond of him. For one reason, he's a rather rare type that's frank. I mean, he kind of tells things with the bark off. So I like him. I feel sure I did, because we were always joshing each other about politics.

G: When did you become aware that there was something irregular or unusual involved in this run-off?

D: Well, I guess--was the election on Saturday?

G: It was a Saturday.

D: Saturday. Of course, I've always been a nut about newspaper reading. I read the paper every morning the minute it hits the front yard. As I recall, when we went to bed Saturday night there wasn't anything particularly exciting. Early reports indicated a fairly close race in the Senate, but this county had been a comfortable lead for Lyndon Johnson. So I don't recall till maybe Sunday morning or perhaps even Monday morning realizing just how very close it was going to be. I'm sure the file shows, and again, I apologize for not having reread it for this interview, but I'm sure we got telegrams or calls from the Johnson headquarters to be careful and check the votes and all. I can recall early in the week--I don't remember how I got the information or where I got it, but I can remember rumors starting about how Coke Stevenson was going to steal the election over in East

Texas or something, and that it was extremely important that we check the tallies and poll lists and be sure that everything was turned in properly, and that nobody stole our votes and that sort of thing. I can recall getting the telegram, I think. Isn't it in my file?

G: Yes, there's one in your file, right.

D: I probably got a telephone call, too. And we did what they asked us to; we tried to check every way we could.

G: As county attorney, would you have had to advise the election judges on what the election law was?

D: Yes. That was part of our job.

G: There was some controversy as to who was supposed to turn in what to whom at the end of the day when the polls closed. How was that supposed to work, do you recall? I know it's been a long time.

D: My recollection is--it's just my best recollection--that there was three sets of the deal of the election returns prepared. Maybe it was just two. But anyway, one was kept by the election judge and one was turned in to the county clerk--or county chairman in the case of a primary--and the other one I believe was put in the ballot box.

G: There were three, I think.

D: Three, that's my recollection. I think the judge was supposed to keep his set. One was supposed to go in the ballot box, and the other was turned in to the county chairman or county clerk.

G: In the case of a run-off who would that be, do you recall?

D: As between the chairman and the clerk? I think it perhaps was the chairman in the Democratic party primaries and the clerk in the general election. But I'm ashamed to say I don't remember, but it's one or the other.

G: That's all right. So . . .

D: I think it was the chairman.

G: And the incumbent was Clarence Martens.

D: He was the chairman, and as I recall Tom Donald was the secretary.

G: I think that's right.

D: Of the Democratic county committee. They're made up, as you know, of a chairman and a--the secretary is appointed, they're not elected, and just whoever the chairman picks. And then however many voting precincts there were, in each voting precinct there was a precinct chairman, and the precinct chairmen collectively plus the county chairman, elected county-wide, made up the Jim Wells County Democratic Executive Committee, they were called. They were really the ones that ran the county elections. In those days there were so few Republicans that I don't think they even had a primary. But the state, by law, regulated the party primary, and since it was state law, they generally looked to the county attorney for advice on what to do or not do under the election code.

Now, what was your question about the controversy?

G: What I was getting at was what your official capacity would be in terms of running the election?

D: None at all, except to give legal advice if called on.

G: Can you recall when you went to bed Saturday night or got up Sunday morning, whenever you first came to the realization of how well the county had done from a Democratic point of view, how well it had gone for Lyndon Johnson, what was the tally in Precinct 13?

D: Gosh, I don't have any independent recollection of it. Of course later as there was allegations of adding onto that thing, I'm sure I didn't--well, if it's not in that file I don't know where I would have it, but from starting back in 1946, the tradition was that those of us that were interested in politics would go down to the newspaper on election night and we would sweat out the returns, both sides, and we'd have a lot of friendly jostling and rivalry. And we'd keep informal tallies as the election results would come in, as they

would count. So I'm sure that I had some sort of a tally. If it was in that file, I kept it. If it isn't, I didn't. I'm sure at the time I knew pretty well what it was.

G: The reason I'm asking is, of course, the famous allegation that Luís Salas announced he had 765 for Johnson and I think it was 60 for Coke Stevenson. This was alleged. But the official returns some days later showed 965 for Johnson, 60 for Stevenson, roughly. There are various figures. Some say 200 even, some say 201 or 202, but it's right about there. And I was curious if you had any recollection of suddenly coming across a new set of figures which had 200 more votes on it than you remembered.

D: Of course pretty early on I was aware of the charges. But I don't recall having kept a tally, either mentally or written, that showed this increase. However many boxes there were, seventeen I believe in those days, if you had run a couple of times like I had, you knew every box and who the people were and everything. We'd keep track of them. But no one box was particularly that significant. I don't have any independent recollection of noting an irregularity between--I don't remember the sequence, but of course the election was held on Saturday and they generally count them until late that evening. We generally would stay up and sweat them out until we knew how it was coming, particularly if it was contested locally very much. Then we would go home and go to bed. It was probably not until the next morning that we knew the race was close statewide or so. I don't remember when the committee met to canvass the results, but it was usually on the Saturday following the election. Do you recall?

G: I believe it was either the Friday or Saturday following, right.

D: It was quite a few days later. I'm sure I must have attended that committee canvass, but it didn't stick out in my memory as being particularly . . .

One thing I really recall was that when Coke Stevenson came down here, and I believe he came with Kellis Dibrell. Now, whether this was before or after the canvass I don't remember. But I can remember being called over, I guess in my capacity as county

attorney, to the Texas State Bank, where for some reason--well, Tom Donald worked [there], and I guess [that's] where he had the county chairman's copies of the--I started to say a while ago there are three things; there's a poll list, the tally list, and the election return. The poll list is where they write the voters' names down as they come in. The tally list is where you do one-two-three-four and slash across, as the counters write them down as the callers call out the votes. And of course the election return is a one-page sheet, which the election judge takes off the tally list and puts them onto the election return, and [which] shows the total vote that each candidate or proposition got.

As I recall, they were supposed to turn in the poll lists, the tally lists, and the election return, and the job of the county committee was not, of course, to go behind those things but to check the tally lists to see if they tallied, the ends out there, add up all the fives across and [see] if they added up to what the election judge has written down on the return itself. Then you were also to check the total votes against the poll lists, which is not the poll *tax* list, but the poll list, the actual voters who were there. Not that there would be an exact corollary, because some people wouldn't vote [for every race], but in the more hotly contested races, if you had say it was 600 and 200 for a total of 800, then you'd better have pretty close to 800 on the poll list or there would be something suspicious about the thing. But as I recall the law then, and certainly the custom, the county committee had no authority to go in and recount the ballots. They could merely check the election return single totals against the across-the-page totals of the tally list.

G: You recall no commotion of any kind?

D: Well, I got sidetracked myself, I'm so loquacious, but the most vivid recollection I can remember is of Coke Stevenson and, as I recall it, Kellis Dibrell was with him, came down, and they either got me or Tom Donald called me or somebody called me over to the Texas State Bank, and they wanted to see the poll list of the various boxes. And as I recall it, this happened in the Texas State Bank. My recollection is that I was called in

because Tom didn't want to let them see them or something, and I'd been summoned to tell him what the law was, and I told him that I thought they had a right to see them, since Mr. Stevenson was a candidate. I think I was there when Tom reluctantly let them look at them, and they started looking at them and then started copying them down. It's pretty vague, but my recollection is that Tom got disturbed at that and picked them back up and wouldn't let them copy them anymore, although I told him he should. That's about all I remember about that incident.

G: Was Frank Hamer with them at that time? Do you recall Frank Hamer?

D: I knew Frank Hamer, know him; very possibly, although I don't remember him.

G: So despite the fact that you advised Tom Donald that what they wanted to do was legal and aboveboard, he wouldn't let them do it?

D: That's my recollection. I don't remember any particular reason he gave except he just didn't want them to--didn't think they were--he just said, "I think you've seen enough," and put it up or something like that.

G: Where did he have those things, in the vault?

D: As I recall, Tom sat on sort of the northeast corner of that bank building. He was the cashier and he had a desk there and everything. It seems to me that he had them in a big envelope at or around or about his desk. I don't recall him getting them out of a vault or where he got them from.

D: Where were the ballot boxes being kept?

D: I think by that time that we had started in this county what I now consider a pernicious custom of impounding the ballot boxes. Statutes then, and I think they still do, provide that the county or district attorney, if he has reasonable basis for suspicion that the ballots might be tampered with or [of] some irregularity, can apply to the district judge and get an order to impound the ballot boxes. It sort of not too subtly indicates that the regular custodian of the ballot boxes might tamper with them. I didn't like it then and I never

did, but it was sort of the accepted thing to do. Actually I think the ballot boxes, except maybe in Starr County, in my experience were about as safe in the regular custodian--maybe safer--than they were in these court-ordered custodians. But I'm sure by that time that with the suspicions and the rivalry as strong as it was that both sides would--I know they came to me as long as I was a prosecutor, and I think they still do. It seems like to me I read every year now that they routinely impound the ballot boxes. My recollection is that they were impounded and ordered placed in the county jail, in a cell in the county jail, and that the sheriff--

G: In a cell?

D: In a cell. That's my recollection. The order was up there on the courthouse wall.

G: Who was the jailer? Who would have been custodian?

D: As I say, again, it's just speaking from very old memory, but I think--Hubert Sain of course was the sheriff. Sam Smithwick was a deputy. Whether he was the chief deputy or not, I don't recall. And Charlie . . . Charlie, Charlie, Charlie--he was a big tall fellow that was a chief deputy, I believe, under Hubert, [an] Anglo fellow. Then I think the jailer was Ignacio Éscobar; we all called him "Nacho." He was a fine man, an officer that came here from Starr County, relatively short and rotund and agreeable and friendly and very well liked around. I have a vague recollection Nacho was at least the night jailer. Whether he was full-time or not, I don't remember.

G: So Stokes Micenheimer was what, chief of police in Alice?

D: I believe Stokes was chief of police, either he or George Bell Clegg [?] were. They were both large men and were both officers, and I think they were city officers.

G: If somebody was going to want illicit access then to Box 13, or any box, they would have had to get into the jail?

D: Yes.

G: They would have either had to have a key or the consent of the jailer.

D: Sounds logical.

G: So if there was any tampering with Box 13, that's the way it had to happen. Is that the way you read it?

D: If they were tampered with, then they would have had to have gotten access to the ballot boxes through the sheriff or one of his deputies that had a key to the jail.

G: Did anybody from the Stevenson side come and talk to you when they began their investigation down here, when Kellis Dibrell and Mr. Gardner came down and started looking into the matter?

D: Except for that incident where I got called over to the Texas State Bank, I don't have any recollection of it. My wife had debated in high school with Kellis, and I knew him and liked him then and now. By the way, he's the attorney for the Freer Municipal Independent School District. If you haven't talked to him you should, because Kellis is very knowledgeable and has kept up with Duval County politics all through the years. Gardner, you say?

G: I think that was his name, yes. Seems to me his first name was Frank [James], but I wouldn't swear to that.

D: Could be, but I just don't remember him.

G: Our reading of this--we don't have the whole story--is that these two gentlemen and sometimes a third man--there was a man named Wroe Owens, I think, who came down for a couple of days from Austin to lend a hand--were questioning people they thought might have some insight into this matter. Did anyone come to you or did anyone that you knew in city government or county government complain of the methods that these folks were using, that there was intimidation involved, anything of that sort?

D: I have a vague recollection that the Stevenson forces had some people around taking affidavits and that there was some complaint on the Johnson-Ed Lloyd-George Parr side

that they were being intimidated by Texas Rangers. Of course, I guess--wasn't Coke Stevenson still governor at the time?

G: No, I think he had stepped down.

D: Oh, yes, in order to run or so. But anyway, he had some Ranger friends. But I have a vague recollection that there was complaints about, of course, both sides, that the Stevenson people were convinced the election had been stolen from them and were trying to turn over every stone to see if they could prove it. And the Johnson-Parr-Ed Lloyd people were claiming they were trying to coerce ignorant and uneducated people into saying things they really didn't mean to say, under threats. I think there was that sort of talk going around town.

G: Do you have any insight into that as to what truth might attach to all of it?

D: I imagine there's some truth on both sides. But I don't think it was, at least as far as the coercion of getting people to sign a statement, I never got any evidence, don't recall any, that would indicate it was anything more than a strong persuasion.

G: But they didn't come to you for anything?

D: I don't remember it. I told you when we talked before that we conducted a grand-jury investigation. I have a distinct recollection of that. Did you ever go up and look at that?

G: Haven't gone, but I'm going.

D: And as I recall, Ike Pool was either active in the Stevenson forces to uncover this sort of thing or maybe he was on the grand jury, I don't know. I remember Ed Breedlove was also very active. I think Ed's dead now. But Ike is still alive, and he and I are good friends, but we were on opposite political sides at that time. But Ike was either active in the investigation or maybe was on the grand jury. But I remember that--and I don't know time-sequence-wise. My best recollection is that it was after the thing had kind of blown

over, by that I mean the convention had gone on and certified Johnson, which I guess was in August, wasn't it?

G: Well, no, it would have--

D: The run-off was in July?

G: The convention?

D: Yes.

G: The convention would have been, I guess, mid-September.

D: Well, whenever. But in my recollection, again, when you look at those minutes you may be able to tell something about it, that the Stevenson forces were still--and several prominent people around town--were highly incensed at it and that we conducted a grand-jury investigation, at which I remember participating as one of the prosecuting attorneys. My recollection is that Luís Salas and Tom Donald and everybody was summoned up there to testify. And there were complaints made both over the alleged rigging of the election, adding votes to Box 13, and there were also complaints about coercing people into signing tickets, and I think the grand jury looked into both. At that time Judge Broeter was still the district judge and Frank Lloyd was the district attorney and I was the county attorney. But as I recall, Frank let me have the honor of being the prosecutor in connection with that investigation. That's just my best recollection. Most people don't know it, but the grand juries do keep minutes which are kind of public. You put down the witnesses. It's quite a little bit of memorandum made of what they do and who they call before them. I guess they're public.

G: What was the upshot of the grand-jury investigation? Was it a simple finding or a complex one?

D: Well, it takes nine affirmative votes to indict anybody. If they do, they write down "true bill," and if there's no bill they write down "no bill." My recollection is that there were no indictments that came out of it.

Of course the general public really is not aware of the tremendous power of the district judge, because the district judge selects the grand-jury commissioners, three to five people, and then they in turn select twelve to twenty-five or so people and the district judge then impanels, usually out of the first twelve after the excuses are heard, the grand jury. Of course they are an all-powerful investigative body and they meet in secret and don't have to answer to anybody. They generally work with county or district attorneys. Before anybody can be tried for a felony there have to be at least nine out of twelve votes for it.

My recollection is that there were some that wanted, but not nine, to indict anybody as a result of that. Judge Broeter by that time had gotten--he was always pretty independent although he had long been a close friend of George Parr and Ed Lloyd. But he had gotten up in years. My recollection is that he was a fairly independent sort of fellow. Now, whether the grand jury was partisan or not, I don't recall. I could look over the names and tell you whether it was or not. But I do know they didn't indict anybody. We did quite a--I think we worked about a week on that election.

G: The next thing that happened, I guess, was the Stevenson forces went to Judge T. Whitfield Davidson and there was a hearing in Fort Worth. Were you at all involved in any of those proceedings?

D: No, I did not go to Fort Worth. Everett Looney and Ed Clark were Lyndon Johnson's lead lawyers, and I told you about Donald Thomas, who is now a senior member of that firm, about my age. I remember Don, and I guess it was Everett Looney that came down here that did the most lead work for Lyndon Johnson. I don't recall who was the attorney for Coke Stevenson. I know Jake Floyd was up there. Who was the lead counsel?

G: Well, you mean up there?

D: No, down here.

G: Who was Dudley Tarleton? [attorney representing LBJ]

D: Oh, Dudley might have been working for Coke.

G: I think that's right.

D: Fine, wonderful, great lawyer.

G: It's been a while since I looked at that transcript.

D: Anyway, I did not go to Fort Worth. I had nothing to do with that. As I say, I was an ally and friend of Lyndon's. When they did come down here to hold the hearing--I believe, what was it, Bob Smith was the master?

G: W. R. Smith, yes.

D: To hold a hearing. He held it in the old county courtroom. I can still remember the scene. Looney and Don Thomas and perhaps quite a few others, but they were the ones that stood out in my mind, were representing Lyndon Johnson. Bob Smith was holding a hearing under Judge Davidson's orders. He was sort of a master, I guess you'd call him.

G: Special master.

D: Special master to inquire into the election.

G: Did you see any significance in the selection of W. R. Smith as a special master? The reason I'm asking is because he was the man who prosecuted George Parr back in the thirties.

D: For income tax evasion.

G: That's right.

D: He was an ex-United States attorney, I remember that. I know that the Johnson crowd all figured he was a dyed-in-the-wool enemy of George Parr's, and perhaps [of] Ed Lloyd and thereby of Lyndon Johnson's. I can remember that they felt like he wasn't a very impartial judge.

Tape 2 of 2

G: Did you have to do anything by way of preparation for this? Were you expected to play a role?

D: You mean the hearing before the master?

G: Yes.

D: As I recall, the lawyers for Johnson kind of camped and worked out of our office, the Lloyd and Lloyd office. Since they were the best lawyers in Texas there, I was wanting to listen to every word they had to say, and was carrying a load of books for them and sitting in to watch the proceedings. As I recall, I stayed pretty well through the proceedings.

G: Did you go to the hearings?

D: Yes.

G: They concocted their hearing strategy, then, more or less in your presence? They decided how they wanted to approach the case and so on?

D: Yes. You mean the lawyers for Johnson?

G: Yes.

D: Oh, yes. Yes. I would sit in on their sessions. Then I would go to the hearings and watch what--

G: What kind of approach did they think was going to work? Did they feel like they had a strong case, a weak case or--?

D: My recollection--and again I'm sure sorry it's so vague, because it's been so long ago. Of course then, as now, the law was that it was extremely difficult to get into a ballot box. The law used to be, and I guess still is that before a tribunal, a judge, or anybody can open up a ballot box and start pawing around among the ballots, that you've got to make a pretty strong preliminary showing of fraud in connection with the conduct of the election, and show that there were a sufficient number of illegal votes that are likely to have changed the result of the election. That being a basic rule of election law, it's my recollection that the principal strategy of the Johnson forces was to attempt to thwart what they considered to be the condition precedent to getting into the ballot boxes; that

there really wasn't enough evidence or any concrete evidence of fraud having been proven--a lot of it was alleged but it hadn't been proven--that would justify the trial judge in opening up and recounting, going through and checking the ballot box. That was their principal line of defense.

G: What about the question of venue? Did they think that a federal proceeding had any business entering into this kind of an operation in the first place?

D: Well, again, it's a pretty vague recollection that one of the preliminary points [was] that Everett Looney challenged the jurisdiction. [It] was not so much a question of venue--

G: I mean--I'm not a lawyer. I misuse words. I'm sorry.

D: Venue is which county it's heard in.

G: That's correct.

D: Jurisdiction is which court has the power to act on a particular subject matter and parties before it. It was strenuously urged by Mr. Looney and the Johnson forces that federal court, Judge Davidson or his master, Mr. Smith, didn't really have any jurisdiction. But that was rather promptly overruled, as I recall.

G: Of course, the master has to assume jurisdiction when he's directed by the judge to go and proceed, isn't that--?

D: As I recall, and I wasn't present and didn't have any participation, but I'm sure there were strenuous efforts being made back at Judge Davidson's level and later on higher up, either at the circuit court or at the Supreme Court, to the same effect, which later proved fruitful, as you know.

G: Did you go to the hearings in Alice?

D: Yes.

G: You were present at the hearings and heard all the testimony and so forth?

D: I think I was there nearly all the time.

G: Can you describe that scene? What was the atmosphere? Was it tense?

D: Very tense. The Stevenson forces sort of had the attitude that at long last, we've got these crooks right where we're going to unveil their crookedness, and we've got them before a United States magistrate and with United States marshals around. They were very aggressive, very pushy. The Johnson forces were pretty well on the defensive. But I'll say this about Everett Looney, he was a great lawyer and he was every bit as vigorous in his defense as Mr. Tarleton and the others were for the other side. But of course the Judge, Smith, was not very hard to persuade to do the things that the Stevenson forces wanted him to do. About all the Johnson forces did, under Mr. Looney principally, was to more or less delay the action, hoping that the cavalry would ride in and save them.

G: They seemed to have had a lot of trouble finding witnesses to serve subpoenas upon.

D: As I recall, most of the key witnesses just sort of disappeared. In fact, I think they changed the law about election contests as a result of that thing. The favorite way to avoid being challenged in election contests, the law used to be, you had to personally serve the candidate with a notice of the contest. They changed the law at about that time to where you could nail it up on his front door and that was notice whether he got it or not. Well, let's see. I think Tom Donald disappeared. But I think Luís Salas was there, wasn't he?

G: My understanding is he was, although they had had a hard time finding him the night before.

D: Yes. My recollection is vague but I think Tom Donald disappeared, but I think Luís Salas was there. I think Clarence Martens was there.

G: Clarence Martens was there.

D: Yes.

G: Mrs. Donald was there very briefly. They asked her where--

D: Where Tom was.

G: --her husband might be, and she said she didn't much know. All that she did say was in Mexico.

D: I think it was brought out or I knew it someway that he was in Mexico, and I think it was pretty obvious he was avoiding the subpoena.

G: Right. Somebody, and I'm trying to remember who, had gone to California on vacation, but that apparently had been planned way ahead of time and there wasn't anything particularly suspicious about it.

D: I don't know who that was unless maybe Harry Lee Adams.

G: I think that's who it was.

D: Because Harry Lee had been elected county chairman and took office right after the run-off, and Harry Lee, as I say, was an ally with the old party who in turn were allies of Coke Stevenson.

G: Frank Hamer, I understand, was present at the hearings.

D: Seems like I remember that. I've had many good friends who were Rangers, but I've never been in particular awe of Rangers so he didn't frighten me particularly, although he was a nice fellow. I liked him. I don't remember him personally. I guess I was more interested in these high-class lawyers being around.

G: Well, you were getting a--

D: An education.

G: --an education, sure. Do you remember any high spots or dramatic moments in those hearings, things that stuck in your mind?

D: Oh, Luís Salas was kind of a blunt character and I thought he made an interesting witness. My friend Clarence Martens as always was evasive and hard to pin down. Of course as you know, after not too long a hearing and too much time or too much evidence, and I think they brought in a bunch of these voters that were alleged to have voted and who testified they hadn't. I don't recall this thing lasting too long. I recall

anyway that the special master, I guess you'd call him, Judge Smith announced that he was going to open the ballot boxes and I think they'd started opening one when they came rushing in with the order from the United States Supreme Court Justice [Hugo Black] stopping it. Now, I may have the sequence all wrong.

G: I think you've got it pretty well right.

D: But it was very dramatic.

G: What was the impact of the news that the hearings were going to be shut down?

D: Oh, the Stevenson crowd said they've thwarted us justice again, and the Johnson crowd said the right had been vindicated. It just depended on which side they were on. Of course in those days there weren't many neutrals; they were mostly one side or the other. One side was ecstatic and the other were downcast, just like a few minutes before when they were starting into the ballot boxes, the Stevenson crowd was elated and expecting to see the gory proof brought out on the table and the Johnson group were pretty apprehensive.

G: Do you know what happened to the gory proof?

D: I sure do not know. I have suspicions. I have no real even third-hand direct information. I think I told you when we were visiting that some years later, Nacho Éscobar came to me and very upset because he had not gotten some kind of a civil-service job or something he wanted. Without ever being very specific about it, and as I recall this must have been ten years or more later, he indicated to me that he either participated in or had direct knowledge of the ballots being either taken out of the jail, the boxes being either taken out of the jail, or being--that's my recollection, that he said they were taken out.

G: By whom?

D: Nacho never told me who took them. He talked about going across the creek and he didn't name names, but it's my recollection--the impression I got, right or wrong, was that Luís Salas and Clarence Martens had been the ones that he had seen or talked to. I know

they both denied it, and they may be right. Nacho was speaking from years later and he was speaking from disappointment and bitterness. He indicated that Ed Lloyd was masterminding it, but he did not indicate to me that Ed was personally present. That's the only halfway direct evidence that I ever heard on it, and that was at least ten years after the fact. At the time I don't recall any of the principals ever saying anything to me that would have indicated that they really did anything. It became a kind of a joke, about the disappearing of this so-called ballot box. The papers picked all of it up as the box disappearing, but actually of course what it was that disappeared was the poll list, and the tally list, and the election returns. Because the allegation was that in one ink and in so-called alphabetical order there were about 200 or 201 or 202 names added to the Box 13 poll list. You've been into this so much you probably know, but I don't know whether anybody ever got into the box and recounted the ballots.

G: There weren't any in there.

D: The ballots were missing?

G: Yes.

D: When they were opened when Smith was there?

G: There was some unused election materials in it and that was all.

D: Now that you mention it, I think I do remember that happening there. That was the big excitement. It wasn't too long after that that the order came shutting down the hearing. And I, of course, saw the poll list there in the Texas State Bank that day when Governor Stevenson was looking over them, and Kellis and maybe some others. I may be wrong about Kellis, but it seems like I remember him there, making notes. And maybe Harry Lee Adams, because Harry Lee was about ready to take over as county chairman and he, as I say, was allied with Stevenson. I can recall them pointing out the ink change and that there was some different ink at the end. But of course you could have had different clerks there. I don't remember how significant that was at the time. Also there was the

contention that these names were in alphabetical order, indicating that somebody had just taken a telephone book or a poll list and had just added names as they went through an alphabetical list, either a poll list or a telephone book. I have a vague recollection--the only time I remember seeing the list was there in that Texas State Bank on Tom Donald's desk--that they were fairly well in alphabetical order. That's about the extent of corroboration that I know of, of direct knowledge. Of course I heard all the rumors around and listened in the grand-jury room to all the charges. And they'd interviewed and we'd interviewed, before the grand jury, a lot of these people who were alleged to have been on that poll list who testified that they did not vote.

So I'm satisfied in my own mind that there probably were some names added. Who was there and who participated in it, I sure don't know, except what Nacho Éscobar told me, and I don't know how trustworthy his recollection was, because as I say he was very disgruntled because he felt like he had been turned down as a loyal political person for some kind of job that he wanted in the federal civil service. He thought it was pretty poor pay for what he had done in behalf of Lyndon Johnson. He was sort of mad at Ed Lloyd, as I recall it, felt like Ed could and should have gotten him what he wanted.

G: If the votes were added, at whose instance would you think this was done?

D: Of course I read Luís Salas' newspaper account later about it, but it would be my guess--and this is sheer guess; it's really a shame to guess bad things about people--that it could not and would not have been done, if it was added, as I think it was, without Ed Lloyd's active leadership. But he never breathed a word that would indicate that to me. But knowing the power structure and the leadership, the people that could have done it would not have done it without his active direction.

G: You may recall that part of Salas' story was that soon after the election there was a meeting out at Parr's ranch. Salas was there, Parr was there, Mr. Ainsworth I think he said was there, and Lyndon Johnson.

D: I think Luís remembered incorrectly or made it up, because I don't think that--of course he could have come down like other politicians I've told you about, and visited George quietly and secretly, but I doubt it. I don't believe it, personally, because I don't believe that Lyndon is that stupid, and I think there were a lot more hot spots over Texas than just Jim Wells and Duval Counties, where they were counting and recounting and changing ballots. His obvious, wise thing to do would be [to be] there at the nerve center and let his friends go out and help on the thing.

Again, I think the public misapprehension of George's power in this county then and now is incorrect. The real power was Ed Lloyd. He was very close to George and I'm sure they communicated and all, but I'm satisfied that if it happened as the Stevenson forces say, and as I'm inclined to believe probably did happen, then I'm sure that Mr. Ed Lloyd knew about it. I don't know whether he would have participated in it, but I bet he arranged it and told it. This is just a guess.

G: In the political sense, who did Luís Salas work for?

D: Luís was a loyal, active, strong supporter of what they called the new party, which was really directed by Mr. Ed Lloyd. Now, he may have been closer to George than I know, because I wasn't all that close to George. Of course we were friends and I knew him, saw him regularly at the bank and he would be in the law office to see Mr. Ed Lloyd. I never did any work for him. I did work for the bank but not for him. But Luís, although a strong Mexican-American leader, he had a job with Tex-Mex Railway and it was, for a Mexican-American in that day, a pretty prominent job. As I recall, he was station telegrapher or station master for Tex-Mex here in Alice. Luís was an intelligent, forthright, not subservient-type man at all. But he held no political office. He was, as I say, regularly appointed as election judge of that precinct, which was the largest precinct in the county, as I recall. He was a lieutenant, you know.

G: Was he a tough guy? Were people afraid of him?

D: Oh, Luís talked pretty rough but I never knew of him to use physical violence on anybody. In those days--it's hard to realize now with all the strong, militant Mexican-American organizations--but it was very rare to see a Mexican-American that was independent and unafraid. Luís was unusual in that he walked proud and talked proud and he wasn't subservient to anybody, particularly. That was highly unusual in that day. Take Sam Smithwick now; Sam was the one that shot Bill Mason and was prosecuted and convicted of that. Sam was as fearless a man, as brave a man as I ever saw and probably as tough a man as I ever knew, [an] old-time cowboy. But Sam was extremely deferential. He'd never meet an Anglo woman [that] he wouldn't tip his hat deferentially, you know. He'd been brought up that way, that's the way he was. But Luís, I don't know where Luís got his independence, but he was an independent man. He was a very unusual man.

G: What has been the aftermath of 1948 in Jim Wells County?

D: Of course it put the county on national notorious--it became notorious. Actually it was a strange thing. Every person outside of the immediate South Texas area was convinced that Box 13 was in Duval County, and probably still is. Because through the years the Parr machine had delivered these large blocs of votes before, then, and afterward. It became famous, and groups from down here made kind of a joke out of missing Box 13. Actually the box wasn't missing, as you indicated, it was the ballots and poll lists and tallies out of them. But the can in which the things were was, I think, still there at the hearing. Of course it had an adverse publicity for the area through the years, but it had a good side, too, I guess because as Johnson went on up in ascendancy and power and became an outstanding senator, later vice president and later president, well, people tended to forget the questionable nature of how he got elected to the United States Senate and tended to take a sort of a perverse pride in the fact that this area had perhaps been responsible for him going on up the ladder.

G: Did you ever feel like a kingmaker even if you hadn't known what was going to happen?

D: Not really. Although I remained close to Lyndon Johnson through the years till his death--we'd see each other infrequently. In fact, he invited my wife and I to the White House for dinner the one and only time I've been to dinner at the White House, but it was after he had already announced that he was not going to run for reelection. Then I went to the dedication of the Library, and we've been out to the Ranch a time or two to see him. I liked the guy. I liked him before he was United States senator and before he was vice president and before he was president, and always did. I thought [there] was far more good in him than bad. I don't know any perfect people.

G: I'd heard it alleged that Johnson became rather aloof toward the folks who had supported him down here. Is there any truth in that?

D: The only basis I could judge that on would be, my friend Nacho Éscobar certainly felt like he had been let down. I never asked him for a favor before or after and so I never had the chance to be rebuffed or to be accepted. I feel sure that it would have been human nature for Lyndon to [not] want to be too close to the principals involved, because it would sort of retroactively confirm people's worst suspicions. But I'm just talking now about human nature. Of course, if the ballot box was stuffed, I didn't do anything about it and didn't help them do it and never got any real conclusive evidence of it. If that would have gotten me honor I wasn't entitled to it. But I didn't notice, and I was pretty close to Ed Lloyd, although Ed Lloyd--we practiced law together from 1941 until I left the firm in 1968--never uttered a word about--I never heard him criticize Johnson, and Ed was pretty good about doing favors and expecting them to be returned. But I never heard of him feeling like he was rebuffed by Johnson.

For example, I don't know whether Johnson had anything to do with this or not, but about that same time, I don't remember now when we started it, but I got interested in starting a savings and loan association down here. Of course I didn't have much money,

but I had some friends with a little money, so I fronted up a group to organize this federal savings and loan association. We had a rather strong state charter association that Mr. Mullen was head of. So I did all the paperwork and we got it applied for. Then we were promptly turned down at Little Rock, which was then the headquarters for the Federal Home Loan Bank for this district. So I appealed it to Washington and Mr. Ed Lloyd took the application up to Washington, and with the help of John Lyle, who was our congressman at that time, went up there and held a hearing before the bank board in Washington and we got the charter. I feel like that charter was granted after all this; I don't recall the dates exactly. I don't know whether it was given as any particular reward. I seem to feel like my recollection is that Johnny Lyle had a whole lot more to do with getting it through than Lyndon did.

Later when my friend Judge Laughlin's bank went busted because his chief operating officer had embezzled a whole bunch of money, I went up to Washington with Woodrow Laughlin to try to get a charter for a new bank, and by that time John Young was the congressman from Corpus. Do you remember John or did you know him?

G: I didn't know him, no.

D: Of somewhat dubious Hokey-Dokey-Cokey [?] fame. But anyway, John Young was an excellent congressman, but we'd been friends for years. John personally took three or four days out of his thing and went with me every step of the way to get this charter from the FDIC. And the federal comptroller had some reluctance to give a new charter to a man who had just let another fellow embezzle all their money and put them in trouble. But in all the years after that, I just don't really recall ever asking Johnson for any favor. I'm sure it didn't hurt me that I knew him and he knew me and that we'd see each other. Every time he'd have a race, he'd remember and come back. But I didn't expect otherwise. I've worked for a whole lot of state politicians and federal politicians and most of them are fleetingly grateful.

I remember well when Cecil Burney and I went to Lyndon Johnson's inauguration. We kind of stayed together and went to all the festivities together. Cecil had busted his back for Johnson, as I had, and spent worlds of time and money, our own money, and they had a special dinner and a VIP section for people in those days that had given a thousand dollars. And Cecil said, "Homer, if you and I were smart we would have practiced law and made several thousand dollars while we were helping Lyndon, and given a thousand dollars and go to this big-shot dinner."

G: That's a pretty astute observation. I think that's what they called the President's Club, wasn't it?

D: Yes. Yes.

G: I think that's all you got out of it, too, was you got to go to that dinner and you got to shake his hand. Well, that might be worth a thousand dollars.

D: When did Truman--he got elected in 1948, didn't he?

G: Truman? Yes. Same election.

D: Same election. Well, that fall, same election that Johnson was elected senator.

G: Did you go to San Antonio to meet the train?

D: I went to San Antonio and got to shake hands with the President. There's the little white pin they gave you for Secret Service identification. It was a rather amateurish safety system, but they'd check you out and give you a pin with a white head. That was supposed to clear you to go on up and visit with the President. It was fun. It was an honor, you know.

G: There was a delegation that went, I gather, from here.

D: Yes, a few of us here.

G: Did Parr go?

D: I don't remember George being there.

G: It's rumored that he was. I haven't been able to confirm it.

D: He could have been. I just don't know.

G: Mr. Ed Lloyd surely would have gone, wouldn't he?

D: Again, I don't remember that he was. I just remember Barbara and I went. My wife would probably remember. She's a real social person. Bess Truman had a little thing for the ladies and the men went to meet with Harry Truman. It was a real honor. I enjoyed getting to shake hands with him. He was a feisty fellow.

G: Yes.

D: And I think history will show a really good president.

G: Of course there's been a reassessment of him recently, and he looks much better than he may have looked at the time. He wasn't very popular by the time he left office.

D: My army reserve group used to drive back and forth. Half of them thought he was the sorriest president we'd ever had. I always liked him. I always thought he was tough and blunt; and a rather rare quality I've found through the years in politicians: I always thought he was pretty honest. That's a rather rare quality among politicians, businessmen, maybe even historians.

G: (Laughter)

End of Tape 2 of 2 and Interview I

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