

## INTERVIEW I

DATE: June 10, 1969

INTERVIEWEE: JAMES L. NOEL, JR.

INTERVIEWER: David McComb

PLACE: Noel's office, Federal Building, Houston, Texas

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M: First of all, I'd like to know something about your background. Starting at the beginning, where were you born and when, and where did you get your education?

N: All right. First, I am commissioned as a United States district judge as James Latané Noel, Jr. I was born at Pilot Point, Texas, Denton County, October 28, 1909. I was educated in the public schools there, which was an eleven-grade school, graduated in 1926, was admitted to SMU [Southern Methodist University], entered the School of Engineering and was graduated in 1931 on the cooperative plan with a B.S. in civil engineering. In 1932, I received a B.S. in commerce from the business school there, and in 1938, I received an LL.B. from the law school at SMU.

M: And then did you take the bar exam and go into practice?

N: I had taken the bar exams in 1936 and been admitted to the bar before I graduated from law school. I was assistant district attorney of Dallas County and going to law school part-time contemporaneously with my service as assistant district attorney of Dallas County in the civil department.

M: Then somewhere along the line you became assistant attorney general for the state?

N: Yes. In 1932, I entered the employ of the county of Dallas in the engineering department. I served there for about two years. I then went on the staff of the county judge as an assistant budget officer, and from there, I went to the district attorney's office. January 1, 1939, I moved to Austin, Texas, and went on the staff of the Attorney General of Texas, who was Gerald C. Mann, who was elected in the summer of 1938 and was a classmate of mine at SMU.

M: And in the forties you must have gone into World War II.

N: I did. Immediately preceding my going into the war, though, I had my first contact with President Johnson, and it came in this way. Senator Morris Sheppard died, and there was a special election for the United States Senate. President Johnson was a candidate, then-Governor W. Lee O'Daniel was a candidate, Gerald Mann, the attorney general, was a candidate, and if I recall correctly, then-Congressman Martin Dies was a candidate. In that election I was the state campaign manager for Gerald Mann, and that was the first time that President Johnson really came into my close scrutiny. I had met him, but he was a congressman. I realized that he was a man on the move, as we might call it, but I hadn't had any personal contact with him. It was in that campaign in the summer, as I recall, of 1941--the fact is that that's when it was, in the spring and summer of 1941, that President Johnson came to my very close attention because of the competition between [him and] my friend and candidate, General Mann.

Of course, Pearl Harbor Day came, and I went into the navy and as I recall took my oath on April 21, 1942. I was commissioned a lieutenant junior grade, having been offered a commission both in the army and navy and accepted the naval commission

because it called for overseas duty. I went immediately without any training to Pearl Harbor for further assignment and was assigned at Pearl Harbor and was there for some three years, returning in July of 1945.

M: In that 1941 campaign, do you have any impressions about how Johnson stacked up against the other candidates?

N: Well, do you mean professionally, or capably, or the matter of campaigning?

M: Yes. Was he a major candidate?

N: It was an interesting development actually, the inside of it was, a very small amount that I was aware of. At that time, to set it in perspective, Governor O'Daniel and General Mann were elected in 1938 in what I would call a protest vote. I doubt either one of them would have been elected in a normal year, but there had been certain developments in the state which caused a strong reaction against those in office. The man against whom General Mann ran was lieutenant governor and a very popular man, but he still felt the sting of this disapproval of the electorate generally. The man, Governor, and later Judge, [James] Allred, who was retiring, was not I'd say so much in disfavor. But there were other state officials who were in disfavor, and so it caused a climate that was conducive to the outs getting in.

Governor O'Daniel was a radio star, and he was able to focus this feeling on the part of the people and build up stronger, to focus the disapproval and resentment. And I felt that General Mann was a beneficiary of that. But it wasn't long after Governor O'Daniel got in office that he himself fell in some disfavor, and General Mann was, I think fairly stated, regarded as the coming light in the state among the then-coming politicians. But he had a statewide reputation, having made a strong race for attorney

general and having been elected, whereas then-Congressman Johnson was a district candidate. In other words, he was well known in his district, having won a hard plurality campaign when the Congressman died, Congressman Buchanan. He had the benefit of strong support, strong financial support and strong support from leading people who believed in him.

Then, to answer your question directly, we wondered whether he would be a candidate. There was a good deal of discussion as to whether or not he would be a candidate. I remember being in the offices of Harold Young, who was then administrative or special assistant to then-Vice President [Henry] Wallace, and we talked to Harold Young about whether or not Congressman Johnson would be a candidate. We were concerned about it because we knew that he was effective and vigorous and attractive.

M: So then you looked upon Johnson as a person--

N: We looked upon him as potentially a very strong candidate.

M: Yes, yes.

N: But albeit, we felt that really the hardest, toughest candidate would be Governor O'Daniel, simply because of his prior performance on a statewide scale.

M: Do you remember any of the issues of that campaign? What did your candidate talk about, for example?

N: The war was on everybody's mind at that time, and my recollection is that Congressman Johnson was just a straight support Roosevelt candidate. That's the way he got elected to the Congress in 1936 or 1937 or 1938, whenever it was along in there. Governor O'Daniel was never a pro-Roosevelt man or really a Democrat, identified as such.

Attorney General Mann was a very independent man, and his nature was such that he wouldn't get out and just support unqualifiedly President Roosevelt, although he was for him. So I would say from President Johnson's standpoint he ran his race, as I recall it, on the basis of supporting President Roosevelt for whatever he wanted to do. Other than that, I don't recall any specific issues.

M: From what you say, you weren't too surprised that Pappy O'Daniel won that election.

N: No, I wasn't. Although I firmly believed what is pretty well substantiated rumor, that President Johnson was counted out in the political maneuvering that went on in some boxes in East Texas. General Mann was disappointed, but he was clearly defeated. I could feel it in the state headquarters when our support was slipping, and our support was slipping because, generally speaking, the people who supported Johnson were also Mann people, so they had to make a choice. Our financial support started dropping off from sources that would have normally stayed with us, and also some newspaper support and some leadership in the state. So I'd say the Mann votes went to Johnson, not to O'Daniel. But we realized O'Daniel was potentially strong, and really, I believe if I had at that time been predicting I would have predicted that O'Daniel would come in a little bit ahead of Johnson in the count. And I was close to it, I was on the telephone all day every day.

But I wasn't surprised, really, at the preliminary report that Johnson had won. I'm also not at all surprised at what I consider fairly well-documented rumor [about] certain boxes in East Texas, that were what you might call Martin Dies boxes and were old Jim Ferguson territory boxes, that agreements had been made that if Dies were out of it that whatever was necessary might be done to throw those boxes to O'Daniel. Because the lieutenant governor, then-lieutenant governor, who was a part of the old Ferguson

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machinery, wanted to be governor, and therefore he wanted O'Daniel to win. It was a political accommodation. Now that's rumor, and I've heard it though from such authoritative sources that I consider it more likely to be correct than incorrect.

M: Then is it fair to say that Johnson and Mann cut into one another's strength?

N: I'd say Johnson cut into Mann's strength, because Johnson simply had a fast build-up in support, financial and newspapers and prominent people. Whereas it looked like at first it would be a race between Mann and O'Daniel, two weeks before election day it was clear to me it was a race between O'Daniel and Johnson and that the Mann support went to Johnson, not vice versa.

M: I see. Well, then you went into the navy not too long after.

N: I then went into the navy a few months later. And, as I say--well, I didn't say this--I was married on the twenty-first of April, that's the way [I] recall the date, and immediately went to San Francisco and within a short time boarded a vessel for Pearl Harbor and further assignment. That further assignment happened to be officer in charge of real estate acquisition in the Fourteenth Naval District and attached to the staff also for additional duty of the CINCPAC, the Commander in Chief of the Pacific. I did legal duties there in advising the officer in charge of Pacific Naval air base contractors who did the big construction in Hawaii.

M: Then you left the navy in what, 1946?

N: I was out in 1945, but chronologically speaking, it was during that period that my first direct personal contact with President Johnson occurred.

M: When did that come about?

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N: It was in June or July of 1942. President Johnson was a reserve naval officer. He went on active duty as a lieutenant commander and went down to [Douglas] MacArthur's command, and served there for a few weeks and went on several missions, I know, air missions. During the time he was there, he contracted some virus, perhaps flu or whatever it was, but the President insisted that he and other congressmen who had gone on duty return to their duties as congressmen. He responded to the President's request, but due to his fatigue and illness, he stopped in Pearl Harbor for a period of five or six days. I heard he was in the city, and I called on him at the old Moana Hotel out in Waikiki--I lived out near there, had a quarters--and had a very pleasant visit with him in his room there.

We talked about the senatorial campaign of 1941 and his experiences which he had just undergone attached to MacArthur's command in Guadalcanal and New Guinea. I believe they were still on Guadalcanal at that time, or at least New Guinea, I forget which. In any event, that was the beginning of our real personal friendship and relationship. Then I did remain in the navy for the period of time I mentioned on Admiral [Chester] Nimitz's staff and Admiral [David] Bagley's staff, came back to the States in July of 1945. I went for a short period on duty at San Francisco in the Twelfth Naval District, and was released October the fifth or tenth, I forget which, 1945.

M: Then did you--

N: I might add that that was the first time that I had any occasion to call on Congressman Johnson. He was very active in the Naval Affairs Committee, and rightly or wrongly, I felt that I was being retained in the navy unfairly. I had the points and I had overseas duty and every other entitlement, I thought, for immediate release, but I felt I was getting

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some opposition up the line from some people who shouldn't be opposing me. I did call on his office, and they in a very friendly way responded to assist me in my problem.

M: Did he help you get out?

N: He did help me, yes.

M: So then you were released.

N: Not improperly. It was just a matter of who was to be selected, and we were supposed to be released based on accumulated points computed in a certain manner. I had the points, and the people who had been overseas were supposed to be preferred. I'd been overseas three years, and it was just, I think, a little internal politics. He loosened the knot, and I got out.

M: Well, that must have cemented your friendship a bit.

N: Oh, it didn't hurt.

M: Then where'd you go from there? Did you come to Houston?

N: After I got out, I was back in Austin and served on the staff of the attorney general, who then at that time [was] Grover C. Sellers. He had succeeded General Mann, who had resigned to go back into the practice of law. I was in charge of the oil and gas division; prior to that time, I had served in the lands division. I was in charge of oil and gas there for about six months; then I came to Houston and joined the law firm of Butler, Binion, Rice and Cook as a partner June 1, 1946.

M: And you remained with them how long then?

N: I remained with them until November 1953. I withdrew into a solo practice on a very friendly basis and devoted, at least at the outset, most of my personal time to one client, who wanted me closer to him and to commit more of my time to his business than I could



fairly do as a partner of the firm. I assembled a small group of associates around me and practiced in that posture until I was appointed to the court in 1961.

M: Now, after you got out of the navy and you joined in the partnership with Butler, Binion, did you have any contact with Lyndon Johnson?

N: Yes, I did. My recollection is occasional letters for one reason or another. When I was in Washington, I always called on him. We had some work that would take me to Washington, and I kept up my contact with him. I took an active part in the senatorial race of 1948.

M: Did you--?

N: I had urged him to make that race.

M: Yes.

N: I felt it was the right move for him at that time.

M: Was there any--

N: Not that I had any great influence, I'm just saying I was one of those who felt that that was the time for him to move.

M: Did you send him a letter urging him to do this, or how did you contact him?

N: My recollection is that I did. As a matter of fact, I didn't act as promptly as my intuition indicated, but I felt early that it was his time to move, even though he would have to run against a very popular governor, Coke Stevenson. I felt that Coke Stevenson was vulnerable in many respects. The reason I didn't write him at the early stage was that my senior partner and the next name partner were very close personal friends of the governor's and closely entangled. Not entangled, I mean closely associated with

Governor Stevenson's politics. I talked to them about it, and I didn't want to be in the awkward position of being publicly opposing them.

I just simply didn't do anything until the move started for President Johnson, and then I did write him at that time and perhaps sent a telegram. Out of the fifteen or twenty people in the firm I believe I and James D. Smullen, who had been in the attorney general's office with me and whom I brought to Houston and is now a partner in the firm, were the only ones who supported President Johnson. But I was active in the campaign, although my partners were active for Governor Stevenson. That's never really been a problem with lawyers in any firm; they can do whatever they think they ought to do.

M: How does Mr. Smullen spell his name?

N: S-M-U-L-L-E-N, James D. Smullen. He had been in Honolulu with me during the war, and we had served together in the attorney general's office. But he was not there, as I recall, when President Johnson came through.

M: Then in the campaign of 1948, what did you do?

N: A specific assignment I don't think I [had]. I was not a campaign manager or assistant campaign manager. I generally, and as I recall, made some speeches, assisted in distribution of literature, worked around the headquarters. I remember quite well a picture that came out in the old *Houston Press* of me and Sam D. W. Low and Judge Andrews, who was then the senior man at Baker, Botts. [That's] one that I always enjoyed, and the Senator's picture in the background. At any rate I was publicly identified [with Johnson]; everybody knew that I was in the campaign, whatever influence I had. Whatever I was asked to do, I did.

M: Do you remember Johnson coming through Houston for speaking purposes?

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N: Oh, yes, several times.

M: Did he use his famous helicopter?

N: As a matter of fact, I believe he did. I believe that's my recollection.

M: Now that was a tight race, too.

N: Very tight, very tight. Of course, the celebrated dispute that arose down in South Texas over the counting of the boxes and ballots and so forth, I had no contact at all with that. I mean, in saying that, I'm not disclaiming anything; I'm just observing that I had no occasion to have any contact with it. Nor did I have any contact with the litigation. The litigation was handled by the President's old and able friend, Leon Jaworski, and, if I'm not mistaken, his associate, John Crooker, Sr., who had been a friend since John Crooker, Jr., was in high school. The President was his debate coach. I was aware of it, and of course a Johnson partisan in it.

M: Then Johnson went into the Senate. Did you have much contact with him when he was a Senator?

N: Well, of the same nature. I might just say that immediately after his election, he was anxious to build up a group of his strong supporters here. My partners Butler and Binion, who had supported Stevenson strong, had been gentlemanly. It was just a fair fight, and as far as they were concerned, it was over. I remember the Senator told them he certainly would like for me to continue in my activities in his behalf and on the committee and so forth, and they were eager that I do so. I did continue to be identified as one of those here who was one of his strong supporters, not one of his personal confidants and that sort of thing. I did continue my contacts with him. I would always call on him when I went to Washington. I was not one of those that he would notify when he was coming to town to

always meet him, that sort of thing, but I would say this: he always liked to see his friends at the airplane when he landed at the airport, and if I knew he was coming in, I was usually there among others.

M: I see.

N: That's the picture I have of him and the only one I have. The one I like most is when he was the majority leader. That picture on my wall was taken in P-38, which was a well-known room in the Capitol in those days.

M: Yes. That's one when he was a majority leader.

N: Yes. I just happen to like that picture.

M: Yes, it's a--

N: I have others, but that's the one I enjoy.

M: For the sake of the recording, this is a color photograph, I believe in his senatorial offices in the Capitol.

N: No. If I'm not mistaken, it was in the--well, he had two offices. One was in the Senate Office Building, and the other was in the Majority Leader's office in the Capitol, and this is in his reception room, in his room in the Capitol, P-38.

M: Yes.

N: In those days, P-38 was a well-known retreat, but it was the Majority Leader's rooms, like the Speaker had his rooms, the Speaker's rooms off the House. They were, I might say, somewhat more elaborate rooms than prior majority leaders had had. I'm sure he was majority leader at that time. In any event, I like the picture.

(Interruption)

M: While we're looking at pictures, is this a picture of Sam Rayburn up here?

N: Mr. Sam, yes.

M: Did you know him well also?

N: Yes, quite well.

M: Did you ever observe Rayburn working with Johnson?

N: Oh, yes. Yes. I talked to each of them about the other.

M: There was supposed to have been a very close personal relationship between them.

N: There was.

M: Is that true?

N: There was.

M: And a certain amount of affection apparently.

N: A great affection on the part of Mr. Rayburn and Johnson, too. Mr. Rayburn had served in the Texas House of Representatives with Johnson's father. You perhaps know that.

M: Then did you get involved in any of the other campaigns of Lyndon Johnson after that?

N: Well, yes. I was not at the Chicago convention in--what would that have been, in 1956?

M: 1956.

N: 1956. I was not there. I was not involved in that.

M: Were you involved in any state politics in 1956?

N: Well, let me say this. I'm trying to think back. I was always involved in some way in state politics. I was one of those people who maintained, I think, I hope, friendly and cordial relations with both Senator [Ralph] Yarborough and Senator Johnson.

M: Yes.

N: It was difficult to do because--

M: I would think so.

N: --of their natures, the way they are, but more so because of the needling, in my opinion, which occurred to both of them on the part of the partisans who seemed to feed on jealousies and differences between the two men. I always felt that the differences were more apparent than real, that they got to be personal differences fed by, and encouraged by, people who were trying to bend each one of them in different directions.

M: Then the--

N: Now, that's just simply my intuition. I was not close enough to it to really make a judgment on it.

M: You never got involved in the altercations between them?

N: No, I never did. I never was involved. Actually, my personal friendship and relationship with Senator Yarborough was of longer standing, and really more intimate, than with President Johnson, although I supported each always in his campaigns. But my association with Senator Yarborough was based upon professional experience and professional interest. We were both very much interested in land litigation and started in the attorney general's office. I hope, with some modesty, I can say that I was successful as a trial lawyer there, and he had a brilliant success there preceding me on the land desk, so we had a community of interest in the law. When I was there in Austin as an assistant attorney general he was a district judge and encouraged me a great deal. So based upon that we had a long standing personal friendship.

M: Let me get something straight then. You have seemed to indicate that the differences between Yarborough and Johnson were more of a personal nature and exaggerated.

N: That's my feeling about it. I feel like those two men, really, their objectives and their feeling for people and what they really wanted the country to become or do, were not so

far apart. I think they were far apart in method. And their supporters were the same, and yet, they were different. We had, simply, here in Texas, a division essentially in the Democratic Party. As Senator Yarborough emerged finally, he was finally supported and strongly by the labor people and the very liberal people, but he didn't start out that way in his political support. In my opinion, they came to his flag really in order to support somebody in opposition to Governor Shivers and Governor Daniel.

M: Can you explain the difference to me in their methods?

N: Well . . . .

M: Is this a difference in style?

N: I think it's a difference in style. President Johnson was a strong personal persuader, and he was a man who was determined, had overpowering determination to do what he set out to do. He thought it was right, and thinking it was right, he wanted to persuade everybody else to do it. On the other hand, he was a master, I think, of accommodation and certainly mastered the intricacies of the Senate and the personalities of its membership. He just simply knew how to press the right nerve, I think, or button at the right time to bring accommodation. I've heard him say more than once that he believed in accepting, when you had to, what you could get rather than what you were striving for. Because if you could accept what you could get at the time, you might get the other offer, where if you didn't do that, you might just lose out entirely.

M: What's the difference between this and Yarborough?

N: Now this is purely just the way I feel about it; I haven't watched them enough. I feel like Senator Yarborough is more of an idealist and sometimes pushes for the ultimate. I don't believe that in his relationship with people that he is the persuader that Senator Johnson is

or was, President Johnson. Really, I think President Johnson would cajole and twist the arm and do whatever was necessary that was proper that he thought to get the job done the way he thought it ought to be done. Whereas Senator Yarborough, I think, would respect the dignity of other individuals to the point that I don't believe he'd push beyond a certain point. They're just two different types of people, but their partisans back here in Texas all the time, I could see it and feel it, were needling one and needling the other, constantly aggravating the differences between them, in my judgment.

M: I see.

N: I think they're both men of good intent. They had ideals and objectives for the country which I really think were essentially the same.

M: Did they become more mellow toward one another in the latter years?

N: I really was not that close to them to say. Of course, when President Johnson became the president, I never did even seek to see him at the White House. I was in the White House once, but there on another mission, and he came out to see the group who were there. We arranged the trip for this little group, a choral group from our daughter's high school. But I have continued more personal contact with Senator Yarborough and saw him during the period. After President Johnson became president, I never did sense, or never did realize, any of those differences that I did feel until that time. I think that when President Johnson became the president, he was the president, and he was Senator Yarborough's president, and it was at least my supposition that the Senator, if he had any such feelings, why, he suppressed them and supported the President in his program.

M: Now you mentioned that you did not go to the Chicago convention in 1956?

N: No, I didn't. Nor did I go to the Los Angeles convention of 1960.



M: Did you get involved in any way in the 1960 campaign?

N: Yes.

M: What did you do?

N: I was active in that campaign. I contributed, of course, made contributions to the campaign. I was again not one of the campaign managers and one of the lieutenants particularly. I was there around the headquarters. I had no express assignment, but was on the committee as such, and I can't remember precisely what I did other than just do whatever needed to be done.

M: Were you surprised that Johnson took the vice presidential spot?

N: No, I was not.

M: You thought--

N: Not at all [surprised].

M: Why not?

N: Because I thought his sense of duty was such that it required him to take it. Lots of people speculate about that back and forth. I talked to Mr. Rayburn about it. I was up at Bonham one time, visiting one afternoon, sitting out in a rocking chair on his front porch, and he was musing. He loved to reminisce and talk about these things. He talked about Lyndon with great personal affection, and Lyndon's ambitions, and those which he agreed with and didn't agree with. Now if I'm not mistaken, this conversation took place in 1956.

He said he didn't know why Lyndon really wanted to be president, said he'd rather be majority leader of the Senate than be president. That is what he said to me. But he said, "He wants to be president. If that's what Lyndon wants, I'm for it." He was very

direct, you know, a man of few words. He talked about him with great affection and admiration, said he was his boy. He had guided him along and admired him, and really just kind of like a son, "If that's what my son wants, that's what I want him to have."

That's kind of the attitude he had. I said 1956, well, 1955. At any rate, it was looking toward--I wish I had the time a little better in perspective. But it was looking toward the Chicago convention must have been.

M: That's where Johnson went as favorite son.

N: Yes, that's right. Then I discussed it with him later between then and 1960, and, of course, there was a strong move in 1960 when the Texas delegation went out there. There was lots of feeling one way or another whether he should accept the vice presidency. But my personal reaction was, how could a man who had been so intertwined and a dominant part of Democratic politics [refuse] when he was asked to be on the ticket? For anybody who sat down and analyzed it, he was the one man who could complement Kennedy and perhaps bring the South around, and he just couldn't in honor turn it down as I saw it.

M: Did you have any contact with him then after he was elected vice president?

N: Oh, yes, considerable. It continued. When I would go to Washington I'd always see him.

M: See him? Same sort of relationship?

N: Immediately after he was sworn in as vice president, of course, [there were] the appointments to the vacancies in the judiciary. There were lots of them unfilled, and everybody knew there had to be a substantial enlargement of the judiciary. Then the omnibus bill was passed, and then the matter came up of who might be eligible, and my name went into the hopper with others. I saw him, oh, two or three times during the time

we were being considered. By we, I mean the several from Texas and many more from all over the United States.

M: It was Yarborough who suggested your name?

N: Senator Yarborough suggested my name, and, of course, he was the Senator. I don't know that this is true, but I understand that although Senator Yarborough was the senator, there was sort of an agreement somewhere down the line that the patronage would be more or less divided on the same basis as if President Johnson was a senator. Now I was not privy to it; neither of them told me that was the arrangement. But if you see what was done and then the rumors that go with it, you would assume that's the way it was. In the process of that, why, Mr. Rayburn was very helpful in my situation. But again, it was Senator Yarborough's determination as to who would be finally suggested. But there was much consideration given. At first there was perhaps a premature story as to who would be sent to the White House by the Senator and if the Vice President was in it. Then that was apparently canceled, and it came out differently. Finally another man here, a very fine lawyer, was first suggested by Senator Yarborough, but he withdrew immediately. Then my name was sent in.

M: And it--

N: But President Johnson's situation, which I understood completely, was that there were simply others who had supported him through the years and had been more intimately connected with his affairs. I told him and I told Senator Yarborough I didn't expect to be anybody's first choice. I hoped I would be somebody's second or third.

M: Well, then your name went through and you were approved.

N: Yes.

M: And you became the district judge.

N: Yes, yes. My name finally came out, and then it came time for me to be sworn in. I was in Washington on business, and about that time, the Vice President had been authorized by the Congress to exercise the authority of a notary public. Apparently, he had never been able to do that before, to swear in people. So when I found out about that in talking with Cliff Carter, who had been my good friend through the years, we both said it would certainly be nice if he had time to come down here and swear me in, which he did. I've always been very grateful for it.

M: Yes.

N: He came down, and it was a very nice occasion. It was not only good for my ego, but that's not important; it was important, I thought, and I believe my colleagues thought, to have an occasion that brought favorable attention to the judiciary. We're not noticed very much, you know. We try not to be, as a matter of fact. But it was an occasion for the Vice President to be present and to swear me in, and I have a book here which records the ceremonies.

M: Oh, yes.

N: There's the program and the occasion. You can kind of flip through it. It's pretty interesting.

M: Yes.

N: At least it's interesting to me.

M: For the sake of the tape, this is a book giving the program of the swearing in ceremonies for the Southern District of Texas, and it lists the people involved and the time, 10:30 a.m., December 15, 1961. It has the opening remarks, introduction of guests, meetings

and so forth. It has the Honorable Lyndon B. Johnson, vice president of the United States, listed as giving the oath of office and a response by the Honorable James L. Noel, Jr., and a series of photographs of this occasion showing various speakers and the swearing in and a picture of him shaking hands with Lyndon Johnson. It looks like Ralph Yarborough was there. Is that right?

N: Yes, oh yes. He made a speech on the occasion, too.

M: It looks like a good time was had by all.

N: It was, yes. There was a luncheon following, and pictures there at the luncheon.

M: And remarks by Mayor [Lewis] Cutrer, Judge [Allen] Hannay, Judge [Jospeh] Hutcheson, and Ralph Yarborough, and again an address by Lyndon Johnson at the luncheon. Do you remember what they talked about?

N: No, I don't. I have a copy of the Vice President's speeches, or rather a speech that he made. It's in my files here. We had a tape recording of the proceedings, both at the swearing in ceremonies and at the luncheon.

M: So that would be recorded somewhere.

N: That's a matter of interest to my family mostly.

M: It looks like Mrs. Johnson was there also.

N: She was, and Mrs. Yarborough.

M: Did you have any contact with Johnson much after he became president?

N: No, I didn't. Of course I was on the bench during that period of time, and I had no occasion to have personal contact. On the one or two occasions when he came to Houston, I, of course, was there to meet the plane, and I visited with him when there were a number of people present on some occasions. But I just didn't have any occasion.

M: You mentioned the fact that you happened to have a meeting with the President with your daughter's choral group.

N: Well . . . .

M: Is that from Lamar?

N: Yes, Lamar High School Choralettes. Well, first, they make an annual trip.

M: Yes.

N: And three years ago it was time to go to Washington. We were invited to be chaperones and did go, and as I sort of suspected when we got up there not very much had been done towards arranging--

M: As I recall, that's large group.

N: Yes it is, one hundred and twenty. Well, there are about one hundred and seventy-five in the program and about a hundred and twenty-five go on the trips.

M: Yes.

N: Each chaperone or couple as chaperones usually take about eight girls, and they're very carefully looked after. We've never had an incident of any kind in the several years we've done it, but we're always very careful. When we got up there I talked to Mrs. Stack. I had not known her; she's the trip director. We had thought it would be nice to do these things. They had done them but never on the scale we did that year. They were nice enough to arrange for our buses, for example, to enter the White House grounds by the south entrance. We pulled up at the White House and all unloaded there, and we were taken generally over the White House, not in the President's personal quarters, but the Lincoln--not the Lincoln Room, but I believe they call it the Queen's Room, at any rate, the second floor.

M: But you got up to the second floor, then?

N: The second floor, correct. And we were shown through in great detail and great care and courtesy. Then I suspected that the President would come; Mrs. Johnson was there to greet us. I suppose, and I thought in retrospect, that I really didn't do what I should have done. I should have gone around to call on the President, but I always figured the President was the president and he was busy, and if I had any real business I'd go, and if not, he had other things more important. We were assembled in the East Room, some of the children were, and some of us were up on the second floor when we got the call. Quickly the word was passed by the ushers that the President would be present.

It was about, as I recall, two o'clock in the afternoon, somewhere along in there, and he came with one or two aides, joined in the group, shook hands with all the little girls, and we visited a few minutes. Mr. Keating, who was the director of the Choralettes, had known President Johnson, and if I'm not mistaken, Keating was a student of his. There was some personal relationship there. At any rate, the little girls serenaded President and Mrs. Johnson. It was an extremely happy and enriching occasion for these girls, just most unusual. I see them, and they all talk about it yet.

Then I arranged for them to go and call on Attorney General Clark, and we went up to the Justice Department and were received there. Then Mr. Justice Tom Clark received us at the Supreme Court, in the reception room there. He gave a remarkably candid and lucid description of the movement of cases through the Court, which was a very educational experience for the children, as were Ramsey's remarks. We were received there, and it then was really a wonderful experience. Then we went on to what had been arranged. Congressman [George H. W.] Bush had invited the girls over to, as I

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recall, see the Ways and Means Committee Room, of which he's a member. He made a little talk to them on the procedures of that committee. Then we went by the floor of the House and then went on to luncheon as his guests. I don't see how any group of girls could have gotten that much experience in the same period of time as they did. So I saw the President briefly on that occasion. Liz Carpenter, our personal friend, also my wife's classmate in the University of Texas, was very helpful in arranging those things at the White House.

M: Have you had any contact with President Johnson since he is retired?

N: Not one squib. I haven't had any occasion to see him at all.

M: Did it surprise you that he did retire, incidentally?

N: No, it didn't. Because I felt, and I felt that he would feel, that the unrest was such in the country that it just wasn't best for the country. I never saw him respond other than in a responsible way. I wasn't surprised, really.

M: Do you have any impression about the role that Mrs. Johnson has played in her husband's political life?

N: No, not except in what is public knowledge, public information, speculation, or whatever. I never did know them really as a family. I had very, very little contact with Mrs. Johnson. I just had no reason to see her.

M: Let me end then with a sort of open-ended question. Is there any occasion that has not come up in our conversation or any comment that you wish to add to this interview?

N: Well, I think there's something that is interesting, really. When Senator Connally died his remains were brought back to Texas, and of course, his son is my colleague and friend of many, many years standing. Those of us here in the federal judiciary went to Marlin as a



group to be present at the funeral, and the Vice President came down, as I rather expected he would. As I say, he was a man who always acted responsibly. You might not agree with him, and you might disagree bitterly with what he did, as many people did, but I don't think people could ever say that he took an irresponsible action. You could accord him responsibility.

And we were visiting. After the funeral we went by Senator Connally's niece's home--or nephew, I forget which it was, but at any rate, they were relatives--for coffee and a visit. The Vice President was there, and everybody was visiting with him, and we walked over in the corner and visited. He asked me about how things were going on the court, and he pointed his finger at me and said, "Now, Jimmy, I don't know what you're doing, but just because you're a federal judge, don't think you're God." We laughed, but he really meant what he said, because I think he shares the sort of populist attitude toward power in a sense, that he hates to see unbridled power. Of course, people generally think that federal district judges do have, and, of course, we do have a lot of real just bare-knuckle power which we can exercise. It can be set aside, but we can exercise it in the first instance.

He had said similar things to me before. He just felt that a judge ought to exercise his authority with great mercy; that was what he was trying to say to me in a joking sort of way. But he just wanted to remind me. He had told my wife, Virginia, as I recall, at the luncheon that was given when I was sworn in, to be very careful and to be sure that I exercised my responsibilities with mercy. He's concerned. I know this from my experience with him, that he felt [that in] the federal judiciary, being appointive and for life, there was a tendency for them to get a little isolated from the people.

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M: With that story maybe we should end the interview.

N: I think so.

M: Thank you.

[End of Tape 1 of 1 and Interview I]

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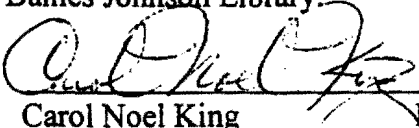
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