

## INTERVIEW I

DATE: August 31, 1984

INTERVIEWEE: LUÍS SALAS

INTERVIEWER: Michael L. Gillette

PLACE: Mr. Salas' residence, Houston, Texas

### Tape 1 of 1, Side 1

G: Let's start briefly by telling me how you became involved in politics in Jim Wells County.

S: The reason I became involved in politics is two things: one, to settle the difference between the Mexican-Americans and the Anglos. When I came to Alice in 1926, there was too much discrimination against people of my own race, and I didn't like that. I started helping the Mexican-Americans to gain their confidence in me. For instance, I had a lot of friends. When the Social Security was established in 1938, I filled out the forms so they [could] secure the card, Social Security card. Then, at the end of the year came the income tax report. I filled those reports free. So I gained too much publicity among my own people there.

But the second reason was because I had a disagreement with the then-sheriff for Jim Wells County, C. W. Price. He and I had a fight about a girl. One night in a saloon he was sitting with Tom Grimes [?], the deputy clerk, and Charlie Price--

(Interruption)

That night he was half drunk with one of his friends. He was county clerk; the name was Tom Grimes. And with them was this girl. When I walked in there, this girl motioned to me to come over to their table, and that made Price mad as can be and he told the owner this: "I don't want to drink among these s.o.b. Mexican greasers, so don't sell him any more beer." He pulled a gun out, but a friend of mine, Fred Spears [?], grabbed his arm, and he told him, "The boy is unarmed,

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Charlie." "Well, then take your friend out of here before I kill him like a dog." And I went out.

But before I went out, I told Charlie Price, I said, "Someday, I will get even with you."

In 1942, I had the chance to get even with him because we threw him out of the office there.

G: You mean the office he held, the political office?

S: Yes, the office he held, like sheriff.

G: Well, explain to me, please, the divisions between George Parr's faction and, say, the faction that Price was identified with. Was it the old party and the new party?

S: Yes. George had a group that they called the new party; that was to throw [out] the old party that used to be in Jim Wells County for more than twenty-five years. As soon as I got my citizenship papers, a friend of mine took me to San Diego to interview Parr. That's when I met George B. Parr, in San Diego in 1940. We made an agreement. He was to help me with money to campaign against Charlie Price. And that's what we did in 1942; we threw the old party out of the offices.

G: When did you first become an election official?

S: The first time I came to be an election official in the voting place was in 1946. That was the first time. Most of the time, since 1940 up to 1950, I was out campaigning for whoever came--every two years we had elections, and I was out for whoever was for candidates. I never was inside of the polling place.

G: Okay. Now, how did you learn that the George Parr faction was going to support Lyndon Johnson?

S: Before the 1948 election, George came to Alice and told me, "Luís, this time we're going against Coke Stevenson. We're going to support Johnson." I didn't ask him why, because whoever George told me "we want to support this candidate," it was all right with me. It was none of my business to ask him. But I am sure I asked him, "Why [do] you want to support Johnson this time?" He said, "Because Coke Stevenson denied me a favor of appointing one of my friends to

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district attorney in Webb County." That's all. And we went against Coke Stevenson.

G: Had you supported Stevenson before?

S: We did, yes. In 1940 up until every election from here on we were for Stevenson.

G: Did Johnson come to Alice during the campaign, and did you get an opportunity to--?

S: He did come once. He came in a helicopter. That's the first time. The second time he didn't come to Jim Wells County. He came to San Diego, Duval County, when he asked for 200 votes to win the election.

G: Let me ask you to describe the first visit when he came with the helicopter. Did you see him, did you talk to him?

S: Yes, he came in the helicopter, but I was sick in bed, and Ed Lloyd brought him to my home. That's when I met Lyndon Johnson.

G: Do you recall the conversation at all?

S: Well, the conversation was about politics, how we're doing and everything. I told Ed Lloyd, "You know, Ed, I'm for the new party. Whatever you fellows vote for, I have to vote for."

G: Did Stevenson come to Alice during the campaign?

S: No, sir. He never did come.

G: Now, let me ask you to describe how you got the 760 votes or whatever the total was. I'm not talking about the extra 200 votes just yet. I want to know how you managed to get that big a turnout.

S: In the primary, it was a run-off on account of [George] Peddy. Johnson, Stevenson and Peddy, there had to be a run-off. That was on the [first] primary. The other election, the night of the election I counted the votes; it was 765 votes for Johnson and 62 for Coke Stevenson. That night I went to look for Clarence Martens to deliver the boxes, and he was not in the courthouse, so we went to the *Alice News*. Cliff DuBois was there, and I told him, "We got 765 votes for Johnson and 62 for Stevenson." Okay. Three days later, all for the 250-some-odd counties, there still was

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no count, especially from East Texas. When all the votes from East Texas and West Texas were all in, Stevenson was ahead of Johnson by about 115 votes.

Then, after three days, Johnson came to San Diego, and George B. sent Juan Canante [?] to tell me that he wants to see me in San Diego. When I got there, it was George B., Johnson, Bruce Ainsworth [?], Ed Lloyd, and myself. I walk in, I say hello to everybody, and then Bruce Ainsworth told me, "Luís, we're losing the election." And I told him, "Well, it's not the first time. Sometimes we win, sometimes we lose." Bruce says, "That's right." Then LBJ told George B., "If I had 200 more votes, I got it won." Then George B. addresses me, he says, "What about [it], Indian?" He told me that in Spanish. "What about [it], Indian? Do you want to add 200 more votes on your ballot list?" *Dije* [I said], "No." "Why not?" "Because I gave the other copies to the courthouse there. No use for me to add 200 votes because the other copies, they show the real fact." He says, "Don't worry, the others, they're destroyed. They're destroyed." So Ed Lloyd told me, "Luís, you don't want to add the votes. What about certifying them?" And I told them, "I will do that because I'll be loyal to the party. So it's all right, I will certify the 200 votes." And that's what I did.

G: Who added them, do you know?

S: Willie Mancha [?] and Ignacio Éscobar. They added the 200 votes. I recall that night there, "Nacho" Éscobar, he was a policeman, and he always was joking. He was a jolly man. After they wrote the 200 votes, Nacho Éscobar says, "Let's give this poor guy two more votes." So we add two more votes there, 202. That was [to] let him give him a *pilón*. You know what *pilón* means?

G: No.

S: Well, *pilón* means that I give you, for instance, you go to a certain grocery store, especially the children, the owner, after they buy the groceries, they give candy to the kids, and that's a *pilón*. So [that's] what Nacho said. (Laughter)

G: Are either of those two still living, do you know?

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S: No, they're dead.

G: Both of them are dead?

S: Everybody is dead except Tom Donald.

G: What about Bruce Ainsworth?

S: Dead.

G: He's dead. Now tell me what Tom Donald's role in this was. Did he see the names added?

S: No, because nobody was present but George, Willie Mancha, Ignacio Escobar, and me. That's all that was in there.

G: Okay. Now, let me ask you to go back for just a moment. I want to know how you got the 765 votes. I just want to know the process of getting a turnout for Lyndon Johnson in that election.

S: Well, the reason is this, in every election, before I go to every box in our side there and say--that's what George told me--"Give our candidates 80 per cent of the votes, regardless [if] they vote or not," and that's what we did. We give 80 per cent to [Johnson].

G: I see. In other words, 765 people didn't actually come in, line up, and vote for Johnson.

S: Exactly.

G: Okay. Well, how many people do you think did vote for Johnson?

S: Well, approximately about four hundred.

G: About four hundred?

S: Yes.

G: Would they be paid to come to the polls? How would they know to vote for Johnson?

S: Well, not exactly. I had a lot of influence there, and I had a lot of power in there, and I told my people, the Mexican-Americans, my own race, "You go and vote, and vote for So-and-so and So-and-so," and we don't have to pay them because George always was helping those guys there. Whenever their family got sick or whatever, they needed groceries, whenever they needed medical attention, hospitalization, even funeral, George paid for them. He told me this, "Don't be

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afraid to spend money, because it doesn't come out of my pocket. It comes from the candidates."

It comes from way up there, from governor down to--

G: Yes. Now, I understand that there was some debate over who voted when and how many people were lined up at seven o'clock when the polls closed. Can you tell me what basically [happened]?

Were you there when the polls closed at seven o'clock, if they did close at that time?

S: On what election?

G: On the run-off, the August [run-off].

S: On the run-off? I was inside.

G: You were inside?

S: Yes. And I closed at seven o'clock.

G: Were there a lot of people there?

S: No, not many people in there.

G: Okay. And I understand that you and Mr. [C. H.] Holmgreen had a disagreement.

S: Yes.

G: When was this?

S: That was in 1948 the first time we had opposition. We lost the election. We got a new sheriff, new county commissioners, and everything. The old party, in 1948 they beat us. But came the run-off election and when they started to vote, Holmgreen and [Ike] Poole, they were sitting over there as supervisors, and I told them, "You sit down over there, and you sit down over there. Don't interfere with the clerks who are doing their work." Okay, Poole, he didn't move, but Holmgreen, he went all the time to see what the clerks were doing or writing and everything. I told Holmgreen, "You stay seated there or I'll throw you out." And he didn't pay no attention to me, then I had to call the policeman outside and say, "Take this man out of here." I read that Holmgreen said that I sent him to jail. No, I just told the policeman, "Get him out of here." But in a statement he made, he said that I sent him to jail, which was not true. I didn't send him to

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jail; I just threw him out of the place.

G: Was he watching the tallying of the vote or the canvassing or what was he--?

S: He was watching the tallying and the poll list.

G: Excuse me?

S: The poll list and the tally list.

G: Okay. I see. Now, when did they actually add the extra two hundred and two names?

S: Actually, about three days after the election, after the run-off election.

G: And was this done--?

S: The reason we waited was because I gave Cliff the votes, the total 765. After Johnson came to San Diego and we added 200 more votes, another count was given to Cliff DuBois to send to Fort Worth to the [State] Democratic [Executive] Committee or whatever you call it there, changing the amount of votes received by Johnson and Stevenson. But the truth was that the first amount I gave Cliff DuBois was the correct one, 765. With those 765, still Stevenson was ahead of Johnson, and that's when we added the 200 more votes. Then we told Cliff Dubois, send another correction to Fort Worth. That's when Coke Stevenson saw that something was wrong. That gave Johnson 87 votes ahead of him, and he demanded an investigation. The reason for the investigation [was] because he knew he had won the election.

It was held in Alice. A federal judge by the name of [W. R.] Smith was in charge of the investigation there. They started the investigation, calling the witnesses and the boys. They called--I remember the first two were Enriqueta Acero and let me see, what was the other man? They didn't vote, because I know they didn't vote. But anyhow, we added them on that list there.

G: [Hector] Cerda I think was the--

S: Cerda, right. Cerda.

G: Now, of course, recently Bob Bullock's office released a poll list saying that those people weren't even registered to vote, therefore you couldn't have added their names. They weren't on the poll

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tax list.

S: They were on the list.

G: They were on the list?

S: On the list, yes. Because George got the poll list and started naming the names in alphabetical order, and I told him, "George, that's wrong. Get one from A, get one from Z, get one from B, on and on." "No, it makes no difference, Luís, because they never will [check]."

G: All right, now when did this conversation take place? Was this while you were adding the votes?

S: While we were adding those votes.

G: Okay, where were you adding the votes?

S: What place?

G: Yes.

S: In the American National Insurance Company office.

G: In Alice?

S: In Alice in the Adams Building.

G: I see. And this was a building that the Parrs controlled, I guess, is that right?

S: No, not exactly, because the manager of the American National was a friend of George, Rufino López. He was from San Diego. They were close friends. He permitted George B. to be in that office.

G: All right. Well, they added them to your list, is that right?

S: To my poll list and my tally list, yes. They're mine. The others, they were destroyed.

G: All right. Now, what happened to your list?

S: I guess George B. burned it up, too.

G: You didn't--?

S: I didn't see my poll list anymore.

G: Really?



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S: Yes. The federal judge asked me what happened to my list here. [I said], "They just stole it out of my car." It was not true. That's it.

G: What about Tom Donald? Did he have a list, too?

S: No. Tom Donald had no list. He had mine for a while. He had mine for a while in the office of the Texas Bank or whatever you call it, Texas State Bank.

G: So it was your list that everyone looked at or that people who say they--?

S: That's right.

G: Tell me what it looked like after they added the 202 names.

S: What do you mean?

G: What the list looked like physically? Were the names--?

S: On the last page it was two hundred names added to the list, that's all.

G: And they were in alphabetical order?

S: In alphabetical order, yes.

G: Was the handwriting the same?

S: The handwriting was the same because Willie Mancha wrote the names and Nacho Escobar had the tally list. You see, every 5 votes [you] make four lines and one across, that means five, and then another until you get the 200 there. And George was calling the names from my poll list.

G: I see.

S: Yes.

G: Well, how did he know that those people hadn't voted already?

S: He didn't know that. He asked me, "These people vote, Luís?" *Dije*, "Well, some of them did. Some of them did not, George." I know in my precinct I know every one of them, and I knew they didn't vote.

G: Now you've named those two names, Cerda and--

S: Enriqueta Acero.

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G: Can you recall any of the other names that were added?

S: No, I don't recall them. I'm too old now to think--I forget. I wish I could. I wish I had had my poll list, and I hadn't gone to this trouble at all. But I never saw my poll list and my tally list no more.

G: Let's see. Some of the other people who were subpoenaed were Luís Salinas.

S: Luís Salinas. Yes, I remember Luís Salinas. He voted for us. No, wait a minute. Luís Salinas was from Realitos. He was against our party. Luís Salinas. I remember that.

G: All right, so he voted for Stevenson, is that right?

S: That's right.

G: He did actually vote then? You didn't add his name?

S: Yes, but let me tell you something. It concludes about that question. I had the poll list, you know, and I had everything here, but I called the ballot, if I saw it was for Stevenson, I called it for Lyndon Johnson. Because George told me, "Give our party 80 per cent, regardless," so I called it for Lyndon Johnson. Actually, they voted for Stevenson, because they were a friend of the old party, come back again against us.

G: How many votes did Stevenson actually receive?

S: Oh, more than half of the 700.

G: Oh, really?

S: You bet.

G: Why do you think he was so popular there?

S: Well, because the old party regained support at this time. It's a long tale. It was because the sheriff, Hubert Sain, Willie Mancha, and Sam Smithwick, they went into a company, and they established a saloon outside of the city limits in Alice. People were against the sheriff and the two deputies having that saloon there, because they had dancing girls. In fact, it was prostitute girls, and the people started to vote against our party. And the climax came when Sam

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Smithwick killed [Bill] Mason. That was the end of the new party.

G: Okay. How about Eduardo Ríos [?]? He was subpoenaed also.

S: Eduardo Ríos. Yes, he was subpoenaed. He voted for Stevenson, but I changed it.

G: Juan Martinez?

S: Juan Martinez also.

G: Juan Garza?

S: Juan Garza also.

G: Now, the ballots you left in the bank, did you say? You took them downtown?

S: Everything, my poll list--we didn't keep the ballots. We just kept a copy of the poll list and the tally list. I turned it over to George, and George told Tom Donald to keep it in the vault of the Texas State Bank.

G: I see. Did you ever see the ballots again after--?

S: I never saw them again.

G: What do you think happened to the ballots themselves?

S: Oh, they burned them. Yes.

G: And you've never seen your copy of the poll list or the voting list or anything?

S: I never saw it again. Like I told you, I wish I had kept it. If I had them, I'd know this is what happened.

G: There has been some suggestion by some of the people who saw the list that the ink was a different color for the last two hundred and two names.

S: It was different from the ink we had.

G: It was? Now, on the meeting with Lyndon Johnson and Parr when Johnson came to San Diego: Can you remember anything else about that meeting?

S: Not precisely. I arrived in San Diego about 6:00 p.m. and already in the office there was Johnson, Parr, and Ed Lloyd, and Bruce Ainsworth. Then the conversation took place like I told

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you before.

G: This was his office?

S: That was George B. Parr's office.

G: Okay. You showed me an El Producto cigar that Lyndon Johnson gave you.

S: Right.

G: Was it this occasion where he gave you the cigar, or was it another occasion?

S: No, no, on that occasion. I only saw Johnson twice, that day they came to my house with Ed Lloyd and then in San Diego.

G: Did he give the others a cigar?

S: No, just me.

G: What did he say when he gave it to you?

S: He said, "Have a cigar," and that's all. And I took it, and I never smoked it. I just took it, and I put it in my shirt pocket.

G: Now, Johnson's aides then have claimed that he didn't go down to San Diego.

S: Well, he did. He did. I don't have the reason to deny that fact, because he was there.

G: Are you sure it was Lyndon Johnson?

S: Of course, it was Lyndon Johnson. I know.

G: It couldn't have been John Connally or somebody else?

S: No, I know John Connally. He was in San Antonio politicking for Johnson, him and that old sheriff in San Antonio.

G: [Owen] Kilday?

S: Kilday, yes. And I tell you why, why they stopped the investigation. I was on the witnesses' stand. It was a fact as clear as the daylight that I was wrong; I was telling lies. On the second day, I went outside, and I told Ed Lloyd, "Ed, the things are going against us here, because they're going to subpoena my clerks, and when they're going to do that and try to indict them, I want to

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stand for them, because they're innocent; they don't know what I did. So I'm going to tell the truth." And Ed Lloyd says, "Hold your horses, Luís. We're going to fix this." It happens that Truman was in San Antonio on a special train campaigning for reelection, and George B. and Ed Lloyd went to San Antonio, and, of course, they saw Lyndon Johnson there, too. They went to see Truman and explained the situation. Then Truman gave orders to Hugh [Hugo] Black on the Supreme Court to stop the investigation. So on the third day about three o'clock, there came a telegram from Hugo Black stopping the investigation and gave Johnson the seat for senator of Texas. The Democratic machinery was too big for Stevenson, otherwise I'd be in jail, in the penitentiary for lying over there. But our Democratic Party was too big, it was too powerful, and they stopped everything. That's what surprised me, how Hugh Black, the Supreme Court, did a thing that he knew he was wrong, perfectly wrong. That's what I don't understand. They're supposed to be untouchable, superior men to everybody, I guess to everybody. It's not a fact.

G: Did Ed Lloyd coach you in preparing for your testimony? Did he tell you what you should say and what you shouldn't say?

S: No, he didn't coach me. Because what is there to coach me for? There was nothing to coach me for.

G: Telling you what answers to give.

S: Oh, no. No, because he didn't know what Smith was going to ask me. He had no way to coach me.

G: Now, Clarence Martens also testified.

S: Yes.

G: What can you tell me about Martens' role? He was the outgoing chairman--

S: --chairman of the [County] Democratic [Committee], yes. I won't tell you nothing about Clarence because Clarence and I were close friends. We campaigned together in other elections. He was living close to San Diego with his father and mother, living on a ranch close to San

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Diego. He was a pretty good friend of Parr, and that's why we came acquainted. And the reason we came for him is because he speaks Spanish fluently.

G: Can he confirm any of these things that you've told me?

S: Of course, he will if he wants to, but he don't know what we wrote from the polling list. He don't know about those things.

G: Can he confirm that Johnson was in San Diego or can he confirm that--?

S: No, because he didn't know about that, either.

G: Now, when the votes were canvassed, when, I guess it was the Jim Wells County committee sat down and canvassed the votes, were you present when that took place?

S: No.

G: What can Tom Donald confirm that you know?

S: Tom Donald didn't confirm anything because he run away to Mexico.

G: Well, but this was afterward. He left after the votes had been changed.

S: Well, he didn't know anything about it.

G: Well, why did he leave then?

S: Because of the investigation. They called in everybody, and that's when he leave. He was afraid. Yes.

G: Sure. But if he didn't know anything, why would--?

S: Well, I guess he thought if something goes on [in] a man's insides, he knew we were wrong. He knew that we'd lost the election, so that's why he went away. And Clarence Martens didn't even go; he stood there.

G: Now, Holmgreen was in California during the investigation. Was there any significance with his not being in town?

S: No. You mean Holmgreen, Senior, not Junior?

G: Yes.

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- S: No, he went on vacation to California precisely at that time. Before he was in our side, before. Then him and George had a disagreement because George wouldn't lend him some money, I don't know how much, thousands of dollars, and George didn't give him the loan or whatever you call it, and he went against us.
- G: Okay. Do you recall Coke Stevenson coming to Alice after the election with Frank Hamer, the former Texas Ranger?
- S: Yes.
- G: Tell me what you remember of that.
- S: Coke and his brother and the Rangers and about four or five lawyers came to the investigation. I remember well when Hugo Black stopped the investigation, I saw on Stevenson's face frustration and hate, whatever you call it. That made a bad impression on me, because before we vote for him. This time that's it.
- G: Did Stevenson's people talk to you when they conducted the investigation? They did get into the bank and look at the--
- S: No, they didn't talk to me at all. The only thing I talked with was when I was subpoenaed to appear in the courthouse.
- G: What was George Parr's attitude toward the vote change?
- S: Really George B. was not a Johnson man. The only thing he came to Johnson's side, that's what I told you before, [was] because Coke Stevenson denied him that favor, that's all. He was not a Johnson man; neither was I.
- G: Did Parr ever express any regret or apprehension that this had been done later?
- S: No. No, not a bit.
- G: What was his relationship with Lyndon Johnson after the vote changed?
- S: I cannot answer that because I don't see or I don't know if they kept on seeing each other or talking to each other, I don't know.

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(Interruption)

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G: Some people have suggested that after the 1948 election that Lyndon Johnson was not close to George Parr, that he didn't repay Parr for this favor, and he didn't repay Ed Lloyd, either. Do you have any insights on that?

S: Well, no, because like I tell you, I don't know if they kept talking to each other on the phone, or visiting, or whatever you call it. I don't know exactly if they kept on seeing Johnson or not.

G: Okay. Do you think that Johnson had a role in obtaining the pardon for George Parr?

S: He did.

G: Can you tell me about that?

S: Well, I don't know, but Truman gave a pardon to George B., I guess on account of Johnson. Johnson was a Truman boy. He'd do anything for Truman, and Truman everything for Johnson, that's all.

G: Let me ask you why you didn't divulge what you knew about 1948 until 1977?

S: Until 1977? Because George died in 1975, and that released me from my pact. Besides, I got sick. I pretty near [died]. I was dying of sickness, and I decided to make [known] the true facts of Box 13. I'm still fighting because I'm fighting under Texas' state. They don't believe me.

G: You had a pact with George Parr?

S: Yes, to support him in any elections since 1940 up to 1950, and I did. Everything he told me, "We're going to support this man for railroad commissioner," or, "We're going to support this man for general attorney," "We're going to support this man for governor," all the politicians, the state and county officials.

G: Now, you yourself had a falling out with Parr, is that right?

S: Not exactly a fall out. I just told him that "if you don't help Sam Smithwick, I'll just quit the party," but we didn't have a fall out.



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G: Let me ask you to describe that episode [with] Smithwick.

S: Describe it? How he happened to kill Mason or why?

G: Well, yes, and subsequently, your efforts to get George Parr to help Smithwick.

S: Well, Sam Smithwick was in our employ, and besides he was a deputy sheriff. Among the new party politicians, as soon as we got the school, the county, and the city all on our party, they began to disagree [with] each other. Hubert Sain, he wanted more power than Ed Lloyd and Bruce Ainsworth, and when they put that saloon there, Mason was talking about the corruption in that saloon there, the prostitutes and dancing girls and all that, and that made a bad impression on Sam Smithwick. He was a violent man, high temper. And I told Bill Mason, "You look out for Sam Smithwick because he's a violent man and you'd better quit talking about him." And he paid no attention to me.

One day Bill Mason and another man came to the railroad station where I was working and--

(Interruption)

--I don't know where.

G: His name again is?

S: Javelino Saenz [?]. He was present when Bill Mason was killed. Javelino Saenz.

G: And Smithwick was convicted?

S: Yes.

G: Did he ask you to obtain George Parr's help in--?

S: Right.

G: Let me ask you to describe that.

S: Okay. I received a letter from Smithwick from Denton, Texas, and he asked in the letter for me to go to Parr and to get Parr and Ed Lloyd to help him get out of prison. And George B. denied to help Sam Smithwick. So he hangs himself in Denton. Some people say that George B. had him

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killed, but it's not true. He killed himself because he was an outdoor man, always used to being out and not used to being prisoned up. [That] is why he killed himself.

G: Did you ever see him in prison?

S: No, I never saw him in prison.

G: One of the articles about you indicates that you did write to Coke Stevenson.

S: Yes, I did, but I never got any answer.

G: When did you write him. Do you know what year it was?

S: Well, I don't know what year it was, but you know it was in my mind constantly to see his face and his look. All of it was on my mind. So I decided to write him a letter and not ask him for a pardon, just tell him that I was sorry what I did.

G: Was this after George Parr died?

S: No, before George Parr died.

G: Well, why would you do that if you still had the pact with George Parr?

S: Well, because I was always thinking about that because I knew I did wrong, that's it. I knew I was completely wrong.

G: But if this was before George Parr died, didn't you fear that Stevenson would make the information public?

S: No, not really, because he retired from the public eye. His frustration and his political career ended that day right there. He didn't come no more.

G: How do you feel about having aided the election of Lyndon Johnson in 1948?

S: Well, at that time I didn't feel anything. Afterwards, I realized what wrong we did to that man, but that was afterwards, years after what happened. In those days, the Democratic Party was strong, so Stevenson had a hard fight to fight that machine.

G: Okay.

End of Tape 1 of 1 and Interview I



## **Copyright and Use of Archival Materials in the Presidential Libraries**

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NARA recommends that researchers contact the United States Copyright Office at The Library of Congress to search currently copyrighted materials, or seek guidance from an outside intellectual property rights clearance specialists. For more information about copyright law in the United States, please visit the United States Copyright Office: <http://www.copyright.gov/>

For more information and exceptions to Copyright in US Government works, please see:  
<http://www.usa.gov/copyright.shtml#>

### **Collections with significant copyright issues**

There are particular types of collections with a much higher prevalence of copyrighted material in them. These collections include:

- Commercially produced television or film footage, such as news broadcasts;
- Audio recordings, including many oral history collections where the individuals speaking were not, at the time of the recording, government employees acting in their official capacity;
- Unpublished manuscripts donated by individuals other than the author.

Researchers are encouraged to seek additional information from reference room staff about these types of materials.

### **Credit of NARA Materials used in Audiovisual Productions and other Publications**

To credit the use of NARA special media material obtained from our holdings in an audiovisual production, such as a film, broadcast documentary, or online presentation, we ask that you provide the general credit line:

Courtesy: National Archives and Records Administration



## Publicity Rights

Publicity rights reflect separate and distinct interests from copyright interests. Researchers desiring to use archival materials in presidential libraries bear the responsibility of making individualized determinations as to whether publicity rights are implicated by the nature of the materials and how they use such materials.

While copyright protects the copyright holder's property rights in the work or intellectual creation, publicity rights protect the interests of the person(s) who may be the subject(s) of the work or intellectual creation. Issues pertaining to publicity may arise when a researcher contemplates the use of letters, diary entries, photographs or reportage in visual, audio, and print formats found in library collections. Because two or more people are often involved in the work (e.g., photographer and subject, interviewer and interviewee) and because of the ease with which various media in digital format can be reused, photographs, audio files, and motion pictures represent materials in which issues of privacy and publicity emerge with some frequency.

The distinctions among publicity rights and copyright are best illustrated by example: An advertiser wishes to use a photograph for a print advertisement. The advertiser approaches the photographer, who holds the copyright in the photograph, and negotiates a license to use the photograph. The advertiser also is required to determine the relationship between the photographer and the subject of the photograph. If no formal relationship (e.g., a release form signed by the subject) exists that permits the photographer to license the use of the photograph for all uses or otherwise waives the subject's, sitter's or model's rights, then the advertiser must seek permission from the subject of the photograph because the subject has retained both privacy and publicity rights in the use of their likeness. The publicity right of the subject is that their image may not be commercially exploited without his/her consent and potentially compensation.

While copyright is a federally protected right under the United States Copyright Act, with statutorily described fair use defenses against charges of copyright infringement, publicity rights are not the subject of federal law. Note also that while fair use is a defense to copyright infringement, fair use is not a defense to claims of violation of privacy or publicity rights.

Publicity rights are the subject of state laws. What may be permitted in one state may not be permitted in another. Note also that related causes of action may be pursued under the federal Lanham Act, 15 U.S.C. § 1125 (a), for example, for unauthorized uses of a person's identity in order to create a false endorsement.

While an individual's right to privacy generally ends when the individual dies, publicity rights associated with the commercial value connected with an individual's name, image or voice may continue. For example, many estates or representatives of famous authors, musicians, actors, photographers, politicians, sports figures, celebrities, and other public figures continue to control and license the uses of those figures' names, likenesses, etc. Researchers should contact library

staff to determine who may be responsible for clearing publicity rights on behalf of a former president.

Although the risks for using an image in a periodical's "editorial" pages may be less than for use in advertising or for other commercial purposes, the risk can still be high if the person depicted is held up to ridicule or presented in a libelous manner. While it is true that famous or public figures who seek recognition have thereby surrendered some privacy, they may have the right to control the commercial use of their image (likeness, voice, signature, etc.). This principle recognizes that a celebrity's image can be an asset in trade.