

INTERVIEW I

DATE: June 11, 1971

INTERVIEWEE: ADRIAN A. SPEARS

INTERVIEWER: DAVID McCOMB

PLACE: Chambers of Chief Justice Spears, U.S. District Court,
Western District of Texas, Federal Building, Room 383,
San Antonio, Texas

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M: First of all, let me ask you something about your background.

Where were you born, when, and where did you get your education?

S: I was born in Darlington, South Carolina, on July 8, 1910. I attended the public schools in Darlington; then I attended the Citadel at Charleston, South Carolina, for one year. I went to the University of North Carolina for a year, and then I went to the University of South Carolina, where I received an LL.B. degree in 1934. And incidentally, just a few weeks ago I received a J.D. degree from the University of South Carolina, which is a Doctor of Jurisprudence.

M: This is an honorary degree?

S: No. Perhaps it is not too interesting to go into it, but for many years, LL.B. degrees were given to law graduates.

M: Right.

S: But because of Civil Service regulations and other problems that were confronting people who had bachelor's degrees, the American Bar Association several years ago suggested that law schools should give doctoral degrees. So now I am a Doctor of Jurisprudence.

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M: After all these years?

S: This is not honorary; this is just the regular degree now given at the University of South Carolina, and they accorded the same privilege to other graduates over the years.

M: Well, then did you begin practicing law in South Carolina?

S: I began practicing law in South Carolina in 1934.

M: At Darlington?

S: In Darlington, and came to Texas in the latter part of 1936.

M: Why was that?

S: I came here because I had two brothers that had come to Texas earlier, one of whom was a lawyer. He had come, the lawyer had come about 1929 or 1930, and during the entire time that he was here he had been trying to get me to come. But I hadn't lost anything in Texas. I loved it in South Carolina; that was home. But finally, after several years, I did come and have never regretted it.

M: You came to San Antonio?

S: I came to San Antonio, yes.

M: And you set up law practice here then, with your brother?

S: With my brother and with three other lawyers. I came into a firm that my brother was in.

M: Your career as a practicing lawyer here in San Antonio spans what period of time?

S: From 1937 until 1961.

M: Now somewhere in this period of time I assume you got interested in politics.

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S: I've always been interested in politics, but I became actively interested in 1946.

M: Why then?

S: I guess primarily because my brother, who had been a member of the Texas Legislature and was a member of the Texas Senate, had died in 1946. I became interested, actively, because a number of his friends and my friends asked me to become interested. So I began to participate in county - state politics on the county convention and state convention level at that time, not as a candidate myself for any public office.

M: This is as a worker for the Democratic Party?

S: Yes.

M: And organizing, I suppose, at the county level.

S: Yes.

M: When did you meet Lyndon Johnson?

S: I met him when he was a Congressman, I suppose the first time in 1941 when he ran for the United States Senate the first time. However, I did not know him well at that time. I had no direct contacts with him at that time, no personal contacts with him. I just knew him. I didn't really meet him and become actively interested in his campaign until 1948, when he ran for the Senate for the second time and was elected.

M: What did you do then?

S: During the 1948 campaign, I was his district campaign manager in this congressional district.

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M: Okay. How did you happen to get into that position?

S: I had some friends who were very much interested in this campaign, and they approached me with the idea of handling the then Congressman's campaign. Really, I was reluctant to do it because I had a law practice, I had a family, a large family, and I didn't want to take the time away from my business that I knew it would take to help conduct a campaign of this kind. But I had become very much interested in Lyndon Johnson, in his programs. I felt that I wanted to help him, and so that's the way it happened.

M: When you say a "district campaign manager," what are the limits of the district?

S: It was a congressional district.

M: A congressional district?

S: Yes.

M: What did you do to organize this district? Do you remember your activity?

S: This is a long time ago, but I think I can tell you that I had some excellent help from many people. You see, at that time Coke Stevenson, who was Johnson's opponent, had been Governor for longer than any man had served up until that time. He had been Speaker of the House of Representatives, he had been Lieutenant Governor, and everyone thought, I guess, except Lyndon Johnson and some of the people who were around him, that Coke Stevenson was a shoo-in for the United States Senate, because he was the prototype of the typical Texan. He was tall and gangly and smoked a pipe and very

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deliberate. They called him Calculating Coke, as I remember. He was a very popular man, and he was just considered unbeatable.

M: But you backed Lyndon Johnson. He was an underdog then.

S: Yes, I did. And I think it would probably be appropriate, to keep this in context and in proper perspective, to say that I had become disenchanted with Coke Stevenson more for personal reasons than for anything else. My brother had been, as I have indicated, in the House of Representatives in Texas. He had supported Coke Stevenson when Stevenson was elected Speaker of the House. When my brother died, and just before he died when Stevenson was Lieutenant Governor, he became disenchanted with the way he was treated by Stevenson. And I didn't like the way Stevenson acted, so I was ready to help anyone that I thought was deserving to oppose Coke Stevenson.

M: Yes.

S: I had no personal feelings about Stevenson because I didn't know him that well, but I just had not liked what he had done and the way he had treated my brother. So you might say that I was ripe when I was asked to help Lyndon Johnson. Because in the meantime I had come to admire and respect this man, and I felt that he would be a very active and competent Senator. I wanted to help him get elected.

M: What did you do in the district? Did you go around and make speeches, or did you organize groups to do this?

S: Yes, both. We did everything. As I say, I had a real good group that was helping. Here again, because of fortuitous circumstances as far as Johnson was concerned, Stevenson had alienated many people

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because of some of his highhanded tactics. In San Antonio I found it very simple, relatively speaking, to find people who were willing to help Lyndon Johnson, who really didn't know him but just wanted to help defeat Coke Stevenson. We had an unusual situation in San Antonio, then, and I guess to some extent it still exists although not to that extent, whereby we had quite a number of factions. It was awfully hard in the ordinary campaign to get these factions together, but in Lyndon Johnson's campaign they all melded into one. As I say, they were enthusiastic about the man they were supporting, but they were also enthusiastic about defeating the man that was defeated.

M: I see. So you didn't have any particular problem, then, in gaining support?

S: No, no. We had wonderful support. Of course, money in those days was very hard to come by, but people contributed as much as they could. We were able to pay our bills and conduct the campaign in an orderly way, and I think as it turned out an effective way.

M: Were the labor groups of any consequence in San Antonio at that time?

S: Yes, of some consequence, but not of a dominating character. We had people in the courthouse; almost all of the county officials supported Lyndon Johnson. We had many people who had taken part in party politics on the precinct, county, and state level that supported him. He just captured the imagination of a lot of people, and it was not hard to sell him.

M: How about the Mexican-Americans?

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S: They supported him very actively, and the Negro, the Anglos. We just had wonderful support from everybody. But I don't think I should leave this subject without saying that in the first primary we really got clobbered. Because in the first primary people here, politicians in this area, were more concerned with their own problems. We had everything, people going off in different directions, and the concerted effort in behalf of Lyndon Johnson was nothing like it was later in the second primary. Although we were down almost two to one in the first primary, in the second primary we carried the county by 99 votes.

M: (whistle)

S: Now the fact that Johnson won by 87 votes is just a coincidence, and there were many other votes that came into the picture. So I am not suggesting that Bexar County elected Lyndon Johnson. A lot of people elected him, but by turning this around we were able to have a 99 vote plurality where we had really been clobbered in the first primary.

Another interesting thing, I think, about that is the fact that Johnson came here and rode the polls on election day.

M: He did?

S: Because I think he recognized that Bexar County was a key county in his scheme of things, and it was very important that he carry it. So he spent almost all, if not the entire day on election day here in this county, riding the precincts, going from one precinct to another, cheering the supporters, meeting people, "pressing the flesh," as he

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liked to say then and now. He must have gotten the job done, because it was successful.

M: Did he come to San Antonio before that during the campaign to make speeches?

S: Oh, many times, many times.

M: As I recall, he used a helicopter in those days. Did he bring it to San Antonio.

S: Yes. That was during the second primary, I believe. Oh, yes, the helicopter came here, landed at various school grounds, and we always had good crowds out to meet him. He did a very, very effective job of campaigning.

M: Did he express his appreciation afterwards?

S: To whom? To me?

M: To you.

S: Oh, sure, absolutely, all during and afterwards. There's never been any time when he hasn't shown appreciation and gratitude for what has been done for him.

You know, right on this subject I think it might be interesting, because I know other people recognize the fact, that we were dealing with a man as an opponent who was extremely popular. Now he had alienated many county officials, but with the public he was extremely popular. For a man like Lyndon Johnson, who had been a Congressman from a district around Austin, to make the impact that he did I think was nothing short of phenomenal. The fact that he came so close to Stevenson was almost unbelievable. Some people have tried

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to cast aspersions at the victory that he had and make it appear that there was something sinister involved, but if you just stop to think about what this man did to come that close--

M: Yes.

S: --I think it was just, as I say, unbelievable.

M: Did you have anything to do with the final settlement over who won that election?

S: Well, I was a member of the State. . . . I was going to say I was a member of the State Democratic Executive Committee. I am not sure that I was at that time.

M: Did you go to the Convention?

S: Oh, yes. I was there. I have a little card still that I've kept where I kept the tally of the vote of the members of the State Democratic Executive Committee in determining whose name was going on the ballot, and it was one vote majority for Johnson.

M: Were you there in the room when they were voting?

S: Yes, I was there. I can't remember whether at that time I was on the Executive Committee or not. I know I was right along in there. But I remember the man who came in at the last minute named Gibson, from Amarillo I believe, who was a member of the Committee. He'd gone out to the restroom.

M: Yes.

S: At that time Bob Calvert, who is now Chief Justice of the Supreme Court of Texas, was the Chairman of the State Democratic Executive Committee.

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M: That's right.

S: They were calling the roll on this question, and they got by Gibson's name and he didn't answer. Somebody went out and found him. When they went back over the roll call, he ran into the room and said, "Aye!" This was the vote that turned the trick. When the people talk about the value of a vote, how much one vote counts. . . . You can go through history and find out how much has happened by reason of a one vote majority.

M: Right.

S: I have never thought my vote didn't count. I vote; it doesn't make any difference how many other people vote.

M: Well, then, Lyndon Johnson was endorsed by the Democratic Party.

S: He was certified for the ballot and then there was some litigation.

M: Right. Did you have anything to do with that?

S: Not directly. Indirectly, but not directly. I was not one of the attorneys who was actively engaged in it, although I consulted with the attorneys who were active.

M: Did you think your man would win the litigation all right?

S: Listen, being a lawyer you don't indulge in the luxury of thinking that you're going to lose. You always think you're going to win, but you recognize deep down that there's a possibility that you could lose.

M: Yes.

S: I don't want to sound trite, but we felt that he was right. We felt that the position he took was right, and that he ought to win.

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M: Well, he went off to the Senate, and you continued your law practice in San Antonio and continued active in politics.

S: Yes.

M: Did you then become a member of the Executive Committee of the Democratic Party?

S: Yes, I'm sure along in there somewhere. If I was not before, I was then. In reflecting on it, I believe that I did become a member of the Executive Committee in about 1950, along in there.

M: Did you campaign then for Lyndon Johnson again?

S: Oh, yes. I handled all of his senatorial campaigns beginning in 1948, then in 1954, and then in 1960 I was out in Los Angeles with the Johnson For President people. So I've been very definitely an LBJ man for many, many years.

M: And was your job, then, to run this district?

S: Yes. I was district manager for Lyndon Johnson until I was appointed to the Court.

M: In the 1954 campaign did you have any particular problems?

S: No, not too much. As I remember it, the majority that the Senator had then was pretty substantial, although we worked at it. Listen, Lyndon Johnson has never taken anything for granted, and the people that worked with him have never taken anything for granted. As a consequence, this is the reason he got where he was. Because he worked at it. He had people who were dedicated to him and believed in him who helped him work. I have never seen a man so completely organized and meticulous as to details.

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M: So in 1954 you worked hard, but there were no particular problems.

S: That's right. We didn't have the same kind of campaign we did in 1948.

M: Did you happen to go to the National Convention along this period?

S: Yes. I was a delegate to the National Conventions in, let's see, 1960, 1956, and 1952.

M: In 1956 Johnson was a favorite son.

S: Yes.

M: Was there any serious thought that he might become a presidential candidate, I mean, for certain?

S: In 1956 we had quite a precinct fight with Allan Shivers, who was then Governor. This was really over, I guess, ultimately who was going to be the favorite son. But the Johnson forces won it. And strangely enough, even though I've lived in the so-called silk-stocking areas of San Antonio that very seldom vote Democratic, in our precinct convention we carried it for Lyndon Johnson over Allan Shivers. Shivers, of course, had been an active Eisenhower supporter, beginning in 1952 and 1956.

M: You must have been involved in that Shivers-Johnson fight, then.

S: Right in the big middle of it.

M: My understanding is that Johnson and Rayburn worked together.

S: Oh, sure.

M: To . . .

S: You see, in 1952, when Stevenson first ran for President, Allan Shivers, who was then Governor of Texas, defected to the Republicans.

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I was on the State Democratic Executive Committee. When he defected he took most of the members of the State Democratic Executive Committee with him. But when he announced that he was going to support Eisenhower, I sent him a telegram and resigned from the State Executive Committee, because I wasn't going to have any part of a deal like that.

M: Yes.

S: I was a Democrat. I didn't always agree with everything the Democrats did, but I think a lot had been made of the Stevenson issue that just was window-dressing. I had been friendly with Allan Shivers. I had handled two maybe three state conventions here in San Antonio at his request, and he and my brother had been members of the Texas Senate together for eight or ten years. They were friends. So when Shivers ran for lieutenant governor I supported him. This was the year my brother died. And when he ran for governor--well, he became Governor upon the death of Governor Jester. Then when he ran for governor for the full term I supported him. And I went to Chicago in 1952 as one of the delegates to the Convention.

But as I say, when he departed the Democratic ranks, then I departed his ranks. I didn't feel like the commander-in-chief should take the whole staff and run off with them in the middle of the battle. This was when Sam Rayburn and Lyndon Johnson, Paul Kilday here in San Antonio, who is a member of Congress, and others got together and tried to put the Democratic Party together again. It was a shambles. There was no organization, no leadership, except

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for what was provided at the last minute. So these men did, I think [help reorganize the party]. Oh, gosh, I've forgotten what the organization was that was put together to lead the Democratic Party.

M: Did you have some meetings with Rayburn and Johnson about this?

S: Many.

M: And it all came to a focal point with this fight in 1956?

S: Well, this was certainly a focal point. We had some unhappy experiences. We got over to the convention, I believe it was in Dallas, the state convention, and Mrs. Lloyd Bentsen, the wife of the present United States Senator, had been nominated by the Johnson forces as a member of the National Committee, the Democratic National Committee. In some way the convention got out of hand, and the opponents took over the floor, took over the convention, and elected Mrs. Frankie Randolph from Houston. I think everybody who was active in politics learned a lesson that time, that you can't decide that business is done and leave. Because when this took place many of the Johnson people had gone home, and the upshot of it was that this was an embarrassing moment.

M: But the overall attempt to put the Democratic Party back together was a success there?

S: Not a success in the sense that they won the election, because Eisenhower carried Texas again.

M: He did?

S: But they did a lot better than they had done, a lot better than they

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had done in 1952. It depends on what you measure success on.

M: I'm thinking in terms of between Shivers and Johnson.

S: Between Shivers and Johnson, Johnson won the precinct convention fight, elected the most delegates to the convention, had control of the convention when it began, and was the favorite son. But a part of the fight was lost when Mrs. Bentsen was defeated, and when the opposition forces took over the convention, which I say was a lesson. I don't believe the mistake would be repeated again by the same people.

M: In 1960 Johnson had a problem about running both for vice president and for the Senate.

S: Yes. As I remember it, there was a statute passed by the Legislature in Texas, which was called "Johnson's Law" I think, that permitted a person to be on the ballot for both places.

M: Did you have anything to do with the passage of that law?

S: No.

M: But you did go to the Convention in Los Angeles in 1960, didn't you?

S: Yes.

M: And you were a member of the Texas delegation for Johnson for President, I assume.

S: Yes. Before that we had organized in this district a Johnson for President Club.

M: Oh, yes?

S: We had been very active in soliciting support for him, not only here but over the state and over the nation. I'm sure there were

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other clubs similar to that in the state and in the country as a whole.

M: Did Johnson encourage you in that?

S: Well, he didn't discourage it.

M: As I recall, he spent a great deal of time in Washington.

S: Yes, he did.

M: Attending to national business.

S: I don't think he ever failed to discharge his responsibilities in Washington.

M: Were you disappointed at the Convention in Los Angeles when Johnson took the vice presidential position?

S: Not at all. I was very enthusiastic about it.

M: Why is that?

S: Because I was trying to look at the realities of politics. I felt that the chance for Johnson to become a presidential nominee would depend upon so many imponderables, all of which would have to mesh, that I thought that the chances were not good. For example, I think there would have to have been an impasse. There'd have to have been an impasse of sorts to where he might end up as a compromise candidate, and that hasn't happened too many times in our history. I felt the only way that Johnson could ever be president was to get in on the national scene as the vice president. Of course, I never dreamed of President Kennedy being assassinated, or dying, or anything like that, although those are always possibilities. But basically, I thought that as Majority Leader people knew him, but that

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he ought to have a position of prominence as a vice president or some similar position before they would get to know him to the point where he would be a factor in national politics. I felt that he could carry the South; I felt that he could carry Texas; but I didn't know what the people of New York and Pennsylvania and Illinois and the populous states in the East and Midwest, California [might think]. I didn't know what attitude they might have.

So when Kennedy was nominated, and when I heard that the vice presidential nomination was tendered to Johnson, I was, as I say, enthusiastic for it. I never will forget sitting on the floor of the convention hall when the cleaning women were coming around cleaning up after one of the sessions, a very good friend of the President's and mine were sitting in the convention hall talking about it. He was very vociferous in his objection to it, and I was talking to him about how I thought that this was a smart thing for Johnson to do. If he didn't do it, I just felt that he didn't have a chance to ever get into the national picture to the point where he would be a serious presidential challenger, or candidate.

M: So you were all favorable then?

S: Very much so, very much so.

M: Then did you come back to San Antonio and campaign for the ticket then?

S: Yes.

M: Did Johnson come through here?

S: Oh, yes, many times. In this light, you might be interested in an observation I had. You know, when people are in politics, I guess

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just like in anything else, when they're in the limelight, the press, the news media have a way of dramatizing certain things about them and about their relations with others in order to create interest. There was a good bit of talk about what bitter enemies that Johnson and Kennedy were, you know, and how they didn't get along. Anything that was said by anyone, regardless of how responsible he was, became the subject of a columnist's comments and things of that kind. In 1956, when Stevenson was running the second time, Johnson, who was in the Senate, Kennedy, who was in the Senate, and Price Daniel, who was the other Senator from Texas, all three were housed out here at a motel on the edge of San Antonio when Kennedy was the main speaker at our rally here.

I had the best suite in the motel set aside for Kennedy and Johnson. LBJ and Lady Bird were there in one wing of the suite, and John Kennedy was in the bedroom on the other wing. I was in there talking to them, and the picture that stands out in my mind was John Kennedy sitting in a bathtub with hot water to ease the pain in his back, and LBJ sitting on the side of the tub putting water on his back. Later I thought, you know, "Now anyone who would talk about these two men being bitter enemies or anything like that, it's just so preposterous and ridiculous." They'd been friends a long time. They were sitting there talking politics, Kennedy in the tub and Johnson sitting on the side of the tub. I never thought at that time that this would make such an impression upon me, but it did, especially when people attempted to say that they did not get along.

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M: Johnson then went on to be Vice President, and your career takes a change right about in this time when you're appointed to the court.

S: Yes. Of course he and Kennedy took office in January, 1961; in September of 1961 I was appointed to the federal court. I might say in that connection that Lyndon Johnson never asked me one time whether I wanted to be a federal judge. He never talked to me about it, never consulted with me about it. The only person he ever talked to was my nephew. I had no more idea of being a federal judge than flying to the moon. I had gone to Florida on a vacation, and in the meantime the newspapers had carried the story that there were going to be four judges appointed in Texas and named them. I was not one of them, so I paid no more attention to it. I was not naive; I knew the newspapers were speculating that I might be named and that sort of thing, but I didn't pay any attention to that.

M: Were you interested?

S: I suppose I was interested as much as any lawyer is interested in becoming a federal judge. I don't know any lawyer in my acquaintance that ever turned one down. But I've heard that there's some, and there may be. But in any event, if I had any interest or thought about it those were dispelled by the newspaper story I saw, and also a story that appeared in Time magazine naming the four judges who had been agreed upon by the Vice President and Senator Yarborough.

So, as I say, I went to Florida and then came back here, and when I got back to San Antonio about two days later my phone rang. A friend of mine from South Carolina that I was in law school with

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called me and said, "Say, what the hell is going on?" And I said, "What do you mean?" He said, "Well, I've just been interviewed by an FBI agent about you. He wanted to know what kind of student you were in college and wanted to know whether you had any subversive tendencies and all of this sort of thing. He wanted to know what I knew about you." "Well," I said facetiously, "did you tell the appropriate lies?" He said, "I think I did all right. I'm not sure." Then the phone began to ring from other places, from everywhere I'd been in my life, I would get a call from somebody telling me an FBI agent had been to see them.

Then a friend of mine here in San Antonio called me and said, "Say, the FBI just left." The next thing I knew my nephew [Franklin Spears]--who is a state district judge here now but at that time he was in the legislature, either in the Senate or the House, I've forgotten which; he's the son of my brother who I came out here to join--called me from Washington and said, "I was just out at the Vice President's house, and he told me that I could call you if I wanted to. He couldn't guarantee it, but he thought that if you wanted it you could be the next federal judge in the Western District of Texas." This is the way I learned about it.

M: Then did Johnson ever contact you and ask you, after all this?

S: Never, he never contacted me himself. The first direct word I had was from the Justice Department.

M: Did you somewhere along the line say, "Yes, I'd like to be a judge"?

S: Never. I never discussed it with him. He just assumed that, I guess,

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I would.

When I got back from this trip to Florida, I had had a copy of a letter on my desk that a lawyer in San Antonio had written to Senator Yarborough taking Senator Yarborough to task for agreeing on someone else, see, who was going to be here. He told him about me, and so I wrote this lawyer a letter. I said, "I appreciate your writing a letter for me, but I have not wanted anyone to write any letters on my behalf, because, after all, I think this is a job that people should not seek. The job should seek the man." And I said, "Senator Yarborough and the Vice President both know me, and they know I [inaudible]. If they think I'm qualified, why, let them do it without being pressured." Well, this lawyer took my letter and sent it to Senator Yarborough, which the Senator told me later that he got. But the only reason I tell that is that so many people get the idea that some skulduggery goes on in this type of thing.

The first time I saw the Vice President after I was appointed-- I had not been sworn in, but it was about two or three days after I was appointed--he came to San Antonio to make a speech, and I went out to the airport to meet him. I said, "Say, you sure threw a bombshell." And he said, "Well, I hope you'll accept it." I said, "I'm going to." When we got in the car he turned to me and he said, "I want you to make me one promise." I said, "Now, Mr. Vice President, you know I can't make you promises." Of course, I was being facetious. He said, "You know what I'm talking about. The

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only thing I would like for you to do is to keep in mind the problem that we have with judges when they get too old. When you've served your time and you have gotten to the point where you should retire, retire and let some younger man have the job. That's the best way to keep the judiciary functioning properly." That's all he ever said to me. Then when I was sworn in he and Lady Bird both came to the swearing in ceremony, which I appreciated very much. He had, the Vice President had some comments.

M: Yarborough came to that, too, didn't he?

S: Yarborough came to it. So did Homer Thornberry, who is now on the Court of Appeals. We had quite a group. And, you know, Speaker Rayburn, who I thought was one of the greatest men that I've ever known, I found out later had been one of my staunchest advocates and supporters and had been with the President and with the Vice President and with Senator Yarborough. He had gotten sick then, and he had told some mutual friends that he certainly wanted to be at my swearing in. But unfortunately he couldn't. We had on the platform a chair that we let no one sit in, and if I remember correctly the Vice President made some statement about there was an empty chair there for Sam Rayburn because he couldn't come.

M: There are some stories and so forth that Johnson and Yarborough did not get along very well, and yet they agreed on your appointment, apparently with no difficulty. Do you have any thoughts about that?

S: Anything that I would say would be the rankest kind of hearsay, and I don't know that it would add anything to the total picture. The

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only factual information I can give you is that when the initial four judges were agreed upon and everybody thought that was settled, the whole group was scrapped and not a single one of them was appointed to the federal bench at that time. Judge [D. W.] Suttle, who is now one of my colleagues on the bench, was appointed later, but he was supposed to have been appointed when I was. But he is the only one of those four that was appointed. When the word came out as to the ones finally agreed upon, it was an entirely different group. Judge Sarah Hughes in Dallas, Judge Leo Brewster in Fort Worth, Judge Noel, Jim Noel in Houston, and myself.

Now I think that certainly there must have been some personality problems between the Vice President and the Senator. I doubt in my own mind that they were as deep-seated as some people tried to make them out to be, but I know they must have had problems. Here's a United States Senator who probably felt that he ought to have all of the patronage, and [he didn't], apparently, and this is here again speculation, because the Vice President had received some commitments that would permit him to have a part of the patronage. I'm sure that this must have offended the Senator. They've talked about there being differences between them, but I have never heard Lyndon Johnson say an unkind word about Ralph Yarborough, and I've never heard Ralph Yarborough say an unkind word about Lyndon Johnson. And I've been with both of them many times. So to what extent that would shed some light on it, well, that's where it would have to rest. I don't know of anything personally.

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M: When you became a district judge, did this remove you from active participation in politics?

S: Yes, yes.

M: So you no longer--

S: And this is the thing I've missed more than anything else. Because I have never been a person to withhold opinions. I've usually had opinions about everything or anything and never hesitated to express them, some good, some bad and some not so good or bad. But it was awfully hard not to do it. I never let politics dominate my life, because I had five children and they all liked to live well. I wanted to give them a decent home and an education, and I devoted the time that I had to devote to my law practice. But I enjoy politics because I like people. "Politics makes strange bedfellows," and nothing would seem more true than that.

M: Now I've heard of judges doing this before. Is this something you do ethically, removing yourself from politics? Is it necessary to do this sort of thing?

S: I think under the canons of judicial ethics of the American Bar Association, as well as under the Hatch Act and the other restrictions that judges are supposed to instinctively know about, that it is just incompatible with your duties as a judge to be partisan. Now that doesn't mean that I can't vote as I please.

M: Right.

S: And it doesn't mean that I can't talk to friends and express my opinion about things. But I think it would be improper for a judge

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to make a political speech. I think it would be improper for him to engage in political activities to the point where he was trying to raise money for one side or the other. I have, I guess, although I can't remember. . . . I know that if Johnson had ever come to San Antonio, or if Yarborough had ever come to San Antonio, I would never have hesitated to make my presence known at one of their affairs, because, well, I would just have to let the chips fall where they would in that event. But otherwise, I haven't done it. I've even got a little--you notice the donkey and the elephant up here on each side of the scales?

M: Yes. For the benefit of the tape and future reader, I might interject here that the Judge has a set of scales in the middle of the desk behind his main desk, and on either side is I guess you would call it a statue, or what?

S: Well, these I think were bottles that we used during, I believe, the Johnson-Kennedy campaign, by Jim Beam the liquor manufacturer. It has the donkey and the elephant.

M: They stand about a foot high, and he has them placed flanking either side of the scales, which is symbolic of the impartiality of the Judge.

S: I would hope so, because, listen, our newest Judge is a Republican. He'd been Republican for, well, almost of his adult life. Yet he and I have been close personal friends for over twenty-five years, and they couldn't have picked a man that I would have wanted to see come on the bench any more than him. I mean as far as the

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individual is concerned, Democrat or Republican. As far as he's concerned, it doesn't make any difference whether the person before him is a Democrat or Republican, and it certainly makes none to me. I've got many, many Republican friends whom I admire and respect. I hope that there's some reciprocation. I feel that there is. Because after all, listen, the Republican and Democratic Parties are too much ingrained in our system for one not to respect the other. That doesn't mean that they can't have their fights, but individually the people that compose those parties are just as sincere whether they're Republicans or Democrats.

M: This means then your career and your relationship with Lyndon Johnson changed, I assume, from a political relationship to a social one.

S: More that way. Of course he knows, he understands. He has never expected me to participate in political activities. I didn't do it when--when was it, 1964 wasn't it?

M: Yes.

S: The 1964 campaign. I didn't take any part in it, although my heart was with him. I did all in the world I could as an individual, but not publicly. And he never asked me to. He in fact, I'm sure, would feel as I do, that judges ought not to do it.

M: In this period then, in the sixties, when Johnson was President and Vice President, after your appointment, did you have much contact with him? Did you ever visit him at the Ranch, for example?

S: Not as much. The answer would have to be, no, not as much. Now I

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I have been to the Ranch on a number of occasions, but usually when groups were there. My wife and I went to Washington, I believe it was in May of 1968, to a reception that was given for the Supreme Court to which the President and Mrs. Johnson invited us. Then after we got there we found a call at the hotel and a limousine waiting for us to take us to the White House, where we had the pleasure of staying for one night and part of two days. I had the, I think, great privilege of going with the President to the Oval Room the evening of the reception. In fact, we went there about six o'clock. I looked at his desk, stacked it looked like two or three feet high with papers; and the credenza behind his desk was stacked with papers; and he had telephone lights blinking; and several of his administrative aides were still there, and I saw at least two secretaries still there. I asked him, "Mr. President, doesn't this ever stop?" He just looked at me and shook his head. But I had the pleasure of sitting there in his office and watching him work for about an hour. Of course, that will stand out in my memory. Of course we went over to the LBJ Library dedication.

M: Right.

S: But over the last nine and a half years I haven't seen him anything like I did when we were actively engaged in the political arena.

M: Throughout your long relationship with Johnson, did you ever have occasion to ask him to do something for you or for San Antonio?

S: Many times.

M: Is there any particular incident that stands out in your mind?

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S: Well, yes, I can think of one off the top of my head. The Methodist Hospital here was the first hospital. . . . Well, it was the first facility built in our new complex out where the new University of Texas Medical School is now, where they're building the Veterans Administration Hospital and where there are other medical facilities to be built. The Dental School is there. I won't try to name them all, but this is destined, I hope, to be one of the finest medical centers in the country. I happen to be a Methodist, and I am now on the Board of the Methodist Hospital, although at that time I was not.

But the administrator of the hospital-to-be came to me and told me that they wanted to make an application for some funds that were available to construct the first nuclear--well, it's not a nuclear hospital, but one that would withstand nuclear attack. He said that there had been a hospital up in one of the states in the East that had been allocated \$250,000. He said that the hospital here was already near the construction stage, that this hospital up there was still on the drawing boards, and they would like to see if they couldn't get those funds transferred to this hospital. So I called Senator Johnson, and he said, "Well, let me see now if I understand you correctly." He said, "All you want me to do is to get \$250,000 transferred from a hospital in another Senator's state to the hospital there in San Antonio." I said, "That's about it." He said, "I'll see what I can do." But this hospital got the money.

But you know there were just so many instances when he did things

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that people asked him to do. He was very prompt in his correspondence; it was very seldom that you had to wait more than a day or so for an answer from him. He had a wonderful, loyal, dedicated office staff. My daughter, who is now a lawyer in Chicago, during the time that she was in college at the University of Texas worked in Senator Johnson's office one summer. She was just amazed at the work that these people did for him, the hours that they kept, and the dedication that they had to him, the loyalty. Of course, she had told me about it, and I was already familiar with it to some extent because I had been up there a number of times and had seen what he did. A lot of these Senators would go around shaking their heads saying, "How in the world does he do it? He'd get these people to work for half of what I have to pay help. He gets the same amount of money allocated to him." But he could just get more people to do the work for him.

M: Did he ever have occasion to call you, to ask you to do something for him?

S: Oh, sure, sure. But I can't remember. Nothing of any real consequence. I've had many telephone conversations with him over the years. I don't want to leave the impression that I was one of his confidants or anything like this, except in certain areas. I mean, he had his staff; he had people that worked closely with him in the work that he was doing. The only thing is that I was one of the district people, and we had meetings at the Ranch from time to time when we'd go up there. Many times we'd take our wives and spend the

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night there at the Rnach and talk about the political situation, about the chances for the success of his candidacy whatever it happened to be. But he didn't just limit this to time that he was running. He would have these meetings to sound out the people from all over the state to see what they thought about the way things were going and what he could do to help improve it, [to hear] any ideas that they had. This was a regular thing.

M: Do you have any impressions of Mrs. Johnson?

S: Oh, sure. She's just a wonderful, lovely, very talented, capable woman. I know that he has said many times that he could never have gotten where he got without her. I don't think he says this to curry favor with any particular group. I think he's just telling the truth. Because she is a very, very capable person, and she had the knack, where he might ruffle somebody's feelings, of soothing them, you know, and smoothing them over after the event took place. Not that I have any special impressions of that, but she was just a wonderful lady, and still is as far as that's concerned.

M: I've come to the end of my questions. Do you have anything I should have asked you about that I didn't that you want to say something about, or any concluding statements?

S: Well, we've talked now for about an hour, and I suppose that I could sit here and talk with you for all day and not exhaust all of the impressions, all of the feelings that I have about him. I think he's a tremendous man. I think he has extraordinary ability. I have always felt that he was at his best with small groups. I've told him

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many times that I thought he was much more effective when he talked off the cuff rather than from a prepared manuscript. He's a very persuasive man. I think the great tragedy of his Presidency was the way that he came across on television, which had become such a dominant influence in our society. I don't think he did badly on television, I don't mean it that way. But compared with the way that he does with a small group, it's just not the same, that's all.

He of course is a very articulate person. He has the ability to express himself well on anything. He's a jack-of-all-trades, but he's a master of most of them. I've seen him when people had problems of engineering or some of the higher sciences that you would not expect him to have any information about at all, I've seen them sit down with him, and he would just interrupt them and tell them immediately what their problem was and tell them what he could do to help them. He just has a tremendous amount of knowledge about so many things, and I suppose he got this during his time in Congress.

He's a worker. He just doesn't leave anything to chance. When we've had him come to make a speech he didn't take the chance that the microphone wasn't going to be the right height, or that it wasn't going to be a good P.A. system, or that the seating was not going to be right. He had somebody that came in in advance to check all of those things, because he realized how important communication was. If you're up there with a microphone that's whistling and whining, or one that you can't hear with, then you might just as well

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not come. So all these details that he gave attention to, I think, helped in the overall picture to project him as the type of man that he was. So I, as you can probably well understand and know by now, have great admiration and respect for him.

Certainly he has his faults; we all do. He wouldn't be human if he didn't. But his good qualities, to me, so much outweigh any of the petty things that people have tried to magnify that in my judgment he will very definitely go down in history as one of the real great Presidents. He got into this Vietnamese situation which is almost like having a bear by the tail, and I'm sure that this created a great drain on his mental and physical resources. I don't think that he wanted to ever preside--as Prime Minister Churchill said one time about Great Britain--over the liquidation of the United States. I know he had many mixed emotions about it, and I know he prayed about it many times.

He's a man that has a great respect for the Presidency as such and the problems that the President has. I know that with the problems that I have sometimes it seems that they are almost interminable. But yet to know what the President of the United States has to put up with, and I've used those words because he's got pressure groups after him from all sides all the time--at least when I make a decision I make one side happy and the other one unhappy. But when the President of the United States makes decisions, by golly, he stands a chance to make a lot of people unhappy. And if he makes them happy today, they'll be unhappy with him about something else tomorrow.

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I just hope and pray for the best for him and Mrs. Johnson, because I think they have given so much of themselves, far beyond the call of duty. They could have filled the positions that they had and done it with grace and ease and not been too much concerned. But I think we have to just say, "God Bless America," because it seems our Presidents are always concerned.

M: Well, with that let me thank you for the interview.

[End of Tape 1 of 1 and Interview I]

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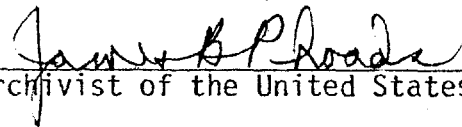
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