

An Oral History Interview

with

THOMAS CHANDLER (part 1)
Tucson, Arizona

conducted by
Julie Ferdon

July 2, 1998

The Morris K. Udall Oral History Project
University of Arizona Library, Special Collections

© 1998

JF: This is Tape #13 of the Morris K. Udall Oral History Project. Good morning. It's Thursday, July 2, 1998, and we're at the office of Thomas Chandler in the firm of Chandler, Teller, Udall, and Redhair, at 33 North Stone, Suite 1700, in Tucson, Arizona. My name is Julie Ferdon, and I would like to welcome Tom Chandler to another in the series of oral history interviews that form the Morris K. Udall Oral History Project.

Okay, Tom, thank you for participating. I'd like to begin with a little biographical information. I understand you were born in November?

TC: November 15, 1920.

JF: So you're a couple of years older than Mo?

TC: Yes, at least.

JF: Okay. He was born in 1922, I believe. And you were born in Knowles, Oklahoma?

TC: Right.

JF: How did you get to Arizona, and when?

TC: Well, how I got here is a long story. But what you want to know is, I lived in Oklahoma until 1931. I then moved to Arkansas and stayed there until the spring of 1935. I went to California from Arkansas in 1935; stayed a short period of time; came back to Arizona, down in the Harquahala Valley, which is west of Phoenix and south of Salome. And there I was parked. And in September of 1935 I went to Parker to go to high school. That was the purpose of me going to Parker.

JF: Because of the high school there?

TC: That was the only high school nearby.

JF: Oh, is that right?

TC: Yes. Eighty miles or so, but nearby.

JF: Now, you played basketball at Parker, didn't you?

TC: Yes, I did.

JF: In 1938, Mo was playing basketball in St. Johns, (TC: Right.) with the St. Johns High School team. Did your teams ever play against each other?

TC: Never did.

JF: Never did. What a shame.

TC: In 1938, Morris' team--I believe it was 1938, I'm pretty sure it was--Morris' team played in the Northern Tournament at Flagstaff and didn't go to the state tournament. My team tried to qualify for the state tournament and fell short in the district. So we never crossed paths.

JF: What a shame! (both chuckle)

TC: Yes. Well, I don't know. It might have been good for us, because his team, I think, won the Northern Tournament. (JF: Oh, did they?) No, I don't think they did. I think Payson won it. Payson might have won it that year. But they had a good team, St. Johns did.

JF: Those small towns seemed to have good teams in those days.

TC: Well, one little town, Duncan, won the state championship three years in a row. Beat Phoenix and Mesa and whoever was around. (JF: Wow.) Peoria won it one year, too. St. Johns, I think, won it one year, in years gone by.

JF: In 1938 you came to Tucson to go to the U. of A.

TC: Right.

JF: Did basketball have anything to do with that decision?

TC: Well, yes it did. I had originally intended to play at the university.

JF: And did you get to?

TC: I did not play.

JF: Did you try out?

TC: Yes. And I--to protect my image--I was not cut from the team. I had a disagreement with the coaching staff.

JF: Was Stewart [L. Udall] playing then?

TC: I played against Stewart in the intramurals that year. (JF: Oh, you did?) And our teams went to the finals of the intramurals that year and they lucked out on us.

JF: How was he as a basketball player? We hear a lot about Mo as a basketball player, but not that much about Stewart.

TC: Well, Stewart might have been almost as good. He was a very good player. Morris was bigger, of course, and taller. And Morris knew what to do with the ball when he got it, or he knew what he was going to do with it when he got it; he was going to shoot it. (chuckles) Stewart might be inclined to pass it off once in a while.

JF: Was Mo a ball hog, basically? (laughs)

TC: No, he wasn't, but Morris, then and throughout his entire life, had great confidence in his ability. He was not a bashful fellow, and he thought it was his responsibility to shoot it because he thought he was the best shooter around. And he probably was, so he put it right up. Stewart was a good defensive player and he was a very good strategist. And he could score too, he could shoot it. They beat us in the finals and he did it almost single-handedly, Stewart did.

JF: In, I guess it was 1940, two years after you went to U. of A., was when Mo went for only one year before he joined the military. And he was gone, then from 1941 to 1945. Did you meet Mo during 1940?

TC: I met Mo the year before that.

JF: In 1939?

TC: Yes. He came down and played in the--it might have been the spring of 1940. It probably was the spring of 1940 when his team came down and played in the state tournament.

JF: The St. Johns team?

TC: Yes. They came down and played in the state tournament.

JF: And that's when you met him.

TC: That's when I met him.

JF: How did that occur?

TC: Stewart introduced us.

JF: Okay. What was your impression?

TC: Well, he could play basketball. And he was a good fellow, what you'd call a good kid, and he was nice, very personable.

JF: Outgoing?

TC: Yes. Not boisterous, but outgoing, sure.

JF: Did you keep up your contact with him at all?

TC: When he came as a freshman, he pledged my fraternity.

JF: What fraternity was that?

TC: Kappa Sig. But he didn't hang around long. It came down to him having to make a choice as to whether he played what we called "pledge basketball"--that's the first year of basketball--for the LDS Church [Church of Jesus Christ of Latter-day Saints], or for the fraternity, and he chose the church. He had a choice of stay as a pledge and play for the Kappa Sigs or play for the LDS, and he said, "I'm not going to turn my back on my church," and he didn't and he was no longer a pledge. And I think it was good for him, too. He was not exactly the fraternity type.

JF: As I recall, wasn't he one of the first student body presidents who was not a fraternity member?

TC: Yes, he was one of the early ones. I can't remember all of them through the years, but McPherson was, Carl Berra was, Bill Bailey was [all phonetic spellings]. Yes, they pretty much were fraternity people. He might well have been the first one.

JF: Now, he seemed to have split with the church fairly early on, and must have had some disagreements with them early on, because he was so involved in trying to get blacks in athletics. Do you know when that split took place?

TC: I do not. I do know that that would have been a problem with him, and my recollection is that he helped, participated with Dr. Morrow [phonetic spelling] in desegregating the Tucson schools prior to *Brown versus Board of Education*. He and Stewart worked on that project with Bob Morrow.

JF: What year would that have been?

TC: Well, it would have been before 1954. I think *Brown* was 1954, and it would have been before then. And I think it probably was when Stewart was on the school board at Amphitheater [School District]. It might have been during that timeframe. But as much as I talked to Morris about, I never talked to him directly about his religion. We never got into that subject. We talked about collateral issues like what happened in church or what didn't happen in church or why he wasn't in church, and the general idea or the history of St. Johns and the community's participation in church. But he and I never got into the religion thing. I do know that he made a speech, I'm sure at Brigham Young [University], where he took the church to task for their policy about African Americans.

JF: When was that?

TC: Well, I don't know when it was, but it cost him dearly, politically.

JF: Was this when he was a congressman, after he was....

TC: I think it probably was during that. I think he probably was. I'm sure he was. I don't think that they'd have invited him up there if he hadn't been.

JF: Right. When you were in college, you worked at the U. of A. Food Services.

TC: Dining hall, right.

JF: As I understand, you occasionally made forays to the infirmary, where Mo was. At some point, Mo was giving haircuts there. Do you recall that at all?

TC: Yes, well, that's substantially correct. Stewart had the job of coming to the dining hall and getting the meals for the people in the infirmary, the patients. He'd come over and get the meals and take them to the infirmary, and when he left, Morris had that job. So I'd see Morris, Morris would come over to the dining hall where I worked and get the food, and I'd see him. And of course I saw him around the gym, I saw him around school, and I knew of him. I don't know just when his barbering venture started. I remember it quite well, and I did not risk my head to him, (chuckles) I'll tell you that. He was not a bad barber, (chuckles) but I didn't avail myself of his services.

JF: He said in his oral history that the State Bar did, that Udall haircuts were quite renowned, and I wasn't sure what he meant by that. (chuckles)

TC: Well, he did a fairly decent job, but I preferred a different style. (laughter) There's a great barber story that's not involving him directly, but involving him as a lawyer, that if you remind me I'll tell you later.

JF: Okay. We'll get to that. (TC: Yes.) When you were in college did you and Mo and Stew socialize? What did you do for fun?

TC: Well, what I did for fun is not what they did for fun. (laughter) It differed. Traveled different paths. (JF: Okay.) I didn't see them at the Double R, which is where I spent a great deal of my time. That was at Rio Rico, it was a bar.

JF: The equivalent of the Green Dolphin in later years?

TC: Well, it was something like that, yes. It was the college hangout. And I worked, they worked, they were busy, and I saw them on campus, but we were not bosom friends or anything like that. We were friends.

JF: Did most students work during those days?

TC: A great number of them did, yes. Yes, quite a few of them did, in fact.

JF: Now, you went to law school in 1943.

TC: I started, yes.

JF: Why law?

TC: (pause) Well, I can't give you a quick answer to that. Probably I decided when I was in junior high that I would like to be a lawyer, and probably because I'd heard and read of [Clarence] Darrow and Rogers and these people, and because of the romance that seemed to be attached with "slaying dragons." Somebody is in trouble and they need help and you can rush in and help them. The misconception of what the legal practice was all about. I thought it was noble and romantic and thrilling.

JF: You haven't found it to be that?

TC: No. None of the above. (chuckles)

JF: Even occasionally?

TC: Occasionally noble, but....

JF: Occasionally thrilling, probably, too.

TC: Well, in certain [cases]. But probably the seed was planted. I know that I probably talked about it in high school because some time ago I looked at an old year book and there the prophecy was that I would be a lawyer. But I didn't go--I started in 1943 because I couldn't get

in the service and I stayed out of school a year trying to get in, and when I didn't I got so disenchanted with the, quote, "war effort," the home effort, where we were supposed to be working like dogs and trying to build airfields and airplanes and do things to help the war effort--and people didn't seem to be all that excited about it. So I got disgusted with my job, and quit and went to law school.

JF: You received your degree in 1946.

TC: My law degree.

JF: Your law degree. And from there went to practice law with Evo DeConcini?

TC: Right.

JF: Is that correct? What kind of practice was that?

TC: Well, it was, I'd call it "you name it." It was a little bit of everything. He'd been on the bench, he was well-respected, well-known, and all kinds of people came to see him for all kinds of reasons.

JF: And he was eventually elected to the supreme court [of Arizona].

TC: Well, he was on the bench and I started alone. But I was only alone a little over two months, something like that. He did not want to resign, he intended to resign, but didn't want to resign until after the election, because there were two vacancies and three candidates, and if he quit early, then the governor, [Sidney P.] Osborn, would have to appoint one of the two Democrats, giving that one an advantage as an incumbent. And Osborn didn't want to do that; he didn't want to make a choice. He knew them both, liked and respected them, and one had been very active in Osborn's campaign and the other was an excellent judge. So he asked Evo to stay on until after the election, which he did. Then after the election when the one got elected, was appointed by the governor, and he left and came over and I started practicing with him. I worked for him, he was my employer.

JF: And where did you go from there?

TC: Osborn appointed him attorney general, and Evo wanted to run, the judge wanted to run for the supreme court.

JF: What date would that have been about?

TC: It was in 1948. I believe the election was in 1948; I think it was. And he wanted to run for the Supreme Court--yes it was, I think it was.... No, I think he might have been elected in 1947, the end of 1947. And I didn't want to be alone, I didn't feel old enough or wise enough to keep the office open. So I went to work for another firm in 1948.

JF: What firm was that?

TC: Darnell, Robertson and Holesapple.

JF: And what was their primary practice?

TC: Trial work a lot, general practice. They represented Tucson Electric Light and Power. They represented Tucson Warehouse and Transfer. They represented a number of insurance companies, casualty companies, and a bank, and they had a very good practice.

JF: Now during this time from about 1946 to 1949 or so, Mo had returned from the war and returned to the university, was student body president, captain of the basketball team, star pupil, and all of those things.

TC: He was flying high.

JF: Did you have any contact with him during that time?

TC: Not a lot. Now, see, Stewart came down, Stewart got out and he came down and he occupied the office I was sitting in, in DeConcini's office.

JF: Oh, he did? So he came over and basically took over what you were doing?

TC: Well (chuckles), but I wasn't doing anything to speak of. Yes, I left him a couple of collections that he couldn't collect, a few things like that, but he came and sat in my office and I moved down the hall. So Stewart was there. I knew, I kept up with Morris' antics at the university because he was making a lot of racket over there, and I knew about that. And I saw him from time to time. Saw Stewart daily, but saw Morris from time to time. He was over there establishing a co-op for the veterans out at the polo field village. He was telling people at the university that he intended to show up and collect the proceeds from the football games because it was a student body activity.

JF: A real rabble rouser.

TC: Indeed. He had the president pulling his hair and the attorney general's office coming down trying to give advice on what the president could do. And he got active and he had a contest with them over when assembly would be. They wanted to have it at 4:30 where nobody would attend. If you don't have anyone attending assemblies, there would be no problems coming out of the assembly. (JF: Of course.) That wasn't Morris' idea of a student government. He wanted it to be at 11:30 when people would come and there would be things discussed, issues, dormitory rates and things such as that or whatever. And he backed the president down on that.

JF: Now, Jim [James F.] McNulty was involved in that to some degree, wasn't he?

TC: Yes, I think he might have gone with him to see the president. I don't know. McNulty ran his opponent's campaign, a kid named--what's his name--O'Brien [phonetic spelling]. Billy O'Brien ran against Morris, and McNulty was O'Brien's campaign manager. Of course Morris won and then he and Morris became good close buddies and friends and were forever. Still are.

But Udall was quite active and he was no shrinking violet.

JF: He seems to have taken leadership roles very early in life. Was he just a natural leader?

TC: I don't know what he was doing when he was in diapers, but I know that ever since I knew the man, he was a leader. And he believed that any area of human activity that you were engaged in needed leadership, that activity needed leadership. And he believed that the best person to lead, should lead. And after he took some careful inventories, he decided he was the best person, and he stepped right in and did it.

JF: It sounds like he had a healthy ego.

TC: Well, not offensive at all. But he was confident and the truth is that he was the best person. Who else should have been the captain of the basketball team? It should have been him. Who should have been the president of the student body? It should have been him. He volunteered his services. He thought it was an obligation, if you were capable of doing it you ought to go out and do it for the cause.

JF: And it seems to have followed him on to other careers.

TC: Yes it did. And his reforms in the House [of Representatives]: seniority matters, leadership matters, Speaker of the House....

JF: Presidential race.

TC: Presidential race, sure. I mean, he wasn't bashful. And he had confidence in himself and he should have had; he was a very able guy.

JF: Now getting back to lawyering days, you moved to your own firm, in 1952, was it?

TC: In 1952.

JF: You formed McCarty and Chandler?

TC: We got fired. [Charles D.] McCarty and I got fired the same day.

JF: May I ask what that was for?

TC: Why did we get fired? Insubordination.

JF: Insubordination? Okay. And you took off on your own?

TC: Right.

JF: Did you take any clients with you?

TC: No, we didn't. We had a rule that I approved of and still approve of. I stayed until April 1 to finish up things that they wanted me to finish up. McCarty left the day after we got fired, but committed himself to finishing anything they thought he should finish. But they had a long laundry list for me, and not things I had, things that they wanted me to have. And so I stayed until the first of April. Our policy was that we would not accept employment from any client who had been a client of that firm. Period. That was the policy. And we adhered very carefully to that policy. The only deviation was that if an insurance company that we had represented when we were in that firm had a conflict and that firm could not represent them, after a couple of years we agreed to, we would take that case. And we made some people very unhappy by telling them, "I'm sorry, we don't...." And not just very unhappy. I had some shouting matches with some of them. "We want you to be the lawyer!" "No. No, no." And we wouldn't do it. We did not do it.

JF: Did you have occasion, then or before, to try cases with Mo? He graduated from law school, I believe, and got his law degree in 1949.

TC: I think so.

JF: Did you try any cases against Mo? With Mo?

TC: Yes. Yes.

JF: Tell us about them.

TC: Well, there's too many to mention. But McCarty tried one against he and Stewart fairly early on--Randall [phonetic spelling], Bill Randall's niece. Over a long period of time the cases that--I'll take a cross section of different types of cases. Okay? (JF: Yes.)

Kissler [phonetic spelling]: Domestic relations fight. A lot of property, a lot of hard feelings. Morris represented the woman; I represented the man. We tried that case for quite some time.

Dutch van de Velde [phonetic spelling]: That was later on. I'll get to that later. Truman: Later on. I'll get to that later. Cliff: Later on. Not too much later.

Over the years we tried a number of cases. We tried cases together. We tried the *Republic Indemnity* case at the same table. So I saw a great deal of him. And dealing with Morris created this problem. Morris would get the maximum dollar in settlement of the case. He pretty generally represented plaintiffs. So he'd get you up to where that is a great deal of pay for that case. And he'd do that and do that and finally he'd say, "Enough is enough. We're going to trial." And we'd go trial and the result would be worse.

JF: So he was somebody to settle with.

TC: You bet. Then we'd go through the cycle again. You know. And we don't imply that we never won a case. We did. But Morris was the best all-around trial lawyer that I ever saw in the courtroom. Very best. One case, one particular case, if it was a right case for the guy, nobody could beat McCarty, my former partner. If it involved a lot of complicated cases with not much human element to it, it would have been hard to beat Mark [B.] Wilmer over the long haul. But for the kind of work that Morris did, basically, he was the best.

JF: What attributes made him so good?

TC: Well, the jury trial is a theatrical production. Now that may seem a little shallow, but that is what it is. And the audience, of course, is your jury. That's who you're playing to. And whether you're a hit or a flop depends on how well you impress your jury. Morris, from the beginning to the end, played them to the hilt. Morris walked into the courtroom right on time. Never walked in and sat around for them to look at his suit or shoes to see if they were shined right or anything. Precisely at ten, if you started at ten, here he was. He walked in; he got his client settled down, seated and comfortable. And he was there. The judge came in, "Are the parties ready?," and he announced, "Ready." And he did not do it in an arrogant way, but he did it in such a way that really meant ready, I am more than ready. I am raring to go here. And he went.

First on voir dire to the jury, he talked to them. Next he made the opening statement. So he gets the first whack at everything. He calls the first witness, of course. He decides the order

of the witnesses, and he was a master at that. He never lead off with a weak one. If he had a weak one, he'd put him at four o'clock on the afternoon when nobody cared what was going on anyway.

And he was never petty, he was never small, he was never sarcastic, never argumentative. He was very straightforward, very open-faced about what he did and that was his nature. And the jury loved him. They believed him, they trusted him and he just, as a very good and seasoned lawyer said to me one time, "The problem with that Udall is that he gets everything off on the wrong foot." And I said, "Well, what you really mean is, he puts the jury under his arm and runs off down the road with them, and you're trying to catch him, saying, 'Hold on, here. Let me...'" (JF: "Let me have a chance here.") Yes. "I want to say something here." And he was a delight to try a case with. No squabbles, no backbiting, no nothing. Just an absolute utter delight. The results were not delightful, but it was a fine experience.

And another thing about Morris that sort of had me: I never knew him to hold a grudge. I never knew him to have a temper tantrum. I never knew him to hate anyone. I never knew him to really actively dislike anyone. I'm sure there were people that he would just as soon not hang around, but he was charitable and tolerant of everybody and their ideas. And some people would treat him so bad in a trial, and of course he didn't like it and it irritated him, but he didn't bite back and he didn't bad-mouth them. He could take care of himself, and did, and then that was over and he was on down the road. And he was quick. Quick. Very, very quick.

JF: He just bounced on his feet, sort of?

TC: You bet. Yes.

JF: It sounds like he was prepared, too.

TC: Oh! Prepared! Indeed! We were trying a first-degree murder case once, and he was prosecuting our client, and me and McCarty were defending him. And McCarty was something else, too. I mean, that was...

JF: Was this when he was county attorney?

TC: Yes. McCarty was cross-examining the witness, and the deceased, our view was that he had been the aggressor in a confrontation with the defendant. And McCarty said to the witness, "Well he looked"--asking about the deceased--"Bacon looked like he was spoiling for a fight, didn't he?" "Sure did." "That's all," says Charles. Udall: "Did he look like he was spoiling for six slugs in him, five in his back?" (chuckles) That's the kind of danger you faced when you were dealing with him. That was a pretty...

JF: You opened the door and he took advantage.

TC: Ho! Ho! He dunked that one.

JF: Now you tried cases both with him and against him. When you tried cases with him....

TC: Same thing.

JF: Same thing?

TC: Yes. Let you do your own thing. I'd have one defendant, he'd have another. Or I'd have one plaintiff, he'd have another. Very helpful. Kind of gently suggested that maybe it would be better if he sort of took the lead.

JF: Did he share the glory, though?

TC: Oh, yes. Oh, yes. He didn't hog the limelight. And when he dealt with other people, I wasn't too sure that he should always take the lead. I thought we should walk together. But most people would agree with that's exactly the way it ought to be, because he was very effective.

JF: You said earlier you had a story about Mo as a lawyer.

TC: Yes. He and Stewart went to Charlie.... What was Charlie's [last] name? I can't believe that I would forget Charlie's name. Well, I'll call him Charlie and I'll tell you his name later. He was a Native American with one leg, Charlie was, and he was a barber. And he cut hair for a reduced price and he cut it on Sunday too, because his clientele were pretty much farm workers. That's when there was a lot of farm working needed in the area-- Sahuarita and Marana and near here.

And the barber's union decided to squawk and get--Love!, Charlie Love--get Charlie prosecuted for cutting hair on Sunday. And so they did; they charged him with that crime. And Stewart and Morris were his lawyers. Well, the case had attracted a great deal of attention--media and otherwise.

So Charlie Love, he testifies that he lost his leg in the war and who his clientele was and, yes, he was on the witness stand confessing to these crimes. "And is there anyone in the courtroom whose hair you've cut?" "Indeed, yours and your brother's." I always said it looked like it, it looked like this was a non-union barber that worked on those heads.

So the jury goes, and Morris made a very, very telling argument to the jury. I was trying a case next door and my jury's out deliberating, so I come in to catch his argument in the *Love* case. He starts them down the Trail of Tears from North Carolina down South, the Cherokees, down to Florida, through Alabama, the Trail of Tears out to Oklahoma on a reservation and deprived, discriminated against, goes off to defend his country, gives his leg to the country, comes back, trying to make a living, trying to support himself and his family, giving disadvantaged people good haircuts at a reduced rate, doing it on a day when they can get their hair cut. And what is the State of Arizona doing? Prosecuting this man! Can you believe this?

Well, the jury goes out and they come back, they're hung up, they're eleven to one for not guilty. And the one hanging out for guilty, rushes over to Morris and Stewart after the case is over--and they've discharged the jury hopelessly deadlocked--and he says, "I knew you wanted to appeal this case, but I knew you couldn't appeal it if he wasn't convicted. So I was trying to talk these people into going ahead and convicting him so you could win on appeal." Which of course is not what they wanted.

He then becomes county attorney, Morris does. Charlie is set for trial again. He calls me, he says, "Tom, have you heard of the *Love* case?" I said, "No, I haven't heard of the *Love* case." "Well, it was all over the papers." "I don't read about those things, Morris. What is the *Love* case?" (chuckles) And he said, "Of course I can't prosecute him, but we have to go ahead and prosecute the case, you know. It's still pending, and I'm the county attorney. And I wondered if you would be willing to defend Charlie?" "Of course I would love to defend him. I

don't know him, and maybe he doesn't want me." "Well, I'm sure." "Well if he comes in to see me, I'll look after him." Of course, Charlie wants a free lawyer, and that's me.

Well the case is getting pretty close to trial and the person who's going to try it calls, "What about the *Love* case?" I said, "Oh, we're ready to go anytime." "Well, wouldn't you like to just take a plea to one count and unsupervised probation?" "No, I wouldn't like to take a plea to anything. We're going to try this case."

Morris called, "Tom, now I'm not trying to influence you, but you know, in the other case he got on the stand and admitted that he'd cut hair illegally. He admitted it and testified to it." I said, "Yes. I wonder what the hell his lawyer was doing putting him on the stand to confess." (chuckles) "Well," he said, "now look. It's just a clear case and if you would plead him there would be unsupervised..." I said, "Morris, let me tell you something. I've thought about this, I've given a lot of thought to this. This guy was minding his own business--or his ancestors [were]--in North Carolina, and here comes the government, and they snatch them and they take them to Georgia and they take them Florida and they take them to Alabama, they take them across the Trail of Tears into Oklahoma. This guy goes out and fights for his country, loses his leg, gives his leg to the country, comes back and (chuckling) is trying to make a living for himself and his family cutting disadvantaged people's hair and so on. (laughing) This is an outrage what you are going to do. He won't plead guilty to the time of day."

JF: (Laughing) And what did he say to that?

TC: "Very well."

JF: What else could he say?

TC: Next thing, a couple of days later the guy in charge of the case says, "You know, Morris gives us a lot of freedom in how we handle our matters. He doesn't look over our shoulder. I'm going to dismiss the *Love* case." I said, "Fine." (laughs) So Charlie was only tried once.

JF: I've heard that about Mo as the county attorney, that he pretty much trusted his staff to do what was expected.

TC: He did.

JF: What was his reputation as the county attorney?

TC: Well, it was very good. He had a good reputation. He was a deadly prosecutor. Deadly. And not because that he was bloodthirsty or a shouter or a screamer. His approach was, "I ran for this job and I was elected by the people to do a very important job, and that's to prosecute people who've been charged with a crime. I don't convict them, and the fact that I'm here prosecuting these people doesn't mean that they're guilty. The judge will tell you all about that, that all the presumption of innocence, and I've got to prove my case beyond a reasonable doubt. The fact that I've charged them doesn't mean anything except they're here, and I want you to give them every benefit of the doubt."

And they said, "Boy, what a fair guy this is." And he was. And he put cases in.... "That's just a hard part of my job, is to have to stand up and say that I think we've carried the State's share of the burden, but here's the evidence and this is...." And he was so fair and so open he could have convicted almost anybody of anything, because he was that effective. But he was selective in his charging, too. He wasn't out trying to build a reputation and charge everybody.

JF: It seems to have changed a lot over the years, how the county attorney's office is run.

TC: Yes, there are different strokes for different folks. It has changed a lot, although I'm not too sure that you can look at any particular office, one office, and say that's the way it is everywhere. It might be different. I think probably in smaller places where the county attorney has a better feel for the community and the people in the community, that he can be probably a little wiser in selecting cases to prosecute.

But he was good and he was, again, so fair. He'd agree to anything; he's stipulate to anything. One quick example of that: a very high-profile case that he inherited was a case against Fred Wilson, who was the attorney general of the state. He was charged with offering a bribe to a deputy sheriff. And it was the *Phonus Balonus* [phonetic spelling] case. McCarty, my partner, defended the case, and he and I were getting ready to defend it. We were going to do it together, but I had a conflict, another trial, so I couldn't actually try the case, and Charlie tried it in Yuma without me, and probably that was good.

We were talking about--and there had been all kinds of bad publicity for Fred Wilson; the paper had a vendetta against him and they were really pouring it on him every day, every day. He had offended them greatly. They had talked to him about all the crime and the crooked sheriff, crooked county attorney, and he'd said, "Look, I'm not a detective," the attorney general said, "I'm not a detective. Any complaints that you'll sign against any of these people that you're complaining about, I'll prosecute. You sign the complaint and I'll prosecute them--the sheriff, the county attorney." "Oh, you're bluffing. Blah, blah, blah." "No." And he called their hand and called them some names like cowards and phonies and blabbermouths. He, the attorney general.

You don't say that to the editor of the paper in town unless you want trouble, and he got it, first class. So they were on him pretty heavy. And we were talking about a change of venue and what we needed to do: affidavits and get the newspaper articles together that had been written and so on.

And at that time we had some help, Fred Wilson was still the attorney general and there were volunteers falling all over each other to help the attorney general. When he lost the election to Ross [F.] Jones, the volunteers all went to somewhere, La Jolla or San Diego, we never saw them again. They disappeared. (chuckles) But we still had it on board at this time.

I said, "Why don't we talk to Morris about a change of venue?" "Oh, he wouldn't agree to that. He's got such an advantage here, he wouldn't give up that advantage." I said, "I'm not too sure." I said, "He's a pretty straight...." "Well, if he's straightforward, he'd dismiss this case." "Well, he can't do that." It was a grand jury case. "I'll go talk to him right now." "Okay."

Go over to Morris, yes. "Do you think that the State can get an impartial jury here? Someone that's not mad at either Wilson or the paper?" "It would be hard." "Do you think Fred can really get a fair trial in this county?" "Probably not, Tom. Probably not." "I guess if that's your view, you would agree to a change of venue." "Yes, I would. Sure." "What county?" "Take your choice. Any county abutting this county. It has to be contiguous to this county. Any county, take your choice." Well, Yuma was furthest away, less publicity in Yuma than anyplace. I said, "Well, I'll be back to you on where we want to go. I think it will probably be Yuma." He said, "Fine. Make up your mind and send me a stipulation. I'll sign it." And he did.

JF: So he really was entirely fair?

TC: Oh, yes. Yes. Absolutely, absolutely. Very.

JF: I'm going to need to flip the tape over here.

TC: Okay.

[END TAPE 1, SIDE A; BEGIN SIDE B]