

An Oral History Interview

with

JAMES McNULTY (part 2)

Tucson, Arizona

conducted by
Julie Ferdon

July 9, 1998

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

©1998
The University of Arizona
Arizona Board of Regents
All Rights Reserved

JF: In 1956, Mo chaired the Arizona Volunteers for Adlai Stevenson and was a [delegate] to the Democratic National Convention. Were you involved in that at all?

JM: Well, I was a very strongly pro-Stevenson man. I helped to the degree that I could. I remember being here when Stevenson came and drove a little parade through town and they came up Stone Avenue. When they got to San Augustine Cathedral, Bishop Gurt came popping out from behind the door and walked over to the car. Adlai got out and shook hands most cordially. That's when--didn't Stevenson stay down here at a ranch with Dick Jenkins? None of that's known to you?

JF: No, I don't know anything.

JM: I know I've got a campaign medal or a pin. It's a shoe with a hole in the sole. You remember the famous picture?

JF: I've seen those.

JM: Yes. Well, I really liked Stevenson, his oratorical style. He was a hell of a guy.

JF: Was Mo the state chair?

JM: I don't know. He might have been.

JF: In 1960, you were on the Board of Governors of the State Bar Association (JM: Yes.) representing the Bisbee area.

JM: Well, Cochise County.

JF: Cochise County, okay. And Mo was on the Board of Governors representing the Tucson area, or, I guess, Pima County. Mo was also at that time chair of the Modern Courts Committee and that was to reform the court system.

JM: He was indeed.

JF: Were you involved in that?

JM: Oh, yes.

JF: What was the goal?

JM: [We] went around making speeches. We're changing the Constitution, we've got to get the people to vote for that. And so it was just a never-ending campaign of information and education. And there were people who were not for that. Some people, I thought they were just jealous of Mo and he was a new face on the scene. Here he's involved in all these enormous causes, and he was suspected of being too vain by some. But it was an honest effort. We tried to vote Mo in as president of the state bar. I don't remember how many there were--let's say there were twelve. We voted six to six in

secret ballots. And we did it about fifteen different times, trying to get somebody to change. Any one is enough.

JF: So it stayed?

JM: It stayed. I'll bet it stayed that way for three or four months or even longer, and then Mo called up and said, "To hell with it, it's consuming too much of our energy. We've got more important things to do."

JF: What was the goal behind the Modern Courts Initiative?

JM: We had a system where everybody in Arizona could appeal any decision of a Superior Court judge, and we were swamping the Supreme Court. We had judges that weren't behaving very effectively, and no way to get their attention and get them doing things. We had a judiciary that had no age limitation, they might stay there until they were a hundred if they didn't die. So it was a real massive overhaul of the Judiciary Article of the Arizona Constitution. And it's proved to be most useful in the years that have gone by.

JF: We see Mo taking a leadership position here, as he obviously did on a number of things....

JM: Sure, while he's doing this, he's writing a book on evidence, a hornbook on evidence!

JF: How did he get involved in that?

JM: The story is that he tried to find decisions the old-fashioned research way, and just thought it's ridiculous that there's no single source of this. That led ultimately to the tract called Udall on Evidence, 300-400 pages long. And I think it's still used, updated from time to time. But he did that. He was writing a book back in Congress for new congressmen.

JF: That's right, he's written a number.

JM: All these talents in one person, it's hard to believe. That generates some envy and jealousy, and perhaps even anger.

JF: You sort of referred to that a little while ago. Is this among attorneys, primarily that you saw this?

JM: Oh sure, but the guy on the street.... I remember I heard Barry Goldwater say something about "Levi Udall, he's a great man. But these kids, they're a different breed altogether." I know, he just died and everybody's speaking kindly of one another, but that's what he said. And when Stew ran, the Bisbee Daily Review ran a front-page story

about being pals with the Henry Wallace Party. What was that called, Progressives? You know who Henry Wallace is?

JF: Yes, but I don't know what the....

JM: Well, that's when you had the Democratic Party and the Republican Party, and the Democratic Party had Henry Wallace in it: decided it couldn't stand him or he couldn't stand them. Over on the Republican side, Strom Thurman quits being a Democrat, becomes a Republican and runs for President on the States' Rights Party. So we had a four-way race that year. When was that? Fifty....

JF: In 1956 or 1958?

JM: I don't remember. Truman in 1948 to 1952. And then Stevenson in 1952, and he lost. And then Stevenson again in 1956, and he lost. And then Los Angeles in 1960.

JF: In 1960, it leads right up to that. John F. Kennedy ran for president and Stewart Udall was very involved in organizing delegates for him, as I understand it.

JM: Oh, boy. And for a long time. You know Tucson signaled that it was coming back to life after these tough summers with the first football game, which was as much a social occasion as an athletic event. And the first game was always preceded by parties and snack foods, and all the folk, kind of the unofficial establishment, coming together before the first game, which would be held seven or eight o'clock at night. So there would be a couple hours drinking in there. In 1958, I remember being with one of these parties and Stew said, "What do you think of Kennedy?" And I said, "Well, I'm from Boston. Where would you think I'd be?" He said, "He can do it, and we need to mobilize right now."

JF: This was in 1958?

JM: Yes, and I said, "Mobilize now?!" "Yeah," he said, "you know how the Democratic Party works. The county chair effectively casts ballots for most of the delegates in his committee or he controls it. So you get yourself elected Cochise County Chair," which I did. And which, ultimately, in time, in 1960, was the place from which we were able to deliver the state to John Kennedy and shocked the political world.

JF: Was Mo involved at all with Kennedy?

JM: He was, but Stew was the main man. Stew told me that Joe Kennedy gave him an airplane credit card and that he was to use it anywhere anytime. And they'd call up Stew and say, "Come up to Denver." "Okay." Away he'd go.

JF: Was he a speaker for them or organizer? Mostly a speaker?

JM: Oh, yes. Very high profile.

JF: All over the country? In 1961, Stewart was appointed to Kennedy's cabinet as Secretary of Interior.

JM: He was.

JF: And Mo ran in a special election for Stewart's seat, winning by a narrow margin against Republican Mac Matheson.

JM: A thousand votes.

JF: Why was the margin that close, do you know?

JM: It was a special election and it was only for that congressional district. People had kind of spent their energy, and now to crank up again in this.... And it was a big awkward district, God, I don't know how far north, maybe all the way to the Utah border. And the very conservative wing of the LDS folk were dead set against Mo and totally in favor of Mac Matheson, he was their kind of guy. So glory be to God, he had Gila County. He won by a thousand votes up there. And he had Cochise County and won by about a thousand there. Anyway, when it was all over, with this relatively handful of people, Mo's the winner. And that would have been May of 1961.

JF: Was Stewart Udall able to help him at all in the campaign? Do you know if he was involved in stumping for Mo at all?

JM: Well, I don't remember him, and truth to tell, he had just undertaken the job as Secretary of the Interior and that ate up a lot of his time. And there were people looking down your collar in those days. You'd be awful careful about traveling for political purposes and charging it to the federal taxpayer.

JF: Yes. Mo was reelected in 1962 by 56% against Richard Burke. Did you remember anything about Richard Burke?

JM: Oh yes, he was a very ingratiating, interesting, bright guy. The Republicans need more like him. He taught political science at the University of Arizona and was very bright and was good-natured, good fun. It wasn't a mean campaign at all. Burke was tied-in somehow with what?, Louisiana State University? I'm reaching way back now. He had Conrad Joyner, I think, as kind of a protégé, but a liberal Republican. Geez, that's kind of a hard commodity to sell in Graham County.

JF: About two years later, Mo ran against and defeated a Republican by the name of William Kimble. Was this your former partner?

JM: It was.

JF: Was that a little awkward for you?

JM: Well (chuckles) no. I remember that during his campaign, he and I went someplace and he said, "What are you doing tomorrow?" "Nothing. Why?" He said, "I need a ride out to Alvernon. Could you take me?" "Sure." "They'll catch up with me." And I remember as he got into the car, he looked and the bumper said, "Udall for Congress," front and back. Well, by then, Kimble had moved up here, he was a resident here. He's the best candidate that the Republicans ever did field against Mo.

JF: Didn't he eventually become a supporter of Mo's?

JM: Oh, they were very cordial.

JF: In 1968, you ran for and were elected to the Arizona State Senate. How long did you serve?

JM: I ran in 1968 and as 1970 came along, I about decided I couldn't afford to keep doing that--this running back and forth from Bisbee to Phoenix every weekend. Tough on my law business. So I said, "Well, I don't think I'll move anymore." But just about that time, the Eagleton Institute at Rutgers University headed up by Alan Friedman, wrote me a letter and said, "You've been chosen from Arizona for a two-week conference at Marco Island in Florida, along with the enclosed list of legislators." So they had about two dozen of us legislators--House members and Senate members--and we went down there and the Eagleton Institute had classes all day long, and really good, high-profile people: Jesse Unrue from California. So anyway, that appealed to my vanity. Oh, they said, "A condition of your accepting this is that you run again. If you're not going to run again, the offer is withdrawn." So I ran and I won.

In that session of the legislature, the Republicans redistricted the legislative districts, and they put....

JF: What year was that?

JM: That would be 1971. They put eight Democratic senators in four senatorial districts--four of us were dead.

JF: Eight incumbents?

JM: Eight incumbents put in four.... So Charlie Awalt from Safford was the guy that had been put in with me. They didn't care which one went, they just wanted one less, because they'd had a legislature that was either so close--sixteen-fourteen--that it was uncomfortable. Or a couple of times, the Democrats did have a majority in the Senate. So I told Charlie I wasn't running, and I was supporting him. And he wanted to do it, and I didn't, and so it was agreed. I dropped out and went back to work, comfortably so, and four months later Charlie's dead of cancer. The supervisors of Graham, Greenlee, and Cochise Counties say, "If you want the job, we'll appoint you." I said, "Okay," and I went back up. So I did almost three terms, six years, in the Senate.

JF: In addition to the Eagleton Institute, in 1970 you were voted by a predominantly Republican legislature as the most respected and able member of the Arizona Senate. What do you think was the key to your effectiveness?

JM: Well, I didn't engage in any personalities. I liked the work of a legislator, and I think a law degree, law training, is the most advantageous thing you could possibly have--after a sense of humor. I genuinely liked the bulk of those people up there--especially the Republicans, Doug Holsclaw. He and I wouldn't have a difference of opinion once in the next fifty votes. And Bill Jaquin, who is an excellent legislator, and he knew, philosophically, what had to be done. The Republicans wouldn't have him, because he had a wife, Deb, that was always out shouting about, "We gotta do something about the drug problem!" They didn't like people bringing those kinds of things front and center. Scott Alexander and I got on very well. And I tried never to say anything that I would feel I ever had subsequently to be embarrassed about. Funny you should ask that. Do you know who Bill Hart is?

JF: No, I don't.

JM: He was twenty-six years a senator from Globe. "I want to again bring up Jim McNulty, who I greatly admired. He was a great addition to the Senate. His speeches on the floor were always entertaining and correct, and none could equal him in debate. He was liked by both Democrats and Republicans." He also took a shot at Babbitt. He said Babbitt called me a stubborn old bastard.

JF: (laughs) You're reading from....

JM: Bill Hart's autobiography.

JF: Called My Life. It just came out?

JM: Yes, I got it two days ago. He was a little ambivalent about Mo Udall. You don't remember, but when we were districting for the 1982 election, they couldn't get anywhere, because they couldn't get a majority in the Republicans, and the only hope was Democrats--and not many Democrats were anxious to join a Republican majority. But two of them named Swank and Hart said, "We're gonna work to do what's good for our district, even if it means working with the Republicans." [reading from book] To make a long story short, the bill passed, Babbitt's veto was overridden by Hart and Swank joining the Republicans. Changes were made in the bill, mostly minor, but one big change was a request by Mr. Udall to give him part of Tucson [that was] strongly Democratic. We tried in vain to explain that Mr. Udall did not need this change, but he cried out for it, and of course the Republicans were delighted and that made it much easier to elect a Republican in the new District 5. In that election, my good friend Jim McNulty was elected to Congress by a small majority in District 5, but we could see the handwriting on the wall. The following election, Jim Kolbe was elected by a small majority and has been there since. In the meantime, as I predicted, Udall kept winning by large majorities. To

use my words, 'Udall can sit in his rocking chair and no one could defeat him.' Another note: Jim McNulty was the one who held the district for Mo while Mo was running for president, and then stepped aside so that Mo could return to office."

JF: That's fascinating.

JM: That's the truth with the bark off.

JF: (chuckles) When you were in the Senate, you served under Jack Williams?

JM: Yes.

JF: Well, not "under"-"with," I suppose. What were your impressions of Jack Williams?

JM: Well, he's a decent, well-meaning guy who's handcuffed to nostrums that have long since been surpassed by intelligence and common sense. He's the guy that single-handedly has seen to it that the legislators of this state will never get a good wage. We had a bill passed--it was the Udall Bill--it said a commission would be appointed every four years and recommend salaries, and those salaries would become the official salaries unless the legislature rejected them--which is the way the federal government functions today.

JF: Now, when you say that was a Udall bill, it was a federal bill?

JM: Well, I meant since it's life stemmed, in part, at least, from Mo's pushing strongly for it. He spoke up most forthrightly for that bill. At the last minute, Williams said, "Well, I'll sign the bill, but only if you say that the legislature's salary has to be voted on by the people." And I remember Harold Gist saying, "I've been double-crossed! That wasn't the agreement! They'll never vote a salary increase! So either it all goes, or none of it goes!" And I sat there, I was on the Conference Committee with Tim Barrow and Harold Giss, and we said, "Have we got the votes to override him on this subject?" and we decided we didn't. And we took the bill as it was, and the legislators are getting the same [pay] today they were thirty years ago.

JF: Those bills to raise the salary just never pass.

JM: No.

JF: They just don't. Raul Castro who served under Mo when Mo was county attorney, and who was in college and law school at the same time as you and Mo, was governor after Jack Williams. What was your impression of him as governor?

JM: Well, I think he had all the right aspirations. I don't think he was happy being governor, and I don't think he enjoyed doing it. And the fact that he resigned it and accepted an ambassadorship would tend to corroborate that. The governor's job is not ceremonial, and it requires leadership, and it really requires a sense of the system--a

political judgment, if you will--what can be achieved?, politics is the art of compromise. If that's offensive to you, you're going to make a very poor legislator--honorable and principled, but not good.

JF: In the paper just the other day, there was an article describing the state legislature as sort of a mean, thankless place to work these days, and a place of very harsh rhetoric. And certainly that's what we hear about the U.S. Congress now. Is this something new? Was it like that when you were in the state legislature?

JM: I have always heard that. I remember one of the last things Mo said to me, "This place has just become a little mean." Well, thirty years ago, with somebody of a like mind, probably so. I suspect it's not a lot meaner today than it was fifty years ago. What has changed is the commitment, and perhaps the rosy-eyed views that people had about this business -- ran into reality, and all of a sudden what seemed challenging and interesting and wholesome, suddenly gets bogged down in politics. But politics is the way we're trying to run ourselves. Self-government is a very challenging concept, and you'd better have some sense of balance about the whole thing. You get thirty or ninety people together, there will to be a lot of different views, and some of them will be repugnant to you. But you'd better stay away from that, and stay with the issues. It's just that occasionally, by getting into the ugly stuff, we do bring about a legislative situation that in time we wish we hadn't adopted it in the first place. But I view a legislator as someone with almost a holy responsibility. Nothing older in the Bible than the people who bring laws forward. And from my Latin School days I know that a legislator is someone who proposes legislation. L-E-G-I-S means "law." L-E-T-U-R-E, from the verb *fero, fera, tuli latus*, L-A-T-U-S, law bearer, carrier, someone who presents and proposes and brings before people. That's pretty solemn stuff, you know. A guy will ask me in Bisbee, pointing at the Arizona Revised Statutes, "Where does it say in there that you have to pay your bills?" I said, "It doesn't. It doesn't say that, not even obliquely. What it does say is what I'll do to you if you don't pay your bill." That's the law. The law is a minimum tolerable code of social conduct. The morality is striving upwards. It's not that they're mutually exclusive, or that they're mutually antagonistic, I would say and hope--it's just that the business of governing ourselves and accepting the restraints that go with governance requires a level of sophistication that's not common in the media today. They're all in show business, entertainers they call themselves. Well, the TV is the worst of all. Those guys ought to come out with hats and tap dance shoes. But as the printed media sees itself being squeezed out of the big bucks in advertising, what are they going to do? They're going to mimic the guy that's driving them out of business.

I remember being in Washington, and first seeing the new newspaper machine that the Gannett paper, what is it called, the fake newspaper, with all the color on it?

JF: Oh, USA Today?

JM: USA Today. Newspaper? Not even remotely like that. On the second page it says, "Stories from around the country." And there's every state in the union, and beside the

name of the state in the union is a sentence. And the last one was Arizona and it said, "Julie Fufofnick won the 200-meter freestyle in record time of 1:03:02."

JF: That's your state news?

JM: Yes. Well, anyway, the kiosk or the machines or whatever that the papers are in, they designed a new one, and what did it look like? A television set! It had the same dimensions, and it had the oval room. And that isn't an accident. The guy says, "The audience that we're looking for is going to respond to that." (JF: That's right.) There we have USA Today, looks like a television set. So those guys are in the entertainment business. And the newspapers, they're in a hell of a shape, to some degree. Evening newspapers, they're really in tough shape. I don't know how they hang on.

JF: Aren't many left.

JM: No. The pattern of America is to come home, and if he or she does any news at all, it's the nightly news. And Tom Browkaw says, "Now, in depth..." That's become very popular--in depth--we're going to talk in depth. I had a stop watch, I'd just come in from running--I do that every night, nearly--and I timed it, and it was a minute and seventeen seconds, and that's a long "in depth," because they have other "in depths" that are thirty seconds long. In depth!

JF: (laughs) While you were in the state legislature, Mo was making headlines in some fairly controversial ways. In 1967, at the Sunday Evening Forum here in Tucson, he announced his opposition to Vietnam. Did you know in advance that he was going to do that?

JM: No. Oh, he'd talked. Nobody could fairly claim to be surprised by that. But to take a formal stance against his brother and the administration and the president took a lot of guts.

JF: Why do you think he did it?

JM: He just felt that in all intellectual honesty this thing can't be justified. We are destroying ourselves with this. Egos are getting in the way of common sense. And he was elected to call a spade a spade, and here it is.

JF: Do you think at that time he had any presidential ambitions in mind?

JM: No, I don't think so. I think as he finished the speech and walked off the stage, if he had any thoughts about president, [they would have been], "That's about the last of it I'm about to see with this speech!" That would have been the predictable response.

JF: Did you hear the speech?

JM: No.

JF: The same year, 1967, he went up against the House seniority system by running against Speaker John McCormick. And about three years later, 1970, challenged Hale Boggs for the majority leader. In both cases, he lost handily, obviously. Did Mo ever talk to you about either of those races?

JM: I don't have any specific recollection. I'm reasonably sure we would have, but I can't think of an instance. I was of like mind on Vietnam. I got Mo to send my secretary's son to West Point. He was killed at Placu in Vietnam. Boy. She was a widow, and this guy grew up around Bisbee, and he was a great athlete, a scholar, high grade average at West Point.

JF: What do you think the overall effect of Vietnam has been?

JM: Well, for some, you know, it's a source of renewing their perpetual fascination with corrosiveness. And for some, they want to dwell on the unenthusiastic reception that the veterans of the Vietnam War, in their opinion, seem to have received. I don't see that so much. I think there was a certain amount of, what would you say?, crybaby? That'll get me in trouble, won't it? But it seemed to me the bulk of people that opposed the Vietnam War never did so out of any contempt or disrespect for those who were fighting the war. That certainly.... My position--I spoke up on this at a gathering shortly afterwards--my position was that our first responsibility [is] the people who are over there, their well-being, their lives, whatever it takes to insist that the full resources of this nation [are] behind those guys. And it's not inconsistent to feel that way, and simultaneously believe that this war should be broken off: that it isn't a matter of cowardice, that it's a matter of common sense and what's best for the country. That, theoretically, is the vague yardstick that we use. So the fact is, though, that there'll be a legacy for the rest of the next century, coming out of Vietnam. It'll be cited by anybody that opposes any military effort anywhere, anytime. We'll always think about Vietnam.

JF: The candidate [that] appeared in 1972, George McGovern, was sort of the anti-Vietnam peace candidate at the time. That year, Mo chaired the Arizona delegation to the 1972 convention as a Muskie delegate, and worked very, very hard for Muskie. Did you ever chat with him about his support for Muskie, or have any recollections of why he supported Muskie?

JM: Up to here. My house was the headquarters for the southeast corner. The party ran its own election that year, and we could only have a few election places. And my responsibility was to phone in and show what the numbers were. I remember Maclovio Barrassa--gone now--he sat there in the front room as we tried to sort how this race was going to go.

The convention itself was held at the Westward Ho in Phoenix. Mo had met with John Ahern and Sister Claire [Dunn]. They were high-profile McGoverns. And he said, "Under these rules, there's no games to be played. You guys won so many votes, so you get so many delegates, so what are we going to fight about?!" Well, they were just

determined to fight, even though what Mo said was right. We had, whatever, thirty-four delegates; and McGovern got the number of votes that compelled him to receive seventeen. But they were wanting to cross-vote, in a way, you know. "I'm for my man, but I'd like to vote in your election, because I liked the person who was running against you." Well, it was really kind of sad, you know, Muskie, God, he would have been such.... Well, that's another election.

The thing that I'll never forget, I was there as Mo's go-fer, and this fight went on interminably.

JF: Is this in Phoenix?

JM: Yes. And Mo gets up, and he's angry, his guy's lost now, and he's up and he's talking, and Bernie Wynn, who was still drinking and was mean then, and wrote the political stuff for The Republic, wrote a story about Udall, "this big, clean, new, modern, everything-above-board candidate, met in a smoke-filled room in the Westward Look last night and divvied up the shares, and now they'll throw it out to the peasants," and so on and so on. Mo was really angry. He said, "This meeting wasn't to do anything other than to agree that the numbers were as shown by the voting, and to pick the delegates, and each was going to pick their own delegates, and this suggestion here that somehow I or somebody else put anything over was absolutely silly, because I want you to know that everybody in that room was free, white, and twenty-one." And of course everyone went.... (gasps) And then he thought, "Geez." Fighting, not fist fighting, but arguing broke open all over the floor. Ambassador Mahoney said, "This is the time for me to ride to the rescue here." He ran up to the front of the room and he grabbed the microphone. He said, "You've got a leader like Udall and McGovern over here, and all this turmoil--it's terrible, it's disgraceful. I'll tell you what you remind me of, a Chinese fire drill!" Well, the boos were palpable then.

JF: Going from bad to worse! (laughs)

JM: Can you imagine that?! Did anybody tell you these things?

JF: No, I remember some of it, because I was elected an alternate for Muskie (JM: Good for you.) and went to the convention in Miami as an alternate. I remember my own just discomfort. There were obviously things going on, and Mo was obviously somewhat upset at what was going on. I remember that. It was the year of the youth vote, the first time the eighteen-year-olds had the vote, and I was eighteen, and there were two of us who got to be--or, actually, I think I was older than eighteen--but we were the first of the youth vote.

I'm going to need to flip this over before we start here again.

JM: Okay.