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ARIZONA BAR FOUNDATION

ORAL HISTORY PROJECT:

ARIZONA LEGAL HISTORY

INTERVIEW WITH
R. PORTER MURRY

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INTERVIEWER

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HISTORICAL NOTE

Although Arizona was frequently referred to as "the Baby State," due to its twentieth-century entry into the Union, the history of the legal profession in the state is rich and colorful. In the earlier days, lawyers were mostly self-educated men, who practiced alone, or with one partner at the most, and spent much of their professional time alternately defending and prosecuting some of the most colorful characters of the Old West, and trying to collect on bills from people who had come West to escape their creditors.

Through the first half of this century, some of the nation's finest lawyers took up practice in Arizona. As the state's population grew, a law school was added to the University of Arizona and lawyers formed an integrated state bar in 1933. After World War II, the state exploded in development with the rest of the Sun Belt, and the law profession kept up with this growth, experiencing many changes in the process.

Today, there are law firms in Phoenix and Tucson which employ upwards of 100 attorneys, who may specialize in fairly narrow areas of practice. Half of the students in the state's two law schools are now women. Over the years, Arizona's influence on legal matters at the national level has been significant. Several landmark cases have originated in Arizona, such as *In Re: Gault*, and *Miranda*. Arizona can claim the first woman to sit on a state Supreme Court: Lorna Lockwood. Two members of the State Bar now sit on the U.S. Supreme Court, one as the Chief Justice and the other as the first woman to be appointed to the Supreme Court.

However, because Arizona is a young state, there are still attorneys living who knew and remember Arizona's earliest legal practitioners during Territorial days. Many of these senior members of the Bar practiced or sat on the bench before the profession, and indeed society itself, experienced the changes of the last forty years. In an effort to preserve their memories, the Archives Department of the Arizona Historical Society/Tucson developed the **Evo DeConcini Legal History Project**, an oral history project. From 1986-1988, twenty-one oral history interviews were conducted, focusing on the reminiscences of lawyers and judges in the Southern Arizona area.

In 1987, the Board of Directors of the Arizona Bar Foundation expressed an interest in continuing to document the history of the legal profession in Arizona on a state-wide basis. In

particular, the Board felt that the collection of oral history interviews with senior members of the State Bar would stimulate scholarship and publication on various topics relating to legal history, such as water rights, land use and development, and civil rights, as well as on the history of individual firms and the State Bar, itself. The Bar Foundation and the Arizona Historical Society/Tucson agreed to work together to expand the DeConcini Project statewide, calling it the **Arizona Bar Foundation Oral History Project: Arizona Legal History.**

Raising funds for two interviews initially, the Bar Foundation designated that the first two recipients of the Walter E. Craig Distinguished Service Award, Mark Wilmer of Snell and Wilmer (1987), and Philip E. Von Ammon of Fennemore Craig (1988) be interviewed in October, 1988. Both interviews were conducted by James F. McNulty, Jr., who conducted most of the interviews for the DeConcini Project.

Because it is open-ended, it is not possible to fully define the scope and content of the Arizona Bar Foundation Legal History Project. However, in order to achieve the greatest depth and balance, and to insure that many viewpoints are represented, every effort is made to include both rural and urban practitioners, male and female, of varying racial and ethnic perspectives. Interviews are conducted as funds are made available. Transcripts of the interviews are available to researchers at the Arizona Historical Society in Tucson, the libraries of the Colleges of Law at the University of Arizona and Arizona State University, and at the Bar Center, in Phoenix. The Historical Society is also cooperating with the Ninth Judicial Circuit Historical Society in making copies of interviews with Arizona lawyers and judges from their project available to researchers here in Arizona.

The Arizona Bar Foundation Legal History Project is important not only because it is documenting the history of the profession in Arizona but because legal history encompasses every aspect of society's development. To study legal history means to study land development, environmental issues, social and educational issues, political history, civil rights, economic history-- in short, the history of our society. All of these topics are, and will continue to be developed in these oral history interviews. They may be seen as a valuable and unique supplement to the written record as scholars begin to write the history of the legal profession in Arizona.



R. Porter Murry

| | |
|-------------------|------------|
| Historical Note | <i>i</i> |
| Photograph | <i>iii</i> |
| Table of Contents | <i>iv</i> |
| Introductory Note | <i>vii</i> |

R. Porter Murry Interview

| | |
|--|----|
| In the summer of 1934 I came out to Arizona to work in a mine | 3 |
| It took about five or six hours to get me to Globe to the hospital | 4 |
| I decided I didn't want to work for a living, so I took up law | 4 |
| I couldn't write and when I took the bar exam they gave me permission to get up in the stacks with a secretary | 7 |
| I went to Clifton, they were just opening the mine | 8 |
| During the war I furnished a house by doing legal work for a man in the furniture business | 10 |
| I got to be county attorney. I was city attorney for Duncan, city attorney for Clifton, attorney for the Franklin Irrigation District | 11 |
| It's typical of the law in Greenlee County in those days | 13 |
| Old Jones goes in and gets Allyn to appoint Rogge to assist me "due to my youth and inexperience." | 14 |
| I started politicking that day and I ran like a blizzard from then on out | 16 |
| He just leaned over and, big forty-five, and shot him in the leg | 18 |
| That's where Miranda came from, is cases like that | 19 |
| There wasn't any corruption in those days, really, as corruption | 20 |

I never studied and worked so hard in my life as I did the first six months after
I went on the bench 22

I was on the circuit with inside of one month from the time I was a judge 22

That's the first thing I learned, is when you try a case, forget it 24

In Tucson, you've got a lot of eggheads down there 26

It was a gentleman's situation and you never mentioned money 26

I wanted to be a Supreme Court judge 29

Renz Jennings. Click, click, click. He was on the street yelling and hollering all the time. . . . 31

Off the record I could tell you stories that you wouldn't believe 33

He had a bailiff, Renz did, that was about as level-headed as Renz was 33

Number one on my list always was, forget the continuances 34

Plea bargaining. I never would do that 34

He had juveniles there that had been in and out for dozens of times 35

These young gals would get in on a dirty case and whatnot and I just didn't think
it was a place for a lady to be associated with 37

I went back to the courthouse and started nosing around and they put me to work 37

We had a lot of inquests 39

We never had a suicide in Duncan 39

Probably I was on thin ice, but I did it 40

"The Coronado Trail Riders" 40

No judge was in a position to sit there for a month or so and try it, so they appointed me 43

Mark [Wilmer] is, brainy and brilliant as he was, was the lousiest witness I ever heard 45

Judge Faires in Globe was one of my favorites 47

I'll never forget when I first went on the bench. I felt inadequate. I really did 52

We never had a meeting of the Judge's Association that our sole business was,
how are we going to get a raise 54

The last case I tried I wasn't proud of the way I handled it 55

Introductory Note

Judge R. Porter Murry was born in Clovis, New Mexico in 1912. After attending the Missouri School of Mines, Judge Murry traveled to Arizona to work at a mine in Payson where he was severely injured. It took one and a half years of recovery before he was able to attend the University of Arizona Law School in 1936. Upon graduating with an LL.B. in 1939, Judge Murry moved to Clifton, Arizona.

Judge Murry served as Greenlee County Attorney for six years before being elected to the Greenlee County Superior Court in 1950. In his twenty years on the bench, Judge Murry supervised the proper functioning of the judicial system in his county and was called to help on cases in every other county in the state. Even after his retirement in 1970, Murry continued to serve by sitting in on cases from the Superior, Appellate and Supreme Courts until the late 1980s.

Steven Barclay, of Barclay & Goering, conducted the interview of Judge Murry on June 14, and July 10, 1991.

The original interview tapes and transcript are stored at the Arizona Historical Society Archives in Tucson, Arizona. Copies of the interview transcript are also sent to the University of Arizona College of Law and Arizona State University College of Law, the Arizona Bar Center in Phoenix, and the Ninth Judicial Historical Society.

R. Porter Murry Interview

Barclay: My name is Steve Barclay. I am an attorney in Phoenix. This is an oral history interview for the Arizona Bar Foundation Oral History Project on Arizona Legal History. Today's date is June 14, 1991, and the time is ten o'clock in the morning. With me today doing the taping of this session, is Pablo Jusem who is the Legal History Project Archivist, and our narrator, Judge R. Porter Murry.

It's a real honor and a privilege, Judge, to be able to sit down and talk with you about your background and some of your insights on your many years of practice here in Arizona.

I'd like to start out, if I may, with a little bit of family background information on you.

Murry: All right.

Barclay: Where were you born?

Murry: New Mexico. Clovis, New Mexico.

Barclay: The year, I understand, was 1912?

Murry: July 19th, 1912.

- Barclay: Your parents, what were their names?
Murry: Hub Murry, and Merle.
Barclay: Merle Murry. And where were your folks from?
Murry: Texas and Georgia.
Barclay: I think you told me prior to our interview that Murry's a Scottish name and you're of Scottish ancestry.
Murry: Yes. That's right. I understand that is.
Barclay: How about on your mother's side?
Murry: English. Davis and Self. Her maiden name.
Barclay: What did your parents do?
Murry: Mother was just a housewife. My dad was in the produce business for years and years.
Barclay: Did he have his own business or did he . . .
Murry: Yes.
Barclay: I understand that after a brief time in New Mexico, you moved back to the mid-west.
Murry: Oklahoma.
Barclay: Whereabouts in Oklahoma were you?
Murry: Well, I wound up in Forgan, Oklahoma. That's in Beaver County, Oklahoma, and it would be hard to identify. Well, it's hard, but it's right there next to the Kansas line in the Panhandle of Oklahoma. I graduated from grammar school there and then went to Liberal, Kansas, to high school.
Barclay: Did you come from a large family?
Murry: No. I'm the only one.
Barclay: The only one. So you graduated from high school, you said, in Liberal, Kansas and went on from there to college, I understand.
Murry: Yes. From there I went to the Missouri School of Mines to mining school, engineering school.
Barclay: Where is that?
Murry: In Rolla, Missouri.
Barclay: Is that associated with the University of Missouri?
Murry: Now it is a university. At that time it was just a, oh, the same as Tempe Normal.
Barclay: One of those situations.
Murry: Yes. It's part of the university now, the University of Missouri, in Rolla. Engineering school.
Barclay: And this would have been about 1930's?
Murry: In 1930.
Barclay: It was 1930? And you went to the school of mines there in Missouri for how long?
Murry: Oh, approximately three years. It was a little over three years. I had two or three summer schools.
Barclay: How did you happen to choose the school of mines?
Murry: I don't know, frankly. I was good in math and I wanted to be an engineer and that was a good and cheap school. Money was a factor in those days.
Barclay: Well, I guess so. You're in the heart of the depression era at that point.

- Murry: Yes. And it was having a real good reputation at that time. It still has. It's a good engineering school.
- Barclay: Was there anything particularly about mining that attracted you?
- Murry: No. No, it was money. It was petroleum engineering, really, was what I wanted to do more than anything.
- Barclay: Interesting. Then while you were there, I understand something drew you to Arizona.
- Murry: Yes, in the summer of 1934 I came out to Arizona to work in a mine, as an assayer and sampler. I was here three weeks, I guess, three weeks when I got in this accident and lost my arm.
- Barclay: Now this was where in Arizona?
- Murry: Below Payson. Oxbow Mine, or Zula Gold Mine, just below Payson.
- Barclay: The Zula Gold Mine. Tell me a little bit about the Zula Gold Mine. Is it still operational?
- Murry: No, it closed up not long after I got hurt. It was a wildcat deal for some Oklahoma oil people that came out and started it. Explorational. There had been a gold mine there named Oxbow Gold Mine before, but the Zula Gold Mine was strictly a wildcat deal out of Oklahoma. A fraternity brother of mine got a job out there. I was working for a dollar a day planting corn, broom corn, so as soon as I got enough money I called him and asked him, or wired him, and asked him if he could get me a job. He did and I came out here.
- Barclay: Was it a lot better paying than a dollar a day?
- Murry: I got forty cents an hour there.
- Barclay: That sounds low, but I guess compared to a dollar a day that's pretty darned good.
- Murry: Three-twenty a day and it took a dollar a day for room and board.
- Barclay: Was this a mine that you go down in underground?
- Murry: Yes. I didn't, but it was an underground gold mine.
- Barclay: What was Payson like back then?
- Murry: Rough, rough.
- Barclay: Pretty much a wild west town still?
- Murry: Oh, yes. They couldn't keep a sheriff up there in those days. The deputies came out of Globe and they were too rough for any deputies. They'd get them out of there in a hurry. There was a fight every Saturday night between miners and the cowboys.
- Barclay: Was there much of a population center there?
- Murry: No, just a few people.
- Barclay: Real small?
- Murry: Very few people.
- Barclay: Now, you mentioned that you had this tragic accident. This would have been 1934, I understand.
- Murry: Yes.
- Barclay: Summer of 1934?
- Murry: July, yes.
- Barclay: Can you tell us the circumstances of the accident?

- Murry: I was the sampler and assayer. They had belts that ran their machinery and they were slipping. I got up, I put on some belt dressing on it and got up to put it back on the pulley. When I did I started to fall and I grabbed the belt and it wrapped me around the shaft.
- Barclay: So you ended up getting caught up in the machinery?
- Murry: No. Just in the belt where it wrapped around the shaft.
- Barclay: Well, that just sounds awful. Do you recall pretty well the circumstances to this day?
- Murry: Oh, yes, sure.
- Barclay: What did they do then? Did they immediately take you to a hospital?
- Murry: Oh, there wasn't any hospital up there. They took me to the little store there down at the bottom of Oxbow Hill and called the doctor. He came down and tied me up a little bit and then it took about five or six hours to get me to Globe to the hospital. It had both arms at that time, really.
- Barclay: Both arms were messed up bad?
- Murry: Yes.
- Barclay: And they were unable to save your right arm but were able to save your left arm. So it's functional today.
- Murry: Yes. Partially, yes.
- Barclay: So you were sent down to Globe as being the nearest hospital?
- Murry: Yes.
- Barclay: And I understand you were hospitalized for a long time?
- Murry: A year and a half, fifteen months about.
- Barclay: Was that entire period really necessary?
- Murry: Well, yes and no. I had no place to go and I couldn't take care of myself. I had this arm in a cast all the time. If I had had some place to go I'm sure they'd have sent me. But in those days, that was in 1934, things were hard up and they had industrial insurance and they needed patients at the hospital anyway. So there wasn't any argument about it.
- Barclay: Did they have some sort of a rehabilitation program for you?
- Murry: Yes, after I got out of the hospital the industrial commission and federal rehabilitation, I think is what they called it, paid my tuition and my books, and the first year they gave me fifty dollars a month to hire someone to help me dress. After that, why . . .
- Barclay: I see. And this is while you were still in Globe?
- Murry: No. That's when I went to the university.
- Barclay: Let's talk about that decision to go to the university. You were in a recovery period. What was going through your mind then? I would presume you would be awful despondent.
- Murry: No, not really.
- Barclay: You had decided maybe mining wasn't the answer?
- Murry: Yes. I decided I didn't want to work for a living. So I took up law.
- Barclay: On a more serious note, though, what got you interested in law? Had it been an area that you had considered before?

- Murry: Yes. Yes. I'd considered it before. I knew I couldn't work with my hands and that was probably the next best thing.
- Barclay: One of the articles I read about you mentions a Judge Clifford [C.] Faires. The article indicates that he was somewhat instrumental in your decision to go to law school. Is that accurate?
- Murry: No, not really. I didn't know Judge Faires then. Well, I knew him. He was in Globe and everybody had a lot of respect for him. He might have been some influence. I don't remember that directly. He might have had some influence.
- Barclay: How did your family feel about all this and your decision then to pursue a new career?
- Murry: Well, I don't know. I was pretty much on my own from the time I was seventeen. They came out to see me when I got hurt, but they didn't enter into the decision.
- Barclay: What directed you to go to University of Arizona?
- Murry: Well, it was in Arizona. The Industrial Commission was willing to pay the tuition.
- Barclay: Not a bad deal.
- Murry: No, it turned out pretty good.
- Barclay: Tell us a little bit about your visit down to U. of A. You told me a little bit when we got together for lunch the other day about talking to the dean.
- Murry: Yes, I went in and Dean [Samuel W.] Fegtly was the dean of the law school then. He was interviewing me. He asked me if I had any relatives that were lawyers. I said, "No." "You'll never make it young man," he said. "You'll never make it."
- Barclay: He really tried to talk you out of it, did he?
- Murry: Not really. That's all he ever said was, "You won't make it."
- Barclay: Maybe he was trying to challenge you a little bit?
- Murry: No. No, he was sincere. He was just one of the old school that thought you had to be brought up in the legal profession.
- Barclay: Did you find that that was a prevalent attitude back then in Arizona?
- Murry: No. No, he was the only one that thought it.
- Barclay: He was sort of close-minded to the idea of bringing in fresh blood.
- Murry: Yes.
- Barclay: Well I'm glad to see that that didn't stop you.
- Murry: Oh, no, that didn't. It didn't make any difference if I had to stop.
- Barclay: So you went down to the U. of A. and started there in, that would have been 1935, right?
- Murry: No. January of 1936.
- Barclay: As I understand it you didn't have an undergraduate degree at that point.
- Murry: No.
- Barclay: Was that necessary?
- Murry: No. No, you didn't have to have. In fact, I had enough units, undergraduate units, to get into law school, but I couldn't get in until mid-semester. So I went ahead and took some subjects during that, the end of that semester. Then the next year I went into law school.
- Barclay: So it would have been the fall of 1936 that you actually started taking law school courses.

- Murry: Yes.
- Barclay: How would you describe your time there at the U. of A.? Was it fun?
- Murry: Oh, it was very pleasant, yes. I had a ball.
- Barclay: Now this was a significant period in the United States history, kind of the pre-war years.
- Murry: Oh, yes. All my good friends went to war right about the time we got out. I got out in 1940 and that's when it was breaking out. You either went into the FBI or the army or, the forces anyway.
- Barclay: Did that seem to have an impact on the way the law school was being run at all, in the pre-war era?
- Murry: No, I don't think so. I don't remember any feeling about it. College is a separate world. They didn't even know there was a war going on.
- Barclay: Do you remember back during those schooling years particular courses or professors that were, that looking back now, were very significant to you?
- Murry: Oh, yes. The year I was in liberal arts, before I got into law school, I had [Richard A.] Harvill, my econ teacher, who later became president of the university. He made quite an impact on me. I was impressed with him. Then I got into law school and they all impressed me.
- Barclay: Any ones in particular that you can recall stand out?
- Murry: Well, [Chester H.] Smith and [J. Byron] McCormick, I guess.
- Barclay: What did Smith teach?
- Murry: Criminal law and two or three other things. They all doubled up in several subjects in those days.
- Barclay: How about McCormick, what was his specialty?
- Murry: Contracts was his main deal. And he became dean then while I was there.
- Barclay: Things were different then. You weren't thinking about, what I'm going to specialize in, so much, were you, as an attorney?
- Murry: Oh, no. When can I get out?
- Barclay: When can I get out. Back then the general practice was probably the predominant practice, wasn't it?
- Murry: That's about all it was in those days, yes. They didn't have any specialties.
- Barclay: Far different from today when the students are in there thinking about getting into a real niche area now.
- Murry: Oh, yes. Sure they are. All we knew or ever heard was either criminal law or corporate law. That's all you ever heard then.
- Barclay: Did you have a preconceived notion about law school going in, that, like a lot of students do today, thinking it's going to be "L.A. Law" or "Perry Mason" or something like this?
- Murry: No. Just a way to make a living.
- Barclay: Were you active in extra-curricular activities while you were in school?
- Murry: Oh, I guess, yes. I was in the fraternity, president of the fraternity, and. . . .
- Barclay: Student government?
- Murry: Student government for a while. Not too active. I spent most of my time in socializing and. . . .

- Barclay: Did you find that your impairment posed any problems for you as a student?
- Murry: No. Not really. Well, I couldn't write and when I took the bar exam they gave me permission to get up in the stacks with a secretary, so I dictated it. The first time I'd ever dictated in my life, but I got up there with a secretary and dictated this bar exam to her.
- Barclay: Was that a scary experience, being your first time dictating?
- Murry: Yes. Sure it was.
- Barclay: You must have had a patient secretary.
- Murry: She was a nice gal. I just went out and got her from a recommendation. I've forgotten how I got hold of her. But she was nice, older, and. . . . The dean made sure that she didn't know any law before we got up there.
- Barclay: That was a good idea. How did you handle it in terms of note-taking and so forth during the classes?
- Murry: I never took notes.
- Barclay: All in your head?
- Murry: I never took a note in my life, I don't think. Not even after I got to be judge.
- Barclay: You must have a fantastic memory.
- Murry: No. Picky. I pick out things, yes, I do pretty good.
- Barclay: I think you're understating your skill there. It would be hard for me to not take notes. What do you think, looking back on that, was that whole experience at U. of A. a good one? Did you value the education you were getting?
- Murry: Yes. Extremely, extremely, yes, I enjoyed it very much. It was a good experience. Law school was good. And you learn how to work when you get into law school and you're on your own. Yes, I enjoyed it very much.
- Barclay: Did they help prepare you, did you feel, in terms of what was ahead for you in the practice of law, some of the more practical side?
- Murry: No. No, that came later, the hard way. Academic things are all you got. They didn't, they'd give you advice once in while, but it went in one ear and out the other.
- Barclay: Nothing to relate it to at that point. In 1940 you were admitted to the practice of law. You mentioned you had to sit for the bar exam under somewhat unique circumstances in terms of your dictation of that. Did you have to wait long back then for the bar results?
- Murry: Yes. I think six months or so. I've forgotten, but it seemed like forever. But it was at least six months, I'm sure.
- Barclay: Did they just do essay exams back then?
- Murry: No. No, they asked you questions on different legal problems and on bibliographies, is that what I'm trying to say? How to use the books? It was essay answers, yes. When we answered the questions we wrote them out.
- Barclay: Arizona is known in more recent years as a very difficult bar exam. Was it a tough one then?
- Murry: It was a tough one, yes.
- Barclay: Not a real high pass rate?
- Murry: No. It was tough. It's always been tough.
- Barclay: I think so. Then a couple of other significant events in 1940. You got married.

- Murry: Yes.
- Barclay: And the name of your bride?
- Murry: Carolyn Tees.
- Barclay: What kind of a . . .
- Murry: Basically Dutch.
- Barclay: A Dutch name?
- Murry: Yes. She lived in New York City when we got married.
- Barclay: Was she from New York City originally?
- Murry: No. They'd lived in Milwaukee and then she came to the university. We got acquainted in college. Then they moved, the family moved to New York while they were there.
- Barclay: So you became sweethearts while both at the U. of A.?
- Murry: Yes.
- Barclay: What was she studying there?
- Murry: Speech.
- Barclay: Speech. Did she end up graduating from the U. of A.?
- Murry: Yes. She graduated a year before I did.
- Barclay: Interesting. You married. When in 1940 was that?
- Murry: November 11th, 1940.
- Barclay: November 11th. Had you already passed the bar at that point and finished the schooling?
- Murry: Yes.
- Barclay: The next significant event, if you will, was you moved to Clifton.
- Murry: Yes. They had just started to mine up there and I was around looking around for someplace to go. I interviewed a lot of people here in Phoenix, but they weren't offering much in those days. I went to Clifton, they were just opening the mine. The war had just started and they were just opening the mine. They were spending thirty-seven million dollars, which nowadays isn't much, but then I thought, "Well, I ought to get part of that." So I moved in. And besides that, a guy up there, a rent agent for the mining company, he let me have an office until I could get money to pay for it.
- Barclay: That was awful nice of him. What was that gentleman's name?
- Murry: Smith. Smith was his name.
- Barclay: Did you know him from before?
- Murry: No, no. I just went in and I asked him, he was a rental agent for the mining company, I told him I didn't have any money, but I sure wanted some and he offered to let me have the office. I think three and a half a month or a week or something. It wasn't very much. I moved in and got me a sign painted. The kids still have the sign. Got the sign painted and stuck up there.
- Barclay: What did it say, R. Porter Murry, Attorney at Law?
- Murry: Yes, just Porter Murry.
- Barclay: Had you known anything about Clifton before?
- Murry: No, no.
- Barclay: Had you ever been to Greenlee County before that?
- Murry: No, not before I went up there, no.

- Barclay: I mean, even today Greenlee County, in terms of Arizona, is kind of a hinterland to most of the rest of the state.
- Murry: It was then. It was a law unto itself. Believe me. It was way out.
- Barclay: And that was a long way from Phoenix by those days' transportation.
- Murry: Oh, yes. It would take you a full day to get here. No, over a full day.
- Barclay: When, exactly, did you make the move to Clifton?
- Murry: I remember it was registration day for the army. I came before the war. I came to Phoenix, was sworn in before the Supreme Court, October 16th or 17th sounds right, but I'm not sure of that. Then I went back to Tucson and got my clothes and packed up and moved to Clifton.
- Barclay: At this point you still weren't married?
- Murry: No. I was there three weeks before we got married.
- Barclay: Then you brought Carolyn up there later?
- Murry: Yes.
- Barclay: Those early days were quite different for you up in Clifton, I understand.
- Murry: Oh, yes. That's right.
- Barclay: What was it like? I mean, can you describe the first year or so in private practice?
- Murry: Well, I didn't have much, really. I remember one old-time lawyer. There were six lawyers there then, when I went in. I made the seventh, I think. We had an office upstairs in the building there and they had an old turntable, a railroad turntable around. I'm sure you remember, that's one of the first attractive nuisance cases they ever had. [Earl M.] Rogge and I used to sit there and watch that and see if somebody wouldn't get hurt. See who would get there first.
- Barclay: This is Earl Rogge you mentioned?
- Murry: Yes.
- Barclay: Let's see, he was one of the six lawyers that was already there when you moved up?
- Murry: Yes.
- Barclay: How big was Clifton?
- Murry: Oh, not very big. It was getting bigger. I'd say probably fifteen thousand in the whole county. Five thousand in Clifton, maybe, eight to ten in Morenci, and then Duncan had a thousand, maybe. Not very big.
- Barclay: Then outside of those places there was . . .
- Murry: That was it, yes. Ranchers and miners and . . .
- Barclay: A few folks here and there. Well, I understand that they just did a census and Greenlee County has got eight thousand people total.
- Murry: Oh, they lost a lot. During that last strike and flood, why everyone moved out. They're coming back now. They're coming back now.
- Barclay: What was it at it's peak, in terms of population?
- Murry: I imagine fifteen thousand. It's never been very big.
- Barclay: It's never been really big. So Clifton hasn't had the dramatic up and down growth really.
- Murry: No.
- Barclay: So there were, you say, six lawyers and you made the seventh.

- Murry: I think that's right. It was something like that.
- Barclay: For a town of five thousand or so.
- Murry: Well that was for the whole county. We covered the county. And there was quite a bit of business then. It leveled off and it wound up. When I left there I couldn't find anybody to take over the judgeship.
- Barclay: We'll get back to that one. I think you were quoted in one of these articles that we have, about just scraping by the first couple of years and rough times for you and your wife and family.
- Murry: Oh, yes. It was rough.
- Barclay: What kind of fees did you charge back then?
- Murry: It was a lot of barter, believe me. During the war I furnished a house by doing legal work for a man in the furniture business. I got my icebox and couch and stuff that way.
- Barclay: That wasn't unusual back then, was it particularly?
- Murry: No. I had one man who was a steel worker. He and his wife got into trouble and I represented his wife on a separation agreement. Then after she left, why he'd get in jail every Saturday night and call me and I'd get him out of jail. I'd get fifteen dollars, enough to pay the rent that week.
- Barclay: Just like clockwork.
- Murry: Oh, yes. I didn't have a phone. He had a hard time getting hold of me. I'd sit around waiting for him to reach me but then I knew he was going to get drunk. That kept us for a few months.
- Barclay: He was dependable, at least.
- Murry: Yes, he was a nice little guy. A real nice guy. And a good worker. He made good money. Those steel workers even in those days made good money.
- Barclay: Were you in practice just by yourself?
- Murry: Yes.
- Barclay: But you would hang out with the other attorneys?
- Murry: Not too much, no.
- Barclay: Do you recall the first case you took, what it was like?
- Murry: No, I don't. I really don't.
- Barclay: Back then you would take whatever came your way, wouldn't you?
- Murry: Oh, yes. Sure you did. You wanted to eat.
- Barclay: What was the reaction of the lawyers that were there when you came in and made the seventh lawyer and here's a new green lawyer who's not even from the area?
- Murry: I don't know. I really don't remember paying any attention to it. I was too busy trying to eat to worry about what they were thinking about.
- Barclay: Was it a fairly collegial atmosphere at that time?
- Murry: Well, I didn't see them. I wouldn't see them. I don't remember anything particularly about it. They didn't work there long. They began to thin out about the time I got there. Well, Kingsbury and Stewart, they broke up. They left and went to, one of them went to the army and I don't know where the other one went. Jones went into the war. None

of them ever came back. Old man Rogge's the only one that stayed all the time. A guy named Luffborough, he left.

Barclay: I understand old Rogge was quite a colorful character.

Murry: Oh, he was something else.

Barclay: How would you describe him as an attorney? Was he a good one?

Murry: No. He was smart, smart as you can get them, but he was lazy and you never, you'd get him in court, why he'd just freeze up. He just didn't want to do anything.

Barclay: He was one of these guys that talked a good game, but couldn't come through?

Murry: Well, on office work he was pretty good, really. He wasn't anybody's fool. He was real smart. But he didn't have the guts to try a case and every time he'd get a good case, he'd have to have somebody come in. Generally [Ralph W.] Bilby out of Tucson would come in and help him.

Barclay: Interesting. Did you have many cases against him over the years?

Murry: Well, what odd cases I had, most of them were against him. We didn't have many cases.

Barclay: The situation changed for you over time in Clifton and you began to take on other legal responsibilities.

Murry: Oh, yes. I was, got to be county attorney, I was city attorney for Duncan, city attorney for Clifton, attorney for the Franklin Irrigation District.

Barclay: Let's talk about those. It strikes me as an attorney practicing now that that's unusual. But things were different back then. What was the attitude about wearing all those different hats?

Murry: Well, they accepted it and nobody thought anything about it.

Barclay: Did it pose conflicts problems?

Murry: No. Besides that you had private practice too. You had to have all that to live.

Barclay: So did you do all these things at the same time?

Murry: Yes.

Barclay: It wasn't a problem being the city attorney for two different cities, being the irrigation district attorney and also being the county attorney for Greenlee County?

Murry: No. If it had been—well it might have been a time or two and I'd step out. I don't remember, there wasn't that much going on, really. It was mostly just advice.

Barclay: Not what you'd call full-time positions?

Murry: Oh, no. No.

Barclay: Did those positions pay well?

Murry: No. Heavens no. They were mostly political anyway. I think five hundred dollars a year, maybe, for Duncan, I don't remember, and probably not over that for Clifton.

Barclay: Were you appointed by the city council, is that how it worked?

Murry: Yes.

Barclay: And then the county attorney position, wouldn't that have been an elected position?

Murry: Yes, I was elected.

Barclay: How about the irrigation district? Was that appointed?

Murry: That was appointed, yes.

- Barclay: Did you continue to do those up until the time that you went on the bench, all those different positions?
- Murry: I think so, yes, as I recall. Well not necessarily the irrigation district. I don't think I represented them too long. But the two towns I did. It was tied in. I suspect now that the, well they can't now, the law has changed. But I know for several years after I left, why, that went with the deal. As county attorney you represented the cities and whatnot.
- Barclay: I understand that, when I was talking to you earlier, that you got some perks other than salary sometimes, that made those jobs attractive.
- Murry: Well, not the cities. The county furnished the office and had the library and then we split the cost of the secretary.
- Barclay: I see. Did those positions lend to a lot of referrals and business?
- Murry: Yes. The county attorney in those days handled ninety percent of the probate and most of the divorces and most of the cases, really. A one-man operation.
- Barclay: Would you handle all the criminal matters as well?
- Murry: Oh, yes. Sure. There wasn't that many, really.
- Barclay: What prompted you to run the first time for the county attorney position?
- Murry: Hungry. I wanted to get acquainted. I got defeated the first time I ran.
- Barclay: That would have been in the early forties? 1942?
- Murry: Yes. A little bit later than 1942. I hadn't been there very long.
- Barclay: Was that a yearly election or two years?
- Murry: No, two years.
- Barclay: Two year term?
- Murry: Yes.
- Barclay: You ran as a Democrat the first time?
- Murry: Yes.
- Barclay: Who beat you back the first time?
- Murry: Well, then and there the primary won it. Everybody's Democrat up there. I think at one time we had sixteen Republicans in the county. Jones beat me the first time. He was the incumbent. He was in. He beat me, I think, a hundred and fifty votes or something like that.
- Barclay: Then you ran again a couple of years later and won the next time around?
- Murry: Yes. I never lost another election after that.
- Barclay: What was your platform?
- Murry: Justice. Be kind, take care of the county.
- Barclay: Was there much involved in the campaigns back then?
- Murry: No. Personalities.
- Barclay: Go around and give a couple of speeches?
- Murry: Oh, you'd do that, you'd give some speeches and you'd go door to door and knock on every door in the county.
- Barclay: A lot of footwork.
- Murry: Oh boy, yes.
- Barclay: I would imagine you had a pretty small campaign budget.

- Murry: Oh, we didn't have one.
- Barclay: Now you got involved in Democratic politics. Was this prior to your first elected office?
- Murry: No. I got into that, I was out of office. I retired or I resigned, well I just didn't run I guess is what it was. I was county attorney one year, so I got into party politics.
- Barclay: Served, I understand, in a couple of leadership positions there in the county?
- Murry: Yes. I was chairman of the Democratic Central Committee and then I was vice president of the Young Democrats in the state. And, oh, I don't know, a bunch of other stuff like that.
- Barclay: Were those active posts or did you . . .
- Murry: No.
- Barclay: More ceremonial than anything?
- Murry: More fun. Just playing politics, that's all. Playing.
- Barclay: Now I understand during your first ten years or so in Greenlee County that the first judge of the county during that time period would have been Thomas [E.] Allyn . . .
- Murry: Yes.
- Barclay: . . . who served until 1949. What was he like?
- Murry: Oh, he was a character.
- Barclay: In what way?
- Murry: Well, he was self-educated in Arkansas. He got his license down there and then he came out. I'll tell you one story on him. It's typical of the law in Greenlee County in those days. We had Slim Joy up in the mountains. He was an old woodsman. I think he's still alive. He's about a hundred but I think he's still alive up there. But he was a real character and a hunter and always feuding with everybody in the county. They arrested him, he'd taken a shot at somebody up there. They arrested him for, I don't know, attempted murder or something, assault with intent to kill or something like that. They brought him down and they had the jury and they was trying him and they had him on the witness stand and cross-examining him. "Did he shoot at this guy?" "Yes, I shot at him. Damned right." Then the judge leaned over and says, "Did you intend to kill him, Slim?" "No, Judge, of course not. If I had I'd have killed the bastard." Judge, "Dismissed. No intent."
- Barclay: I love it. He was a good shot. If he'd meant to do it, he'd . . .
- Murry: Oh, he could have too. There's no lying about that. But that got rid of that case. The old judge says, "Dismissed. No intent."
- Barclay: That's funny. What was the attitude about Allyn? Was he well-liked overall?
- Murry: Well he got elected all the time. The lawyers didn't like him, but . . .
- Barclay: Because of things like that or. . . .
- Murry: Well, he wasn't really very judicial. Well, I don't want to say anything against him. He's dead and he meant well and everything. But he didn't have the background, really, to be a, well, judicial about it.

Local people loved him. He never got defeated. Rogge ran against him two or three times and he got waxed every time.

Barclay: Is that right? Now when reading something about Judge Allyn, they mentioned one case that they said was a terrible case for him was a James Rawlins case. It was a death penalty. Does that one ring a bell at all? I was just wondering whether you being county attorney, whether you knew . . .

Murry: Rawlins?

Barclay: Rawlins, yes.

Murry: Yes. I was, Rogge and I—oh, that's a good one. I was running for office then, against Jones. Running like mad.

This was a horrible—he killed a little kid, is what it was. I think that's the one you're talking about. And he killed his kid. They arrested him. I was campaigning like mad then for county attorney and old Rogge and I were appointed. Well, first I was appointed to represent him. Well, for a little town like that anybody that represented a rat like that was no good. My barber wouldn't even cut my hair he got so mad at me.

Then in the middle of the campaign, while they were getting ready, we had some specialist come out of San Francisco for, a shrink, I've forgotten. He'd worked on some other cases like that.

Barclay: Some special psychiatrist?

Murry: Yes. He'd worked on this Winnie Ruth Judd case and some of those. And we had him come down.

I left town the minute I saw it because I knew Allyn was going to appoint me. That was just the way they worked. And sure enough he appointed me when I was out of town. I got back into all this. I lost a lot of good friends then because I was representing that rat. But right in the middle of it, out comes an article, old Jones goes in and gets Allyn to appoint Rogge to assist me "due to my youth and inexperience."

Barclay: Oh, no. He was taking a poke at you in the campaign.

Murry: Oh, you know he was. I went in his office and he said, "I've got a book that backs that up." It's all due to my youth and inexperience. He appointed him to help me.

Barclay: I'm sure Rogge didn't appreciate being appointed with you in that one.

Murry: Oh, he didn't care. That didn't bother him, no. He was going and when we got this, Castro, I forgot that shrink's name. But then he was smart and he had been doing it for years. That's how he made his living, is testifying. We got him on the stand.

Rogge told me before, he says, "Don't worry about that. You go ahead and campaign." He'd take that. So I went ahead and campaigned. Now this was typical for Rogge and I hadn't prepared a pitch. We got into the hearing on sentencing—we plead guilty, I think—and we had a hearing and sentencing and Rogge says, "You take him. I can't," and he got up and run. Here I am, I've got no preparation or anything. But that was typical of Rogge. He just couldn't do it.

Barclay: When he got to the trial he got scared?

Murry: Yes. So I went ahead looking for a few questions and then I asked for a recess. We went out in the hall and I sat down and this guy told me what to ask him.

Barclay: The witness told you what to ask him?

- Murry: Oh, yes, sure. He was a professional at it and I didn't know what was going on. Yes, that was one I'd forgotten about.
- Barclay: So you went back on the witness stand and put him back up there. What was the end result? The guy got the death penalty didn't he?
- Murry: Yes. I think he did, yes.
- Barclay: It sounds like he may have deserved it, though.
- Murry: Oh, there's no question he did it and whatnot. But it was a hard case to handle.
- Barclay: Now at the time you were campaigning for county attorney, but were you county attorney then?
- Murry: No, no.
- Barclay: So this was like when you were first trying to get it.
- Murry: First time I ever ran.
- Barclay: I see. Did they just do in on a rotation basis in terms of appointments for defense and so forth? You said, Judge Allyn, you knew he was going to pick you.
- Murry: He took the pauper's oath and there was only two or three of us left there then, so you were a dead duck. Of course, he and Rogge didn't get along at all. So I thought just maybe just off hand he'd appoint Rogge, but he didn't until he found out my youth and inexperience.
- Barclay: But the public wasn't too understanding about the fact that you were appointed?
- Murry: Oh, not at all. Not at all. They didn't—anybody that would represent that rat ought to go with him.
- Barclay: Kind of a lynch mob in town. "Why did you hold the trial? Let's get on with it."
- Murry: That's right.
- Barclay: Now the previous judge to Judge Allyn, who I think has got quite a good reputation, is Judge Ling, Dave [W.] Ling. He had gone onto the federal bench at thirty-six, is what the history says.
- Murry: I don't remember. It was before I got there. I didn't know Dave. I knew him later but I didn't know him at that time.
- Barclay: Well it sounds like he had quite a good reputation.
- Murry: Oh, yes. He was a good judge.
- Barclay: Then the one that came after Judge Allyn in 1949 was James Boyce Scott, and he was, I'm told, the judge for just one year?
- Murry: Right. He got appointed and then I ran against him and beat him.
- Barclay: Had Scott been practicing there already?
- Murry: Yes. That was his home town. He was raised there. In fact he was county attorney when he got appointed. That was the year I didn't run and he became county attorney. He and I were in law school together.
- Barclay: Were you friends?
- Murry: Well we knew each other. We weren't really friendly, but we weren't enemies. We just knew each other, that's all.
- Barclay: Then you decided to run against him?
- Murry: No.