

Evo DeConcini
Oral History Project:
Arizona Legal History

Interview with the Hon. Gordon Farley
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THE EVO DECONCINI ORAL HISTORY PROJECT: ARIZONA LEGAL HISTORY

HISTORICAL NOTE

In 1985, James F. McNulty, Jr., former U.S. Congressman from Arizona and currently an attorney with Bilby and Shoenhair in Tucson, proposed that the Arizona Historical Society develop an oral history project to collect the reminiscences of senior judges and lawyers in Southern Arizona. As a former partner in one of the oldest law firms in the state, in Bisbee, he had long been aware of the wealth of information and experience expressed in many of his colleague's lives and careers, some of whom had been practicing law for over fifty years. In an effort to preserve and disseminate their stories and observations about the profession, the Archives Department of the Arizona Historical Society/Tucson developed a pilot program focused on Southern Arizona, with the goal of collecting the reminiscences of fifteen to twenty individuals associated with the legal profession over the last fifty years.

The project was funded through a challenge grant made by Roy Drachman and money subsequently donated by members of the Pima County Bar Association and the DeConcini family. At Mr. Drachman's request, the project was named for the late Judge Evo DeConcini, a highly-respected member of the Arizona Bar and a long-time friend.

Most of the interviews were conducted between 1986 and 1988, by Mr. McNulty. Interviews were also conducted by Robert

Palmquist, Jack August, and Adelaide Elm. Additional interviews with judges and attorneys conducted previously for other oral history projects were included with the DeConcini Project, to expand the scope of the project. The narrators, representing both rural and urban practices, were identified for inclusion by Mr. McNulty and other members of the State Bar. They included three judges, sixteen attorneys, the wife of a former state Supreme Court justice, and the legal secretary of one of the oldest law firms in the state. All transcripts and tapes are available to the public at both the Arizona Historical Society and the University of Arizona College of Law.

In addition to preserving the recollections of legal practitioners in Southern Arizona, the Evo DeConcini Legal History Project has spurred the collection and preservation of primary documents relating to legal history, such as day books, client ledgers, correspondence and photographs from law firms and individuals connected with the profession. It is hoped that the DeConcini Project will serve as a model for the collection of such memoirs and historic materials on a state-wide basis.

THE EVO DECONCINI ORAL HISTORY PROJECT: ARIZONA LEGAL HISTORY

SCOPE AND CONTENT NOTE

This collection consists of 43 cassette tapes (60 to 90 minutes in length), thirty-two 1/4-inch audio tapes, and twenty-one transcripts produced for the "Evo DeConcini Oral History Project: Arizona Legal History" by the Archives Department of the Arizona Historical Society between 1986 and 1988.

The collection is arranged in two series: (1) Oral interviews conducted for the project; and (2) Oral interviews gathered from other projects.

Series One consists of fifteen interviews: (1) Charles Ares; (2) Ralph W. Bilby; (3) Thomas Chandler; (4) Elizabeth Daume; (5) Ora DeConcini; (6) Gordon Farley; (7) Martin Gentry; (8) Thomas L. Hall; (9) Virginia Hash; (10) Norman Hull; (11) Ashby I. Lohse; (12) James F. McNulty, Jr.; (13) James Murphy; (14) Alton C. Netherlin; (15) Joseph C. Padilla; and (16) Wesley Polley. Interviews 1, 2, 3, 5, 6, 7, 8, 10, and 13 were conducted by Mr. McNulty. Interviews 11, 14, 15 and 16 were done by Robert Palmquist. Adelaide Elm conducted interviews 4, and 9, and Jack August conducted interview 12.

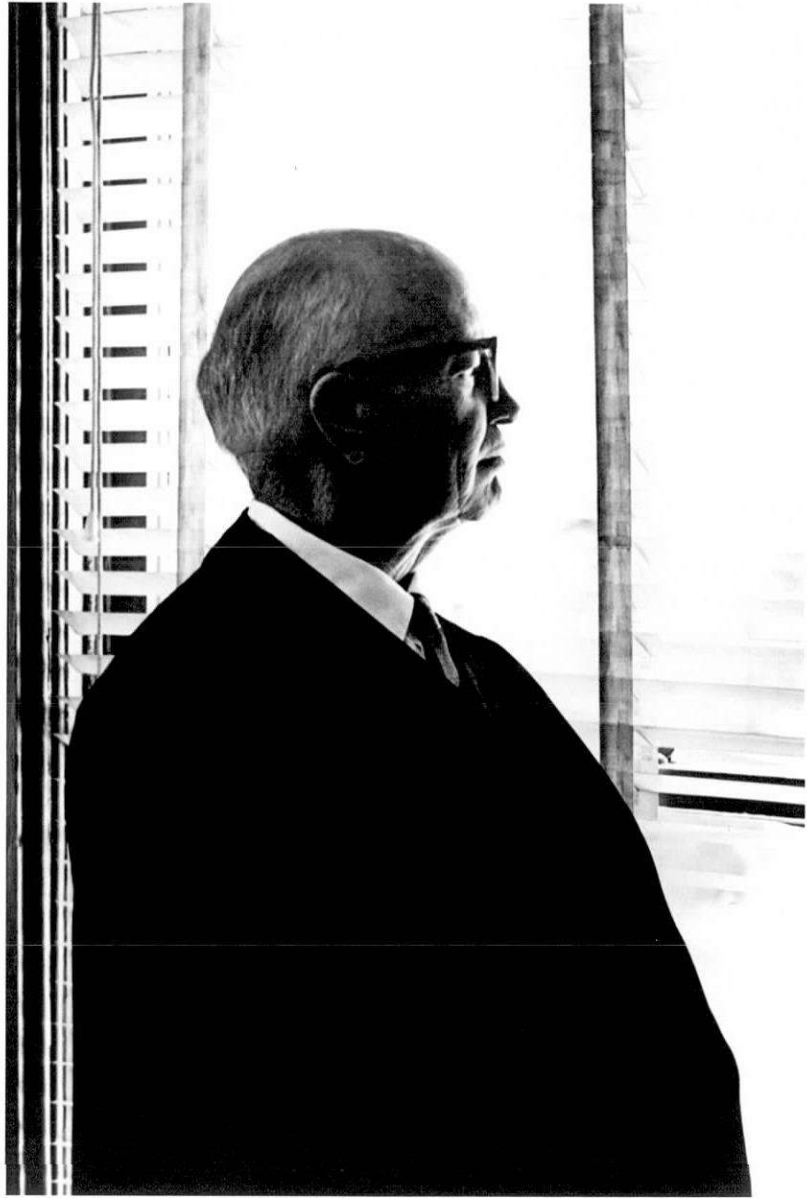
Series Two consists of five interviews: (17) Harry Gin; (18) Don Hummel; (19) Kayzel B. Daniels; (20) Rubin Salter; (21) Rose Silver. The Gin interview was conducted by Bonita Lam for the "Chinese in Tucson" project; Don Bufkin, Acting

Executive Director of the Arizona Historical Society, conducted the Hummel interview; Richard Harris and Carol Jensen conducted the Daniels interviews; Baiza Muhammad interviewed Salter for the African-American History Internship Project; and Rose Silver was interviewed by Mary Melcher for the "Women and Work: An Aural History," a joint project of the Arizona Humanities Council and the University of Arizona.

The bulk of the collection deals with the experiences and observations of these individuals relating to the legal profession in Southern Arizona over the last sixty years. The interviews document the following topics: education preparatory to the profession (law school, reading law, the bar exam); legal practice during the Depression, and the influence of the New Deal; relationships between the legal profession and politics; the role of judges vis a vis the Bar; the increasingly litigious nature of society; the effect of social changes on the practice of law; the experiences of women and minorities in the profession; and post- World War II changes in the legal system. Of particular interest are anecdotes about particular cases and clients; histories of several old law firms in Southern Arizona; University of Arizona Law School professors and courses of study; opportunities some had to practice law without a law degree; and remembrances of the colorful individuals who influenced the profession in Territorial days and early statehood.

The collection is valuable for its comprehensive look at

the law profession in Southern Arizona over the first half of this century, and its emphasis on the changes which have occurred within the profession during that period.



Gordon Farley Interview

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Gordon Farley Interview

Gordon Farley, born in 1908 in Michigan, came to Patagonia, Arizona, with his family in 1918. After graduation from Patagonia High School in 1928, he attended the University of Arizona, receiving his law degree in 1934. He began his law practice in Nogales and married Virginia Sayre in the fall of 1934.

The practice of law providing an uncertain income during the Depression years, Farley expanded his activities into the political realm, serving first as Nogales city attorney, and later as a state representative. Resuming his law practice in Nogales briefly, he then ran for the judgeship of the Santa Cruz Superior Court. He was elected in 1938 and served in that capacity for the next forty years. He served longer on the Superior Court bench than anyone else in the history of Arizona. He also acted as judge pro tem of the state Supreme Court several times.

This interview is of particular interest because of Farley's long association with lawyers and judges in Southern Arizona. Farley draws verbal pictures of many of the people with whom he was associated, among them Duane Bird, Charles E. Hardy, and Samuel Fegtly. He tells several anecdotes about law cases with which he is familiar, such as the John Van Buskirk murder case.

As one of the few judges in the state who speak both Spanish and English, Farley offers valuable insight into the

advantages on the bench of being bi-lingual. He discusses our system of delivering justice, and changes he has seen in methods of resolving conflicts and in society's attitudes toward the law.

Farley's observations from his lengthy vantage point as a judge give him a unique perspective on the legal profession.

GORDON FARLEY INTERVIEW

It's June 2, 1987 and I'm James F. McNulty, Jr., for the Arizona Historical Society doing part of the oral history of laws and lawyers in Southern Arizona in the twentieth century. And I'm very pleased to have as a guest today Gordon Farley of Nogales, in Santa Cruz County, Arizona, a long-time Superior Court Judge of Santa Cruz County and one of the best-known and, I must say, most respected members of the Bar.

McNulty: Judge Farley, welcome here this afternoon.

Farley: Thank you very much, Jim. I appreciate those kind words.

McNulty: Judge, we've begun these histories in the past by doing some biographical stuff and I'd like to do the same thing with you. Will you tell us where and when you were born?

Farley: I was born [September 17, 1908] on the Upper Peninsula of Michigan, a little wide spot in the road called Carney, Michigan. My father, at that time was engaged in a little farming in the area, and also some mining not far from Carney. We lived there very briefly as far as I was concerned, because shortly after I was five years old we moved to Chicago and lived in Chicago. At that time my father was engaged in a mining enterprise and organized a company called the Exposed Reef Exploration and Mining Company for a property that he had arranged to lease in the area near Patagonia on what is known as Red Mountain. He operated that mine for a number of years. He was

financed by some of his acquaintances in Chicago and the venture ultimately didn't work out to his satisfaction. But nevertheless we remained in Patagonia. The family came to Patagonia in the fall of 1918 when I was nine years of age. I had attended school of course for a few years in Chicago but most of my educational background took place in Patagonia.

McNulty: Did you go to grade school in Patagonia?

Farley: Yes. I graduated in Patagonia in the eighth grade, and then there was not a high school at that time in Patagonia. But my sister, my older sister, one of them, married and lived in Nogales and I went in Nogales for one year. Then I returned to Patagonia to live with my parents again and went to work in Patagonia. First I worked as a go-fer for the man that operated the garage in Patagonia, who is well-known. His name is R. C. "Buck" Blabon. I worked a couple of years for him and then I went to work in the pool hall in Patagonia for a very dear person. His name was R. A. Campbell. Bob Campbell. He served on the Board of Supervisors for one term in Santa Cruz County. I pretty well ran the pool hall because he was almost blind. He was blinded, I think, in a mine accident in Bisbee. He moved to Patagonia after he had that injury.

McNulty: How did you travel back and forth from Patagonia to

Nogales?

Farley: Well, we had what we called the stage, you know. It was operated by a man by the name of R. C. Laney, whose widow still resides in Nogales. He operated the Nogales-Bisbee stage and we could go by that means of transportation, although initially after we moved to Patagonia the train ran between Fairbanks and Nogales, but they, in later years, dug up all the rails and eliminated that means of transportation.

McNulty: But you could have ridden a train to Nogales?

Farley: Occasionally we did ride the train to Nogales from Patagonia. We called it the Dinky. It was a little self-contained train. When we first arrived in Patagonia they had a regular steam engine with a passenger train and a freight car and a caboose on the train, but that only lasted, oh I guess a couple of years after we were there.

McNulty: When you got to Fairbanks you could have gotten on the main line then, I guess . . .

Farley: Yes.

McNulty: . . . and travelled all over the country.

Farley: That's how we came to Patagonia, by means of the train. I remember stopping in Benson and also stopping in Fairbanks to . . .

McNulty: Change trains.

Farley: . . . take the train to Patagonia.

McNulty: So, back then to your running the pool hall in Patagonia, how long did that go on?

Farley: Well, they organized the high school in Patagonia, called the Patagonia Union High School which comprised the area not only immediately in the vicinity of Patagonia, but also the northeastern part of Santa Cruz County. I continued to work in the pool hall for the remainder of my high school term, and for the year after I graduated from high school, which was in 1928.

McNulty: How old were you when you graduated from high school?

Farley: I guess I was eighteen.

McNulty: I see.

Farley: Eighteen. My recollection about dates and ages is not too sharp. But I think that's correct. I had the good fortune, as I told you earlier, to have worked for a man who had no family of his own, so he sort of adopted me. My father was busy prospecting. He was an ardent prospector and he was always going to strike it rich right over the hill all the time. But unfortunately it never worked out that way. But I had a benefactor, as I told you, to help me over the rough bumps, from time to time. Whenever I got into a predicament where I didn't have any finances, why he or some of my other friends in Patagonia came to my rescue and . . .

McNulty: Who was this benefactor?

Farley: Mr. Campbell, Bob Campbell.

McNulty: I see.

Farley: I used to do little odd jobs for people that were not too well-versed in writing around there and I got sort of a little reputation for being able to write a letter for people. Among them was a man who worked as a miner, and he came from Michigan, and when he learned that I was a native of Michigan why there was a certain affinity for me on his part. At any rate, he still had some family in Michigan and he used to ask me to write a letter. He would say that his vision was very poor and he couldn't consequently write these letters to his family. Actually he was totally illiterate, but he was too proud to admit it, you know. I wrote the letters for him and never charged him anything, but while I was attending the university, when I came to Patagonia he'd always ask me if I needed any money. (laughter) And I frequently did, so he was very kind about that. He supplemented my income quite often.

McNulty: Judge, when you mention stages earlier, are you talking about horse-drawn stages or . . .

Farley: No, no. There were motor vehicles. Usually just the touring cars, you know. At that time many of the cars were not sedans, they were open touring cars and

initially the stage line was first operated by an open vehicle. It was sort of windy and . . .

McNulty: Indeed.

Farley: But it was very reliable. They carried the mail from Patagonia, I mean from Nogales to Patagonia and then on to Sonoita and then on to Bisbee. That was particularly so after the trains were eliminated.

McNulty: Yes.

Farley: The mode of transportation was primarily by the stage unless you had a car and there were very few cars that were owned by residents of Patagonia at that time.

McNulty: Was mining the biggest single business activity?

Farley: Yes. The mining and, of course, the cattle industry too. There were a lot of cattle in that particular area. Small operations compared to what, the way they are now. Most of them have been consolidated into fairly big ranches now. But it depended primarily on mining ventures for the existence of the people in Patagonia.

McNulty: How big was your family? How many brothers and sisters did you have?

Farley: There were five of us that lived to come to Patagonia. There were a couple that didn't survive infancy.

McNulty: When did you decide that you wanted to go to the

University of Arizona, or to any higher education?

Farley: Well, I was sort urged right from the first time I went to work for Bob Campbell. He was the one that really that inspired me and urged me to plan on going to the University.

McNulty: Were you talking about a career in law at that time?

Farley: Yes. He thought that that field would be a very good venture in that area of Arizona. And by reason of his tenure on the Board of Supervisors he had become acquainted with the lawyers in Nogales and he felt that there was an opportunity for other lawyers in that community.

McNulty: Had any members of your family ever gone to college anywhere at any time?

Farley: Well, not to my knowledge, no. I was the only member of my immediate family that attended the University.

McNulty: Neither of your parents, nor as far as you know their parents, ever had gone to any colleges or universities?

Farley: No. No, you see, my mother was a native of Ireland and she came over to the States when she was fairly young. And my father was a native of Wisconsin and he became engaged in mining ventures at a very early age I think. They were both literate people but their education was very limited.

McNulty: Where did your parents meet one another?

Farley: In Butte, Montana.

McNulty: Oh. Lots of Irish there, right?

Farley: What?

McNulty: Lots of Irish there?

Farley: Yes, there were. My father was working in the mines there and my mother had a sister, that's how she happened to come to Butte, to live with her sister. They met and were married in Butte, Montana, and my older brother and my older sister were both born in Butte.

McNulty: With a name like Farley your father must have had some Irish antecedents as well.

Farley: Yes. Yes, I think his father was a citizen of Canada, but I believe that his origins were as a native of Ireland.

McNulty: Did you then enroll at the University of Arizona?

Farley: Yes, I did.

McNulty: Was it in the September following your graduation from . . .

Farley: Yes it was.

McNulty: And that would have been what year?

Farley: That was in the fall of 1928.

McNulty: Did you enroll in a particular college in those days?

Farley: Well, we had to take, at that time, two years of pre-law in Liberal Arts College, say, and I consequently enrolled in liberal arts and took the two years

of . . .

McNulty: Pre-law?

Farley: . . . of pre-law. And then I had to drop out after I enrolled in law school, for a year, to earn enough money to continue my education, so I missed one year, but I graduated in 1934, from the University of Arizona College of Law.

McNulty: It was a three-year course even then?

Farley: Yes.

McNulty: Do you remember the Dean and some of the professors from those days?

Farley: Yes. I remember in particular Dean [Samuel M.] Fegtly, who was a very dedicated man, I thought. He was a very interesting man because he was an unusual personality and he was dedicated to the legal profession and particularly to the law college. He--I had thought that, until I discussed this with you earlier, that he had organized the law school not too many years before I was enrolled in law school. But I stand corrected in that regard.

McNulty: I think he was the first and had been there some time. He had Michigan antecedents too, did he not?

Farley: Yes, he did. He had taught, I think, as a professor at the University of Michigan, because he took great pride in the fact that they remodeled the law school building at that time and they patterned the

classrooms after the classrooms at the University of Michigan.

McNulty: You finished your two years of pre-law in the College of Liberal Arts in 1930. Did you have to take a test to go to law school, then, or did you have to have a certain number of units completed. Or did you have to have a certain grade average, or perhaps all three of these things?

Farley: As I recall you had to have a certain grade average as well as a minimum number of units. I've forgotten what they were, but it seemed to me like we used to have to take about fifteen a semester, minimum, and consequently it would require about sixty units to get into law school.

McNulty: Who were some of the professors of law whom you remember?

Farley: Well, of course I remember the former dean of the Law School and later president of the University, McCormick, [J.] Byron McCormick. He taught Contracts and some other courses, but particularly Contracts. And then Chester [H.] Smith, who was a professor there that had a review course. After we graduated, why most of us took a review course from Chester Smith. And, oh, there were some lawyers that were practicing in Tucson that were teaching water law and specialized courses that were applicable to Arizona,

as well as some others that were retained as professors. I, of course, knew John [D.] Lyons before he became a professor, because he was, I think, a contemporary of mine in law school. I'm not sure just what his class was, but I think he was pretty close to mine. And he later became, in addition to dean of the law school, he was appointed a judge in Pima County and served in that capacity.

McNulty: Judge, you graduated then from the College of Law in May or June of 1934. Did you take the bar examination right away?

Farley: Yes. I did.

McNulty: And of course passed it?

Farley: Yes, at that time I was pretty dedicated. I had taken Chet's, Smith's, review course and I don't mean to be bragging or anything but I was third in the class that passed the bar that year.

McNulty: Yes. I knew that you had scored very highly. Did the thing take the three or four months that it does now, or did you find out fairly soon afterwards that you had passed?

Farley: No, I think we took it in late July, as I remember, and we didn't know until October, so some time in October as I recall.

McNulty: Had you gone back to Patagonia by then?

Farley: Well, I had gone back to Nogales. I went to work in

Nogales on a temporary job. It was a census-taking thing and, in the fall of that year [1934] my wife and I were married, so. . . .

McNulty: Her maiden name was what?

Farley: Virginia Sayre. Her father was a pioneer customs officer along the border between Mexico and the United States. And her mother's family were pioneer ranchers in that area, the Sorrells family. She was an only child and. . . .

McNulty: Had you known her in Patagonia?

Farley: Yes, I did. Yes.

McNulty: As soon as you were advised that you had passed the bar did you go to work as a lawyer somewhere?

Farley: Yes. I told you about Nasib Karam before we got onto this recording, but he and I opened a law office together. He was a contemporary of mine, too.

McNulty: At the University of Arizona College of Law?

Farley: Yes. I think the last couple of years; he took his final two years of law school there. And he passed the bar the same time that I did. And so we opened a joint office in Nogales. But that was, of course, during the Depression years and it was very tough going for private lawyers. So I became engaged in a political campaign for the Mayor of the City of Nogales by a very colorful but somewhat erratic type of candidate, but anyway he was successful. His name

was Andy [Andrew L.] Bettwy. You may have heard of him. At any rate, when he took office in June of, the following June why he appointed me City Attorney. So I had a little retainer there of a hundred dollars a month which in those days was pretty good income.

McNulty: This is Andy Bettwy whose son later became the State Land Commissioner?

Farley: That's correct.

McNulty: Whose grandson Andy Bettwy is a practicing attorney in Phoenix . . .

Farley: That's right. Yes.

McNulty: . . . to this day?

Farley: Yes.

McNulty: So you worked as City Attorney and you and Nasib Karam were still in partnership?

Farley: No. We terminated our partnership because I was campaigning for one candidate and he was campaigning for another. But we remained friendly enemies nevertheless. But we decided that it wasn't appropriate to continue under those circumstances. But after the term, the first term, the only term of Andy Bettwy, why he was defeated because of the fact that he inaugurated some programs that weren't exactly approved by the populace of Nogales. He was succeeded by a man by the name of Cheshire, so I saw the handwriting on the wall, so to speak, and I ran

for the House of Representatives, and fortunate enough, I was elected to that post.

McNulty: What year would that have been?

Farley: During the time that Governor [Rawghlie C.] Stanford was governor. That would be about 1936 and 1937, I think.

McNulty: I see.

Farley: It may have gone into early 1938. I've kind of forgotten.

McNulty: This is Rawghlie Stanford who later became a member of the Arizona Supreme Court?

Farley: That's correct. Yes. We had seven, I think, special sessions during that two-year term, because it was at a time when everybody was trying to figure out some way to give business a jolt to improve employment conditions and whatnot. So the governor called, I think seven special sessions. So my income was from that source during those two years, pretty much. Because I couldn't practice law. Oh, I did do a little on the side, but nothing very substantial, really.

McNulty: How did you travel back and forth to Phoenix? By automobile?

Farley: Well, I didn't have a car at that time, but I rode back and forth almost on every occasion with the man who was senator from Santa Cruz County. That was

James Harrison. He had been a senator before and-- actually he was, I think, a senator during the first stages of statehood. And then he sort of went into retirement and then resumed the office again--at the time I was in the House of Representatives, why he was a senator from Santa Cruz County. At that time, of course, they had at least one senator and one representative from each county, before they changed it to where they have these districts, now, that are very confusing to some of us.

McNulty: Indeed. Indeed they are. Did you just serve the one term in the House of Representatives?

Farley: Yes, I did.

McNulty: When you gave that up did you resume the practice of law in Nogales?

Farley: Yes. I worked for a while in organizing the employment offices around the state. This was while I was still a member of the House of Representatives. Governor Stanford offered me the post to do this, and this was a program that was novel in the state at that time. We did have employment offices but they inaugurated the unemployment compensation law and nobody knew how that was supposed to function, so it was my responsibility, first to learn the nature of the law, which was patterned to a great extent after the State of Colorado. I studied Colorado

unemployment law, and then with the help of, of an attorney in Phoenix that I knew very well--he was designated by Governor Stanford to lend his services--I went around the state and set up these unemployment offices. So that job lasted probably eight or nine months and then I went back to Nogales and went into practice again in Nogales.

McNulty: What was the name of the Phoenix lawyer with whom you worked?

Farley: I can't remember his name. He originally, I think, came from St. Johns, but I'm not, I've been trying to rack my brain. I haven't had any contact with him--well actually he died shortly thereafter.

McNulty: Judge, this was at the height of the New Deal and President Roosevelt's administration and attempting to bring the country out of the very difficult state into which it had fallen. Is that not true?

Farley: That's true. That's true.

McNulty: What was the disposition of the people? Were they, as well as you could tell, very strongly in favor of the New Deal administration's efforts, for the most part?

Farley: Oh, yes. Almost without exception in those days. Everybody was an ardent admirer of President Roosevelt and his efforts to revive the economy of the country. And of course somebody was critical,

but generally not as vocal as they are nowadays about the way the national administration operates.

McNulty: Were things really desperate in America, generally, and in the part of the country where you were living?

Farley: Oh, yes, it was very difficult to get any type of employment. I was very fortunate in that regard in getting just temporary jobs even, you know. And my income after I went back to Nogales was fairly limited because there wasn't a great deal of legal work in those days and the lawyers in Nogales at that time had a corner on the market pretty much, so to speak. To follow up on my chronology, after I returned to Nogales, I represented a few clients that could afford to pay me something and I was urged oddly enough--at that time I was twenty-nine. Some of my old friends that I had become acquainted with in Nogales, as well as friends in Patagonia, urged me to become a candidate for judge. I was pretty much of a novice lawyer at the time, to tell you the truth, but my friends were persuasive, and I had nothing to lose but something to gain if I succeeded. The man who occupied the post was the man we were talking about earlier, Dad Thurman, Elbert [R.] Thurman. He and I were friends but casual friends. I went up and told him that some of my friends were urging me to run and I felt that I had nothing to

lose and a lot to gain in any event. I would get my name before the public, primarily, if he succeeded in defeating me. And if I won, why then I had the judgeship. Well he was very gracious about it and seemed to understand it, but he decided after I won the office that he would leave Nogales and he moved to Phoenix and went into private practice there. He, by the way, was appointed judge, so he hadn't had the benefit of a campaign, really, until he and I encountered one another at the polls.

McNulty: You ran against him in the Democratic primary in 1938?

Farley: Yes. Yes.

McNulty: Judge, this election contest, did you run against Judge Thurman in the Democratic primary in 1938?

Farley: Yes. I did.

McNulty: Do you remember how close the election was?

Farley: I believe I won by about a 125 or 130 votes. It was fairly close even at that time, although the population was relatively meager in Santa Cruz County as a whole compared to what it is now.

McNulty: How old were you the day that you won the general election several months later?

Farley: Well, I won the primary when I was still twenty-nine.

McNulty: I see.

Farley: And I became thirty in September, seventeenth of September, which is Constitutional Day.

McNulty: Yes.

Farley: And so I was thirty by the time I took office.

McNulty: In January of 1939?

Farley: That's right.

McNulty: What kind of feelings did you bring to the bench at that relatively youthful age?

Farley: Well I think a lot of people were very skeptical about my ability to handle the office then.

McNulty: You couldn't blame them, could you?

Farley: No, not at all. I didn't. (laughter) I was skeptical myself. But they tolerated me for a while and I learned the ropes and I was very fortunate in this regard, too--in those days there was, I think only one judge in Pima County, who I believe was Judge [William G.] Hall, Bill Hall.

McNulty: Bill Hall.

Farley: And there were only three in Maricopa County so the volume in both of those counties was more than they could cope with and they used to call on the judges from the smaller counties to come up there and so consequently I became initiated in trial work, pretty much, in both Pima and Maricopa County with the help of some of the lawyers that I knew in both counties.

McNulty: What about some of the other judges? Did you

develope friendships with them? Did you seek help and advice from them from time to time?

Farley: Well, oh, yes. Particularly in Pima County. Bill [William G.] Hall was very cooperative with me. Judge [Fred W.] Fickett, who had preceded him--he married my wife and I a couple of years before that--he came in on a number of occasions just to visit with me and he offered suggestions that were very helpful. I, of course, appreciated the judges in Maricopa County, whose names elude me at this stage. I hadn't thought about them . . .

McNulty: Was Art [Arthur T.] La Prade one of them?

Farley: No. He came on after I did. But one of them was a judge later on the Supreme Court, a white-haired man that I know you would remember.

McNulty: Judge Phelps?

Farley: Phelps. Yes.

McNulty: Marlin [T.] Phelps.

Farley: Yes. He was very helpful to me too.

McNulty: So you were elected Superior Court Judge in 1938, and how many times after that were you re-elected?

Farley: Ten times.

McNulty: And you served until when?

Farley: I served until the first few days of 1979. Four-year terms on ten times, ten occasions.

McNulty: So you served forty years on the bench?

Farley: That's right.

McNulty: Do you know how many other judges in the history of Arizona have served that many years on the Superior Court bench?

Farley: No one has. That tenure, even in combination with the Supreme Court service, none of them could qualify for that long a period of time because of the age requirements, you see. You have to be at least thirty and you have to retire at age seventy. Most lawyers now, I notice, that ascend to the bench are usually in their, well, medium thirties.

McNulty: So, with perfect timing, somebody else might someday tie you, but nobody will ever exceed that, will they?

Farley: Probably not.

McNulty: Judge, you were a very young person to be going on the Superior Court bench at the--considering that you were elected at the age of twenty-nine. Were you the very youngest ever to serve as a Superior Court judge in Arizona?

Farley: No, I understand that Carl Mangum of Coconino County was a month or so younger than I was when he was elected to be the judge in Coconino County. But he only served one term and then, well he first went into the service at that time--by that time we were in the 1940's--and he went into the service as a colonel or something. I think he had had some

military training before he became judge.

McNulty: Were there pressures on you to join the service or was the government's position that they needed to keep judges in place and on the job during the war?

Farley: That was the case. The judges were exempt from service at that time. By that time I was married too, and we had adopted one of our children. Later we adopted another one and then two of them were subsequently born to us.

McNulty: Over the years, Judge, you must have some recollections of people, lawyers, let's start with them, who you particularly remember for particular traits or qualities. Could you talk about some of them with us, please?

Farley: Well, I think perhaps the most colorful lawyer that operated out of Nogales that lived during my term down there was perhaps Duane Bird. He had a reputation that was recognized throughout Southern Arizona, in all jurisdictions. He had been a mayor of Nogales during the time they incorporated the City of Nogales and he was the man that composed the City Charter of the City of Nogales, which is the pattern that they are still following pretty much, even today. His father was a recognized editor of Southern Arizona. He operated a newspaper in Nogales. He had a brother who was also active

politically. He was a former county recorder in Nogales.

McNulty: Was he flamboyant in the courtroom?

Farley: Yes. He was very flamboyant and very able in the process. He undertook every type of case that you could conceive of at that time. He generally was very successful in what he undertook to do.

McNulty: Had he been educated at the University of Arizona?

Farley: No. He was a graduate of the University of Michigan, too. He was, by the way you probably knew, still know, his stepson, Tom Hall?

McNulty: Judge, we're going to do Tom Hall's oral history in about two weeks.

Farley: Oh, is that right?

McNulty: Yes.

Farley: Well, Tom has an excellent memory. He could probably remember some of these details that have slipped my mind much better than I can relate them. In addition to Duane Bird, James V. Robins was also a well-known attorney in Nogales and he was also a former mayor of the city. Actually he was a mayor while I was on the bench. He was the son-in-law of Judge Frank [J.] Duffy, who was the first judge in Santa Cruz County after statehood. I believe Judge Duffy was appointed by the then governor of the state to serve as the superior court judge, but his tenure was very brief,

because they called an election and I don't think he wanted to run for re-election. At any rate he was succeeded by a man by the name of Marsteller, Judge Marsteller. Massilon [A.] Marsteller. He must have had some French antecedents, with that name. Shall I tell you the chain of judges that existed? Would that be appropriate?

McNulty: Indeed. Indeed it would.

Farley: After Judge Marsteller, Judge W. A. O'Connor was elected and he had been, prior to the tenure of Judge Duffy, probate judge. There was a distinction in those days between the regular judges and the probate judges, and Judge O'Connor had served in that capacity, which was sort of a dull type of the judicial branch at that time.

McNulty: Yes.

Farley: Limited to probate matters, I guess. He served, then, until his death and was succeeded by Judge Charles Hardy, who was the father of Judge [Charles] Hardy that's on the U.S. District Court in Phoenix. He served also the Superior Court there.

McNulty: Yes.

Farley: After Judge Hardy, why Judge [E. R.] Thurman was appointed to succeed Judge Hardy who died in office, actually. Judge Thurman served at the time, up until I succeeded him, as I told you earlier, and then he

moved to Phoenix and went into practice there and later was appointed by Governor [Ernest W.] McFarland to the Superior Court of Maricopa County. So he had the distinction of having served in two counties as Superior Court judge.

McNulty: He's probably the only one of whom that's true.

Farley: I think that's probably true. By the way he was instrumental, as I understood it, while he was in practice up there, of organizing the Western Savings organization, Building and Loan, you know?

McNulty: Yes.

Farley: Which is now one of the largest, if not the largest, in Arizona. And then he took the judgeship after he had organized that company. There were some other lawyers that may be of interest to you that you should know about in connection with an historical aspect of the legal profession in Santa Cruz County, and one of them was Fred Noon. He had served during Territorial days and was in the same category as Duane was. He was an all-around attorney and very popular with the people in the community, because his father had been one of the founders of Nogales as well as the founder of the community that was then know as Ruby or Oro Blanco. Some of his descendants still have ranching properties in that area. Fred Noon served as County Attorney in Nogales and upon

his retirement from that post he decided to move to San Diego and went into practice in San Diego. And was very successful there too. His son, Bonsal Noon, succeeded his father as County Attorney and he served in that capacity for, I think, two terms and then left and went to San Diego to join his father's law firm there in San Diego. By that time of course the Depression was really becoming pretty acute around Nogales. And one of the other attorneys that practiced during my tenure as judge was G. A. Little, Gal Little. And he was having a rough go of it. His father was an American attorney by the name of Malcolm Little who practiced Mexican law.

McNulty: I met Malcolm Little . . .

Farley: Did you?

McNulty: . . . in Mexico City in the . . .

Farley: Now that's the son of the Malcolm that I'm telling you about.

McNulty: I see.

Farley: The Malcolm that you knew is a brother of Gal Little.

McNulty: I see.

Farley: And he practiced in his father's footsteps and went into Mexican law. Although he was trained in the States. Now I'm not sure whether he attended law school at the University of Arizona or not. I don't think he did. It seems to me that he took his law

degree in some other law school.

McNulty: A contemporary of mine named John Little is related to these folks, is he not?

Farley: Well, he's Malcolm, Senior's son. He's a half-brother of the Malcolm that you know.

Tape 1, Side 2

Farley: Incidentally, I didn't mention this to you when I was telling you about my campaign for judge against Dad Thurman. After I was successful against Dad, Malcolm Little, Senior, ran on the Republican ticket against me, because he felt, I guess, that a lot of people would support him against this youngster that was on the Democratic ticket. And I was successful in that race as well. (chuckles)

McNulty: But by a pretty good-sized margin, I would suspect.

Farley: Yes.

McNulty: Were there many Republicans around Arizona in those days?

Farley: Not very many. Not very many. There were a few die-hards that, even today some of them that are still alive are . . . (chuckles)

McNulty: But Republicans rarely won political office.

Farley: That's true. Although there were some that were successful, even during the Depression years. One of

them in particular you mentioned--Lawson Smith.

McNulty: Yes.

Farley: His brother who is engaged in business in Nogales, Don Smith, his wife's family were all Republicans. Doris Smith's mother and father. And her father was on the Board of Supervisors at the time I was telling you about my friend Bob Campbell being on the Board of Supervisors. And he was a Republican, Fred, Fred. . . . Fred Hannah was his name.

McNulty: Hannah.

Farley: Fred Hannah.

McNulty: Yes. These judges that you mentioned. Did you know many of them? For example, did you know Judge Duffy?

Farley: Yes. Judge Duffy practiced in Nogales on a sort of a retired basis, but he kept busy. He was associated with Jim Robins until his death and he had many contacts throughout the county, because of his wife's family. They were distantly related to my wife's family too. And most of them were engaged in the cattle business. Well, consequently he had quite a clientele that Jim Robins inherited after Frank Duffy became inactive.

McNulty: What were Judge Duffy's particular characteristics as you remember them?

Farley: Well, he was a very gracious man, a very kindly man, too. And everybody that knew him loved him and

respected him. He delegated most of the work that came into the office to Jim Robins in the time that I knew him. Consequently I never had much of an occasion to deal with him. I think maybe on a few little probate matters or something like that he would come up, but otherwise he didn't spend much time in the courthouse.

McNulty: You mentioned Judge O'Connor. Did you know him?

Farley: Yes. He used to come to Patagonia to campaign during the time that he was running for judge. And I can recall he used to spend, because of the difficulty in transportation in those days--I don't think he drove--so he would come out on the Bisbee stage and stay overnight at the hotel there in Patagonia, in the Commercial Hotel, which no longer is in existence in Patagonia. And then he would visit around the town and then--of course he had died before I engaged in practice in Nogales. But Judge Hardy was on the bench at that time when I began. He was a very nice judge, but he only lasted a few months because of his health. His brother, you may have heard of him if you didn't know him. I think he . . .

McNulty: Les Hardy?

Farley: Les Hardy. Yes.

McNulty: Yes. Who . . .

Farley: Les practiced in Nogales initially but then he gave

that up and went into the Attorney General's office in Phoenix and remained in private practice there after he left that office.

McNulty: This is the man who headed up the 1954 code commission when we redrafted the Arizona Revised Statutes?

Farley: That's correct. Yes. He was a very able lawyer, I always thought. To have undertaken that job and to have done such a fine job in the process, you know?

McNulty: Yes.

Farley: Because I always admired his ability. His brother, Charlie Hardy, wasn't the student that Les was, but he was nevertheless a very fine person and, oddly enough, their father was a character in Nogales. Although he wasn't a member of the legal profession he was justice of the peace down there for many, many years. And he had the reputation of being, as I said, a character. (laughter)

McNulty: He was certainly one of the most flamboyant justices of the peace that ever lived, was he not?

Farley: Yes. They tell a lot of tales on him. One of them was that he was also acting as police judge and on one occasion during the Prohibition Era--he liked to indulge in tequila so he would go across the line and bring over a bottle in his pocket to carry him through the day's work. On one occasion he came over

and he got up to the area where the city hall was at that time, and the police station was part of the city hall, as well as the judge's chambers there. He stumbled as he approached the city hall and the bottle that he had concealed on his person some way broke on the sidewalk in front of the city hall and the policemen were standing around there at the time and one of them who was new to the game, I guess, said, "Well that man is smuggling liquor across the line and it's against the law." So this young policeman took him into custody and he submitted all right. He said, "Well I'm going to hold this case"-- after the young fellow realized who he was, why he wanted to drop it. And the judge says to him, "No." He says, " You arrested me legally. And I'm going to hold this case tomorrow and you be present. And you can testify." So the fellow did and the judge said, "Well, I find the defendant guilty." (laughter) I think he fined himself twenty-five dollars or something like that, but it became a classic story among the legal profession and the whole town for that matter. (laughs) Judge Hardy was justice of the peace, oh, for several years after I was elected. And we were friends and got along very well. He used to come up when he had problems and ask my advice about them and I generally gave him some advice that

seemed to fit his disposition pretty well.

McNulty: Were there justice courts in other parts of Santa Cruz County in the 1930's?

Farley: There was another justice court that I should tell you about that was very interesting. But they abandoned that at the time of statehood. Prior to statehood a man by the name of A. S. Henderson was the justice of the peace in Patagonia and then there was a man who was also a justice of the peace at Tubac. [Judge Rosenberg] His daughter practices law here in Tucson, Mary Stella Cota-Robles nee Rosenberg. Her father was justice of the peace in Tubac prior to statehood, I think. Anyway, the justice of the peace in Patagonia was really a character. He operated a store in Patagonia, a general merchandise store. He was a man that used to grubstake miners and consequently his prices were terribly exorbitant. But he had to provide for the fact that many of the prospectors couldn't come up with any money, so those that did had to pay his high prices. But prior to statehood he was also a Republican and was appointed by the then-governor of the state prior to statehood to fill the post of justice of the peace, which was at that time a fee job. So, the Mexican people around Patagonia, many of them, were close friends of mine and ardent