

Evo DeConcini
Oral History Project:
Arizona Legal History

Interview with Thomas L. Hall
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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) Hayzel 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.

Thomas L. Hall Interview

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Thomas L. Hall Interview

Thomas Leavitt Hall was born November 9, 1907, in Kansas City, Missouri, the son of professional actors. In 1919 Hall's mother married Duane Bird, a well-known Nogales attorney, and she and Hall moved to Nogales. Hall attended Nogales High School, graduating in 1925, and the University of Arizona, from which he graduated in 1929, having studied literature and Spanish.

In the summer of 1929 Hall married Nona White, also of Nogales. He then entered law school at the University of Michigan. When he finished law school in 1931, he returned to Nogales and entered the law practice of his step-father, Duane Bird. He was admitted to the State Bar of Arizona in March 1932.

At the start of World War II, in 1942, Hall went into the army. He served in the Judge Advocate General's department until 1947, leaving the service with the rank of Colonel.

After the service Hall became administrative assistant to Senator Ernest W. McFarland. After two years he returned to Nogales and private practice with Duane Bird, where he worked primarily as a trial lawyer.

In 1957 Hall joined the faculty of the University of Arizona College of law where he taught and was, for a time, the lawyer of the Board of Regents. Hall retired from the College of Law in 1979.

In this interview Hall deals primarily with his career in

the legal profession. He reflects on practicing law with Duane Bird in Nogales and reminisces about Bird. He also mentions several other well-known figures in the legal profession, such as Gordon Farley, Fred Noon, and Marlin T. Phelps.

Hall talks of legal cases with which he is familiar. Among these are the murder trial of Louise Foucar Marshall and several tried by justices of the peace. He also discusses the trial of the man who killed his uncle, Tracy Bird. Of particular interest are his observations on court interpreters, and experiences with Spanish and Chinese court interpreters.

Hall's reflections on changes in the practice of law and in the relationships between members of the Bar provide valuable insight into the changing role of lawyers and judges in the community. He also reflects on alternative ways to resolve conflicts.

The interview closes with Hall's memories of the trial in Nogales of rancher Jim Hathaway.

THOMAS L. HALL INTERVIEW

Good morning. This is James McNulty. I'm here at the home of long-time lawyer and friend Tom Hall on the Via Alcalde in Tucson on Wednesday, June the 11th, 1987, with Tim McIntire. This is another in our series of oral history interviews of laws and lawyers of Southern Arizona.

McNulty: Tom, thanks for agreeing to do this.

Hall: Well, it's an honor as well as a pleasure. And especially since you and I are friends of sorts.

(laughter)

McNulty: Yes. Tom, start with where and when you were born. We like to do a little biographical material.

Hall: I was born in Kansas City, Missouri, on November 9, 1907. My parents were theater people, professional actors, and they hauled me around a bit during my earliest days. I won't bore you with that.

McNulty: Well that's pretty interesting. Did you go to a lot of big cities and . . .

Hall: They carried me around in the proverbial trunk and I remember a number of the actors of that day, John Barrymore for example. John Barrymore and my father were playing--"When Knighthood Was in Flower" was the name of the play. They were duelling. They got mad at each other and started fighting. And the audience thought it was great. They rang the curtain down and the carpenter and the electrician threw the actors out

in the alley by the seat of their pants.

McNulty: (laughs) Showing who had the authority.

Hall: Who had the authority. Well, anyway, with that sort of an early background, I came to Nogales in July of 1919.

McNulty: You were . . .

Hall: I was twelve, about to be twelve years old.

McNulty: What about your early education? It had to be pretty sparse . . .

Hall: Apart from the beginning and the way I've suggested to you, I went to grammar school in Texas. My father and mother quit the stage on the theory that it wasn't good for me--and that was a mistake, they should have stayed on. They were talented people. My mother was a very pretty woman and a beautiful voice. My father was, well, an ordinary-looking guy, but he had a great talent for character parts. Anyway, they came to Denison where his father owned some property and my father managed a hardware store there, that belonged to his father. I went from Denison to Kansas, where I stayed briefly in Pittsburgh and went to school at the State Manual Training Normal--they had a training school for their teachers and I was one of the ones they practiced on. I came to Nogales, as I've just suggested, with my mother, who had married Duane Bird shortly theretofore.

McNulty: Where had she met Duane Bird?

Hall: She met Duane while he was in the army and she was with a bunch of women giving donuts and coffee to troops as they went by. And he was one of the younger troopers. He was a young second lieutenant and they fell afoul of one another and later married.

McNulty: Where had he been born and raised?

Hall: Well, Duane was born in Benson in 1893 and he was brought as a very young child to Nogales in 1894, by his parents, who opened up the Nogales Oasis, a newspaper that lasted until 1920 or 1921, and Duane's father and mother jointly operated the newspaper. Mrs. Bird, Calla (Nabb Bird) her name was, helped with editorial and business duties and Colonel (Allan Tracy) Bird, who doubled in brass--he was a mining engineer and spent a lot of time travelling in Mexico. Duane grew up in Nogales, went to high school at the University of Arizona--in those days that was possible--went to Ann Arbor, Michigan, where he finished his college and law school education. He married Mary Snyder, had two children (Otto Bird and Jean Bird) both of whom yet survive. Of course he returned to Nogales, started practicing law in 1916, and had gotten a start when the war came along and he went into the army. In the army he was regimental heavy-weight boxing champion. He was a beautiful man

in his earlier years, broad-shouldered and narrow-hipped and all that, and very strong. I don't suppose you'd remember Duane. He had a mashed snoz that he got in one of those prize fights.

McNulty: So you first met him then when you were eleven or twelve years old?

Hall: Eleven years old. Eleven going on twelve, yes.

McNulty: And in Nogales. And Duane and your mother married.

Hall: Yes. They had theretofore married. Very shortly theretofore married, yes.

McNulty: Did you go to Nogales High School?

Hall: I went to Nogales High School and graduated in 1925. And came to the University of Arizona, graduated in 1929. I entered law school at the University of Michigan in the summer of 1929, having just married Nona, my wife. Graduated--I went constantly to school while we were there--graduated in the summer of 1931.

McNulty: Was it Duane's urging that you went to Michigan Law School?

Hall: Partly. Partly. I was at one of those lucky periods when the prestigious schools were willing to take kids from the backwoods. And I had applied to go to Stanford and Harvard, Columbia and Michigan. And I was accepted at all of them but I chose Michigan. Partly because of the fact that Duane had been there himself.

McNulty: Dean [Samuel M.] Fegtly of the University of Arizona College of Law used to pride himself on modeling the University of Arizona Law College after the University of Michigan Law College where he had taught.

Hall: Yes, I remember, when he came out, and later on I knew him pretty well and he was proud of the fact that he had come down that road. And of course I admired him for various reasons. That was one of them.

McNulty: Your undergraduate degree was in what field?

Hall: I had a major in literature and a minor in education and a minor in Spanish. I was quite, and still am, quite Fluent in Spanish. Duane was remarkably Fluent in Spanish. And . . .

McNulty: You had occasion to use the Spanish around Nogales . . .

Hall: Oh, frequently.

McNulty: . . . as a kid growing up?

Hall: Frequently. Yes, we had many clients that could not speak English. And it--maybe I can touch on this later--the ability to speak Spanish stood us in good stead in the courtroom.

McNulty: When you graduated from the University of Michigan Law College in 1931 did you come back to Nogales?

Hall: Yes, after a brief vacation in Long Island where one of my aunts lived. We came back to Nogales and got there in, oh, I think it was late August of 1931. I

went right into Duane's office in a more or less clerical capacity, and took the bar exam that December and was admitted in March of 1932. And I practiced in Nogales from, until I left to go in the Army in July of 1942.

McNulty: Did you practice always with Duane?

Hall: Yes. Yes.

McNulty: Were there other lawyers in the firm than you two?

Hall: No. We had a wonderful old associate who practiced law in Mexico--namely Jose O. Pujol. A distinguished and very gentlemanly man who spoke English, but wouldn't do it. And he lived in Arizona and practiced in Nogales, Sonora. We handled his clients' business in America and he handled our clients' business in Mexico and he officed with us. And I used to sometimes go through the mockery of interpreting for him, and if I would incorrectly interpret something that had been said in English he would tell me in Spanish, "That isn't what he said. He said so and so." But he never would admit to his clients that he could speak English. Nona remembers him. We knew him in our childhood days. A very courtly gentleman. Always had a hat and he had a silver snuff container and he dipped it very elegantly.

McNulty: Was moving back and forth across the border a much simpler thing than it is today?

Hall: Oh, yes. Much simpler. In fact the fence (the International Boundary), if you recall it, was three strands that principally were not nailed to the posts and you could walk across anywhere from, oh anywhere from the easterly side of Nogales to the most westerly side at almost any place you selected.

McNulty: You're talking about the old pyramidal-shaped concrete posts that the . . .

Hall: No, in those days they were just old fence posts. There were a few pyramidal cement types, but most of them were just old fence posts and not even barbed wire, just plain old bailing wire.

McNulty: Were the two communities close?

Hall: Yes. Nogales, Sonora, was beginning to overreach Nogales, Arizona, in population; but we traded back and forth in every way. We were friends and we visited in one another's homes and we did business with one another and so on. A very nice atmosphere prevailed.

McNulty: Some people have described these border communities' ability to get along as very successful conspiracies because they know just how far you can go before the national governments intervene.

Hall: I think that's a graceful way to put it. A very graceful way to put it. (laughter) And sometimes we knew how to behave even when the national government

of Mexico did intervene.

McNulty: Who were some of the clients that you and Mr. Bird represented?

Hall: Well in the early days we represented Roy and Titcomb Enterprises, which for its time and place was really a very large activity. Had several big plants in Nogales and properties in Mexico, including a little steamship line down in Mexico. We represented the utility companies. We represented some of the big mining companies. We represented the town's leading merchants. And we represented an awful lot of rascals too. (laughter) And some rascals were involved in some of those that I first named. But anyway, we had a very good practice, quite a large practice, and as it turned out, fortunately, a very profitable practice.

McNulty: How long were you absent from the practice in World War II?

Hall: I was away from 1942 until 1947 in the army and then I worked in the United States Senate from 1947 to 1949 and then I came home in 1949, resumed our practice, left Nogales in 1957 to come up here and join the faculty of the College of Law in Tucson.

McNulty: Why were you in the army until 1947? So long after the end of hostilities?

Hall: Well, I went in the Judge Advocate General's

department, oddly--once when they got a round peg in a round hole--and I was fortunate and successful. I rose to pretty good--I was colonel when I came out. And I had had some very advantageous jobs and just when I wanted out, we were starting the distribution of surplus American war materiel to friendly foreign nations and I was selected to be the legal counsel for that enterprise. And that kept me two years. More or less two years.

McNulty: I see.

Hall: Although I had spent the first part of that period actually doing, on a secret, still classified, secret examination of the American airports in Latin America. But I went from that into this, the office was called the Field Commission for Military Programs, commanded by a major general and I was his counsel.

McNulty: What was the occasion of your going to Washington for two years?

Hall: Well I went there, I went there originally because the army put me there, and Nona and our children joined me in the fall, late fall of 1942, and I left the following March and was overseas for a little over two years, during which time, among other things, I was the Theater Judge Advocate of the South Atlantic Theater.

McNulty: The two years, though, that you talked about being in

Washington after you . . .

Hall: Oh, that was later. Afterwards.

McNulty: After you left the army.

Hall: I went into--Senator [Ernest W.] McFarland and I had been friends since his days as county attorney in Florence, Arizona, and judge days, and in those--they had just invented the office of administrative assistant. And it was a very fancy, fauncy title indeed, and I was his first administrative assistant. Shortly following Jim [James A.] Walsh, who had been with McFarland [as administrative assistant] shortly theretofore.

McNulty: Was Ernest McFarland first elected to the Senate in 1946?

Hall: I think it must have been about then, Jim. It was, I don't really remember. He was in the Senate and Nona worked for him in his office for a while when I was in the army. And I'm sure it was about that time, but I'm not positive.

McNulty: Were you interested in the political life?

Hall: Only indirectly. I was valuable to the Senator because I had been interested in Arizona politics, but I was also valuable to him in working on the Colorado River problems which were uppermost in everyone's, our minds in Arizona, in those days. And my principal function was to work in that area, although I did

other--I wrote speeches, anonymous speeches. I wrote parts of a speech for Harry Truman once, I remember. And, oh, general business like that. And then my father's, my step-father's, Duane's, health had failed. He had acquired Parkinsonism. And my sister asked me to come home and see him, and I did. He was clearly failing and my sister put the bee on me to come home and rejoin him. I did, although I had not intended to.

McNulty: This would have been about 1949?

Hall: Yes, 1949.

McNulty: When you say you had not intended to come back and practice law in Nogales, had you intended to practice law somewhere else in Arizona?

Hall: No. I had intended to practice law in Washington. I'd had an opportunity to go with General Marshall when he was abroad in the Marshall Plan, and I'd declined that, being able to at that time, because I'd been away from my wife and children two years already and I didn't want to resume that. But one of my colleagues in the army was a partner in a Chicago law firm, one of the great law firms--represented amongst other things the, the Lloyds of London insurance enterprises--and he had some fool notion that I knew how to try lawsuits. And he offered me a chance to come over and be one of their trial lawyers. And I

was thinking about that pretty carefully, until he described to me what a city trial lawyer did, and that sort of shook me. Then I planned to come down into Mexico with General Wood, start up Sears, Roebuck in Mexico, but for the reasons I just explained, I came back to Nogales. I don't regret it. I had a very good life in Nogales. We all did.

McNulty: When you arrived in Nogales in 1949, was Duane Bird still alive?

Hall: Yes. He was . . .

McNulty: Was he practicing?

Hall: . . . he lived until 1960.

McNulty: Was he practicing in 1949?

Hall: Yes, but on a somewhat limited basis. He, he had been--maybe Gordon may have mentioned this to you--he had been one of the state's most distinguished trial lawyers. He was an excellent trial lawyer and a good lawyer generally, but he excelled in trial practice. And of course he had--that took considerable physical strain out of him and so he gradually returned more to office practice and I began to come forward more as trial lawyer as well as an office practitioner. And he was practicing under the most severe health conditions when I left in 1957 to come up here, to Tucson.

McNulty: Had he brought in any other lawyers during this nine

years you were gone?

Hall: No. No, we never, except for Pujol, we never had brought in anyone. We almost brought in a friend of yours named Mike Lacagnina. He came down and we both were very enthusiastic about him, but Mike had the good fortune to go into practice in Tucson.

McNulty: With Bilby and Shoenhair.

Hall: With Bilby and Shoenhair, with whom you are acquainted.

McNulty: Yes, indeed. In 1957, you left Nogales to accept a position on the faculty of the University of Arizona College of Law?

Hall: Yes.

McNulty: Had you always thought in terms of teaching?

Hall: Yes. I had hoped someday to teach. I never wanted to be a judge but I had hoped to teach. And due to the strain of trying to maintain our practice, my health had declined very severely and my doctor, who was a member of a pioneer Arizona family, incidentally . . .

McNulty: Dr. Noon?

Hall: Doctor Zenas B. Noon. Told me that if I didn't at least stop practicing the Lord was going to make me stop. And so I came up here. In part because of that and in part because I wanted to teach law.

McNulty: Who was the dean of the College of Law?

Hall: John [D.] Lyons.

McNulty: Had you and he been friends?

Hall: We had been friends beforehand, yes. And I was well acquainted with President [Richard A.] Harvill and then Dean [James Byron] McCormick, former Dean McCormick, who was the Board of Regents counsel when I came up here.

McNulty: You went on from the College of Law to represent the University, did you not?

Hall: Yes, I was the Board of Regents' lawyer from 1962 to 1974. During the miserable days of the student unrest of the late 1960's and early 1970's.

McNulty: Those were hard times for students.

Hall: Those were hard times on the campus, yes. And of course I saw a lot of things happen on all three of the state university campuses because they were growing very rapidly, and I was at that time, toward the end of those years, I was for a long time the sole lawyer of the Board of Regents. And now, of course, each university has a staff of lawyers. I might--I want to take credit for that. I remember insisting to the Board that each president ought to have his own counsel and the then superintendent of schools said, "My god, Tom. Do you mean they're going to have four lawyers working in the school system?" And I said, "Yes sir." And eventually they did. And now we've got quite a number.

McNulty: Given the turmoil of those days, your effort to accommodate your health by leaving the law practice was substantially thwarted by the chaos on the campuses.

Hall: Well fortunately there was a good period of years there when I was able to regain my health. I'd taught from 1957 to 1962 and that's all I did. And of course in that period of time I regained my health and strength.

McNulty: Did you go to court on matters involving the Board of Regents?

Hall: Occasionally. I usually, though, insisted that we hire counsel to represent them, and I think for an obvious reason, represent them in the courtroom. But I occasionally assisted in court cases, yes.

McNulty: In 1974 you concluded this twelve years of representation of the Board of Regents. What did you do then?

Hall: Then I went back to the college and taught until 1979.

McNulty: What subjects did you teach?

Hall: Well, I taught a great many subjects, but those that I finally wound up teaching by preference, torts, contracts and trial practice. And I was regarded as some kind of a nut to undertake torts and contracts, because each of them, as you remember from your student days, were fairly voluminous types of courses,

but I was--first of all I liked the first-year students very much and I wanted to get in early on them. And then I liked trial practice for obvious reasons. But I had taught also corporations, administrative law. . . . I can't remember, oh one or two others, I've really forgotten what they were. (Bills and notes, trials and appeals, restitution, legal writing - Hall)

McNulty: You've had a very widely-varied practice and set of experiences. Is any one feature of your involvement with the law, in retrospect, more fun than any other?

Hall: I guess when I was, the real fun period, was when I was trying cases in Nogales. And that was fun. You know what it is. Stressful but fun.

McNulty: Some people have suggested to me that you perhaps inherited something of the dramatic flair of your parents.

Hall: Very possibly. Because I was interested in the theater all my life and still am. And I organized a little theater in Nogales during the time I was there and was its principal director. And sometimes when people would flunk out just on the night of a production I would have to step in and play their part for them.

McNulty: Were you ever known to quote poetry or Shakespeare in a closing argument in a jury trial?

Hall: Did Gordon tell you about that? (laughter) Dad
Thurman in the course of one of our cases . . .

McNulty: Dad Thurman now being the Santa Cruz County Attorney.

Hall: He was then County Attorney.

McNulty: Yes.

Hall: And we were trying one of those cases of the day, and
when he closed his opening argument, he said, "Well,
now Mr. Hall's going to get up here and first he's
going to quote Shakespeare and then he's going to
quote the Bible and then he's going to wrap himself in
the American flag." And to accommodate him I did
exactly that. (laughter) But I did quote from
Shakespeare and the Bible, quite frequently in arguing
to the jury.

McNulty: Was this a function of your parents and early
training, or did perhaps Duane Bird give you some
examples along that line?

Hall: Well, he was an accomplished jury lawyer and he spoke
extremely well. But I think I got most of my interest
in the theatrics from my mother and father.

McNulty: It's customary today to see several lawyers on a case.
Did you and Duane Bird ever go into a trial where both
of you participated throughout the trial?

Hall: Yes. Frequently. In my first period, in my first ten
years, we tried most of our cases as a team. And of
course at the beginning he was the team, obviously. I

was coming on. And then as I--I was fortunate I had some sense about the law and I had some ability to research and write. But Duane taught me how to be a courtroom lawyer, very definitely. And I tried an awful lot of cases with him and a few by myself.

McNulty: Given his reputation as a trial lawyer, was he, did he very often try cases outside Santa Cruz County?

Hall: Yes. He did. He tried cases here and Bisbee, Tombstone. Remember--you don't remember this, Jim, but for a time, even toward the end there, they had a branch court out in Tombstone, and I appeared in that court once in my very early days. And he tried cases in Phoenix, Flagstaff, Yuma. Associated in trying cases in California and New Mexico.

McNulty: Would other lawyers in these communities and other states hire him or was his reputation through the community such that this was a . . .

Hall: Well, they sometimes hired Duane to assist them. They nearly always hired him if they had business in [Southern Arizona], but they were not in Southern Arizona. They would employ Duane, and then later on me, to do business along the border and in Nogales and sometimes Bisbee and Douglas and Yuma.

McNulty: When you say Spanish would be useful to you, were you able to use Spanish in the courtroom? Would the court permit it?

Hall: Only when no jury was present and when you had a judge like [Gordon] Farley who was bilingual. And sometimes we would dispense--and there was no reporter. We would dispense with English and conduct the proceedings in Spanish.

McNulty: You're telling us then, that three non-Hispanic persons would conduct a trial in Spanish involving undoubtedly Hispanic clients?

Hall: Yes. Or at least witnesses.

McNulty: Would you make objections to testimony in Spanish?

Hall: No, we usually made objections in English. It was easier for me to argue points of law in English. But . . .

McNulty: The cross-examination of a witness would be done by you in Spanish?

Hall: Yes. Sometimes. Yes. Or direct [examination].

McNulty: Or the direct [examination].

Hall: And Duane sometimes. But that was, Jim, I don't want to give a wrong impression. That didn't happen often.

McNulty: No.

Hall: We almost always used interpreters and if I had the time, I'd like to talk a little bit about the problem of interpreters, but I don't expect we're going to have the time.

McNulty: Well, we may well have. What are some of the characteristics of Duane Bird that are especially

memorable?

Hall: Well, Duane was an extremely intelligent and literate man. He was a fine conversationalist and a good teller of tales, omnivorous reader, loved poetry and could quote it easily. My mother was an omnivorous reader. She loved plays, for reasons that will occur to you, and she would quote either, commonly. Duane was a good drinker, as was I, and we had a lot of convivial times drinking with our friends from both in and out of town. Duane was interested in gardening work--I did the work but he was the instructor and supervisor. Let's see what else. Oh. I'll tell you something I think would be interesting. In 1941, just shortly before Pearl Harbor, Duane was celebrating his twenty-fifth anniversary as a lawyer. He invited all the members of the Bar in Arizona to come to Nogales and attend a party celebrating this event. Something over a hundred and fifty of them accepted. And they came down and I'd say of the hundred and fifty we had probably had drinking bouts with over a hundred of them at earlier times. Anyway they came to Nogales and they spent a day and a night of drinking and eating and I think you, today they call it roast. They roasted Duane some, gave him a plaque, and the eating part was held in the Cavern Cafe, the old Cavern Cafe, which we took over exclusively and

completely filled with this group. And it was quite a memorable event. And of course there was a lot of, you know how lawyers are, the way they work on one another, not always pleasantly, but nevertheless work. And there was a lot of that going on and a lot of very distinguished members of the Bar. I don't remember that Ralph [W.] Bilby came down or that his then-partner [Ben B.] Matthews came down. But a number of Tucson lawyers of that period did.

McNulty: Who were some of the other lawyers in Santa Cruz County in those years?

Hall: Well, in, when I was first there, there were Fred Noon and his son Bonsal. Fred was a member of a true pioneer Arizona family, had come to Arizona before the turn of the century and he had taught himself law, self-taught, and became an extremely successful practitioner, skilled with the jury. His son Bonsal joined Fred in 1926, I think it was--just after I'd come up here to college--and Bonsal and Fred practiced as partners until, oh, mid-thirties or later. They went to California and became successful practitioners and Bonsal became a judge in San Diego.

Then there was Frank J. Duffy, who was the first Superior Court judge when Santa Cruz County became a county, and he was practicing law as a lawyer when I was there, with his--before I became a lawyer. That

was my earlier school-boy days there. He and a man named [E.R.] Purdum were partners, and there came to Nogales, a young man named James V. Robins who had the good sense to marry Frank Duffy's very charming daughter, Mary, and he became associated with that firm and remained, and survived, as the practitioner of that firm. Robins out-lived Duane by a few years.

Then there was lawyer named Archie [Arthur H.] De Riemer--I don't remember, I was not practicing law. I was just a school kid. (sound of something hitting microphone) Did I do this thing any harm, Tim?

Tim: No.

Hall: Archie De Riemer. He was a practitioner of sorts. I don't remember much about him, but he was there. Then there were the two Barry brothers, Frank--you know Frank Barry--his father, Frank, Sr., and his uncle Jim practiced law there. They had left Nogales before I became a lawyer.

Then there was M.C. Little, who had an office in Nogales, Arizona, but who practiced exclusively in Mexico.

McNulty: Is this Malcom Little?

Hall: Malcom Little, Sr. He is father of John Little whom you probably know, who was in the State Land Department who now lives here.

McNulty: Yes. A classmate of mine.

Hall: Yes. Oh, is that so? Well, then you know him very well, of course.

McNulty: And there's a firm in Mexico City, Little, Roeheny, Dalton . . .

Hall: Yes. Malcom Little, Jr., practiced law in Nogales briefly when I was practicing there. Malcom Little, Jr., was there I would say, in the early 1930's. He went to Mexico City and was one of the founders of the firm that became Goodrich, Dalton, Little and . . .

McNulty: Roeheny?

Hall: That's right. I couldn't remember the last name. And his widow, Louise, a great friend of ours, was here just lately. She's now living in Texas, in Dallas, Texas. She was an Arizona girl. Then Jack Pollack was a lawyer in Nogales at that time. He was a Michigan man. Married one of the well-known local girls. They went back to Michigan. When my wife was a student at Michigan, then called Michigan State College in Lansing, the Pollacks lived there and Nona spent some time visiting them in their home. There was a lawyer named E.R. Thurman, just come from playing baseball at the University of Arizona, where he was catcher. And there was a lawyer named W.A. O'Connor, who later became judge of the Superior Court and was judge when I started practicing. Those, I think, were all the lawyers of Nogales from my memory

from 1919 up until I left in 1929.

McNulty: What kind of money did you make as a lawyer when you got out of law school?

Hall: As I was telling you, the first year that Nona and I lived in Nogales, I earned \$935.00. And a great deal of that was not in cash. We would counsel out a fee to somebody who, for example, had furnished us groceries, electricity or clothing. And later on gas and oil, for our cars. So, I began at that amount, but we earned, I think, a gratifying amount for a small community, before we finished. In fact, I never earned as much working at the University as I did at the end of working there (in Nogales) for some twenty-odd years; I wasn't earning as much then as I did when I left Nogales.

McNulty: The economic climate of the United States the year you made \$935.00 was pretty desperate, was it not?

Hall: It was very, very desperate. It was in 1931 of course, 1931 and 1932 and it was actually the year of 1932 when I filed my first income tax return.

McNulty: The politics of the time in Nogales, were they profoundly Democratic?

Hall: Heavily Democratic. It was most unusual for a Republican to be elected to office. There were a few. And it was a tribute to their personal popularity because the electorate was overwhelmingly Democratic

in those days.

McNulty: The disposition of the people toward the administration of Franklin Roosevelt, was that pretty positive in Nogales?

Hall: Very positive in Nogales. Yes. Yes.

McNulty: They believed that . . .

Hall: They believed that he was a savior, so to speak, and he, I'm not so sure he was at the end, but in the earlier days, in the fireside address period and things like that, he was quite popular. Of course he had the help of a very well-known Arizonan named Lew [Lewis H.] Douglas. Lew Douglas and Duane and I were good friends. I knew Lew until the time of his death. I was stationed on Ascension Island in the army when Lew came through (1943-1944) when he was--what was his office? Budget?

McNulty: Office of Management and Budget.

Hall: Yes. That's right. Management and Budget. He came through with some bunch of bigwigs, generals and politicians en route to--and admirals--en route to northern Italy. They were going to talk with some of our allies in an undisclosed place in northern Africa. I didn't know anyone who was coming through on that plane except I'd been advised that a V.I.P. plane was coming in and I was to get dressed properly and go down and--I was then one of the ranking officers,

incidentally. That was one of the reasons I went down. And I was standing rigidly at attention when the group came off the airplane and Lew Douglas came up and said, "Hello, Tommy." I said, "Hello, Lew." My commanding officer was very upset with me that I hadn't told him that I knew Lew. I said, "I didn't know Mr. Douglas was coming on that airplane, Colonel. (laughter) I couldn't have told you."

Tape 1, Side 2

McNulty: Was this during the war years, or right after?

Hall: Yes, it was during the active period of the war. That would have been in 1943. The latter part of 1943.

McNulty: Who were some of the judges before whom you practiced that you have a special feeling for?

Hall: Well, O'Connor was the first judge that I practiced before. Willis A. O'Connor, his name was, and he was a fine gentleman, self-taught, but he was a very literary man and a studious man. Came from Indiana, and he had practiced law before he became judge. He was judge for a number of years during my early days. He and I--he was always very kindly toward me. I remember one day when I was arguing a point of law to him, he leaned down over the bench and he looked at me and he said, "Tommy, are you serious?"

(tape off for a few minutes while Mr. Hall speaks with a visitor)

Hall: Talking about Judge O'Connor leaning down on the bench and saying to me, "Tommy, are you serious?" (laughs) You can imagine the effect that had on opposing counsel. (laughter) But, the first case I tried by myself was in December of 1932. I was appointed to defend an Indian named John Paul Bohn. B-O-H-N. And he was as unsavory looking and acting a character as one might find. He had been charged with stealing some cattle from a well-known local cattleman. That was frowned upon, especially in those days, and they were present to see that he got a good trial. But Judge O'Connor got hold of me in chambers and he said, "Now Tommy, you do the best you can. No way in the world you're going to win this lawsuit. I don't want you to be disappointed. Do the very best you can. You're learning and it's good experience for you." Well we went back, tried the case, the jury came in, the foreman said, "Not guilty. Merry Christmas." (laughter) It was the afternoon of December 24th, 1932. I'm sure Christmas had nothing to do with--the Christmas spirit--had nothing to do with the rendition of that verdict, but that's the way it happened. John Paul Bohn taught me a valuable lesson: not to be too dubious about what your clients are telling you. I

hadn't learned that yet. He told me--I was visiting him down in jail, and of course he saw that, you know what kind of kid, smart-aleck kid he thought I was--I always dressed that word up a little bit, kid--and he was amazed that he would have to put his affairs into my hands; and god, he was mean. He wouldn't answer any--he spoke pretty good English, incidentally--he wouldn't give me any cooperation at all, but I finally got his version of the events out of him. I told him, I said, "I don't believe you. No one's going to believe you. If you're going to lie, I don't want you to, but if you're going to lie, for God's sake, tell us an intelligent lie. But in the meantime, think it over and tell me the truth." And he cursed me roundly and told me to get the hell out. Which I did. I came back several days later and he'd cooled off. But he told me exactly the same story he'd told me the first time. And that's exactly the same story he told on the witness stand. And the jury must have believed part of it, because they couldn't have acquitted him solely because it was Christmas. They may have acquitted him in part because it was Tommy Hall's first jury trial too. And many of the jurors were friends, family friends.

McNulty: Who were some of the other judges that you particularly remember?

Hall: Then, O'Connor was succeeded by Charles L. Hardy, who with his brother Leslie were practicing law in Nogales. Charlie stayed in Nogales and wound up on the bench. Leslie left Nogales--and you may know this about him--and went to practice in Phoenix. Among other things he was the chief compiler of the code, the present revised statutes. He was a very nice and distinguished gentleman, handsome, brunette. His brother Charlie, who stayed in Nogales, was not so handsome, but he was a fine-looking man, brown hair, brown eyes. Neither one of them spoke Spanish, having lived there for many years, which was a disadvantage to them.

Charles, Charlie Hardy tried one of the most notorious cases of the day. [In 1938] A man named either Morris or Newton had murdered my uncle, Duane's brother Tracy. And he had been brought to trial, been found, entirely by accident, a series of events. He hadn't intended to bother Tracy. He was a soldier, a black soldier from Huachuca, and he would come down-- in those days there was a bar called Everybody's Place in Nogales, operated by a man named Byrd, spelled his name B-Y-R-D. And he was A.J. Byrd, but he was commonly called Slim. This Negro soldier--I should say black, I suppose, in those days he was called Negro--this black soldier had been in this bar on a

weekend and he had seen the amount of money that was taken in, and kept when the bar closed on Saturday evening, and taken home in a sack by the bartender.

He came back to Nogales on a Saturday; went downtown and addressed a citizen on the street and asked the citizen if he knew Slim Byrd. This particular citizen thought he was talking about Duane's brother Tracy, who also was a very tall and slender man. And so this citizen told the soldier where Tracy lived. And when Tracy went home late that night he was accosted in the foyer of the little apartment--where I had lived earlier, incidentally--where he then lived. The soldier later confessed. His defense was that he had been under the influence of marijuana and had not been aware or was not responsible for what he did. But he said that he had stuck Tracy up and Tracy refused to raise his hands, whirled and grabbed the barrel of the pistol, and in the ensuing struggle they fell to the floor, and this fellow shot Tracy in the back twice. He ran, the soldier ran, down the hill and across a place I won't describe, although it was interesting. And he threw off his shirt. It was a white shirt that had blood stains on it, but it also had his army serial number on it.

In that way he was traced down, apprehended and

brought down, and then the bartender could identify him, and the citizen who had identified Tracy and who was a friend of ours--and who felt terrible, incidentally--he identified him. Then the soldier admitted he had shot Tracy under the circumstances and got off, tried to get off on the basis that he was under the influence of marijuana. But he hadn't been very well trained by his lawyer and he got the symptoms of marijuana backwards a little bit, and didn't succeed at it. Duane and I, this is a gruesome thing, were specially employed to prosecute him. Duane didn't participate much; he was there for an obvious reason. A jury was trying the case, Charlie Hardy was presiding as judge. Excuse me, I'm having a little voice trouble, which is part of my territory.

My job was to cross-examine the doctor who was going to testify to the symptoms manifested by a person under the influence of marijuana. Duane did practically no examining. Dad, Dad Thurman was the county attorney. Duane addressed the jury briefly. I didn't. And Charlie Hardy had to determine--my real function was to research the law and find how many times the death penalty had been meted out to persons who had, in effect, pleaded guilty. And I did that. I'm embarrassed sometimes, in retrospect, that I did. But, not really, although I realize that there might

have been an ethical aspect that I was too blind to see, because I was fond of my uncle. Anyway, that was my function. And I argued that to Charlie and Charlie imposed the death sentence. The soldier was taken to Florence. He escaped by tying pillows around him front and rear and jumping over the wall. Broke his fall. He was re-captured. Put to death in the gas chamber--gas had just come on at that time--and Duane and I received an invitation, which was the custom in those days, black rim around the white letter, inviting us to be present at the execution. We didn't go, but we got the letter.

We had earlier gotten a similar letter when a kid named [George J.] Shaughnessy had murdered a well-know Tucsonan named Glen [Lon?] Blankenship. Glen was a well-to-do man and engaged in several businesses, including the automobile business. He was returning from a business trip to Nogales and he picked up a young man along the road, who, it turned out, had broken in the National Guard Armory and taken a forty-five caliber automatic and some ammunition and a shirt, an olive drab shirt. And he was standing along the roadside thumbing rides. In those days none of us ever refused a hitch-hiker, whether a man or woman was driving, invariably--I don't know how many times Nona picked up hitch-hikers. Anyway, Glen picked him up;

and to abbreviate it, he shot Glen and didn't kill him right away. He ran in, he thought that a little Mexican family in a little adobe home there near what was then the Calabasas store: and he ran in there screaming and hollering. He realized that they had not seen him and that they were terrified, but they later identified him. He took Glen out and dumped him on his back--face up in the summer sun on top of an ant bed. And at some time along the way Glen died.

We were employed by the Blankenship family to prosecute that case, which we did. He was convicted, and we got one of those black-rimmed invitations, which we did not accept. But one time when I was up in the state penitentiary examining the gallows--which had not been dispended then--and the gas chamber, just out of curiosity, I was in the pit below the gallows, to which the body fell. Around the wall they had in little glass-covered receptacles the noose and the picture of the person who had been hanged and a little data respecting him. In that room there was, among other things, a noose which had hanged the first woman [Eva Dugan] who had ever been hanged in Arizona. When she was hanged her head came off, I don't know whether that is generally known, but it did. She was decapitated by the fall. Her picture and her noose, amongst other pictures and nooses, were in there.

This soldier's name was on the wall, and his picture, no noose of course, in the gas chamber. A little room that surrounded--did you ever go in there, Jim? In the gas chamber?

McNulty: I did, when I was the State Senate. Tom, when you talk about being hired specially to prosecute, would the County Attorney just step aside?

Hall: No. He made us assistants.

McNulty: I see.

Hall: We prosecuted. We were named--deputized for the moment, and privately paid, obviously.

McNulty: Did you ever hold any political office?

Hall: No big ones. I was an alderman of the City of Nogales. I'll tell you about that, that's kind of interesting too. And then I was a member of the school, board of school trustees. I didn't aspire to public office, although I was quite active in my early days in the political world. I began as a runner when I was a little boy. I would go over to the Democratic headquarters and run the list of voters back from the polls and they would strike the name of the person who had voted and if necessary call so-and-so and tell him to get the hell down to the polls.

McNulty: So they had a track on who had voted.

Hall: Yes. Who had voted. And I ran those things back and forth in my early days. Later on when that was still

the practice--do you remember Dines Nelson and Hubert Merriwether?

McNulty: I do.

Hall: Well, Hubert, you remember, was a member of the--and so was Dines--they were members of the Legislature. Hubert who was a merry fellow, a dude, composed a scurrilous song. It began, the refrain was, "Packing the pintos to the polls." And that originated in those days. Anyway, to refer briefly to your question of what I did in a political way. I backed into the job of being alderman. In those days there was a very charming man, slightly on the rascal side, but a very charming man who had been in Nogales many years, named Andy [Andrew L.] Bettwy and he'd married one of the pioneer girls and had settled there. He later went to the army, distinguished himself. But anyway, he had become mayor and neither the Democrats nor the Republicans, many of them didn't like Andy. We had at that time in the old headquarters of Stephen D. Little, the old army camp there, there were still some remnants of caretaking troops there; but, more importantly, those were hard-up days and they had shipped several hundred so-called transients, unfortunate guys from professional tramps to guys that simply were down on their luck for the time being. There were several hundred of them housed in the

barracks there at Camp Stephen D. Little. Well, Bettwy and his group conceived the idea of registering those fellows, and they were on the poll, on the electoral list, and were intending to present themselves as electors. I was employed, Duane and I were employed, to do something about it. And I devised a writ that we got issued, obviously a more or less temporary restraining order type of writ. We brought down to try that case the Honorable J.C. Niles, who was a--no. We brought Snarlin' Marlin T. Phelps down to try that case, and it was a good choice. I believe Gordon [Farley] participated in that case. I think he was City Attorney at that time.

McNulty: What was the objective of the proceeding?

Hall: The objective was to get those names off of the rolls.

McNulty: Did some attorney show up and defend the cause?

Hall: Yes. I think it was Gordon. I think Gordon and somebody else defended it. And we tried the case.

(tape off briefly)

McNulty: O.K.

Hall: Cheshire, C.C. Cheshire, who became mayor and one or two of the other candidates, I think, no, I think Ches did it all by himself. He was the plaintiff and the defendants were Bettwy as mayor and members of--we called them aldermen in those days--the City Council. We got the order issued, returnable almost the next

day, issued, and Snarlin' Marlin came down and we tried the case--the election was just a few days off when the matter was heard--I didn't know about this business of the polls having been augmented by all these transients and neither did Duane. But we were brought in at the last minute. I dreamed up a theory and Duane and I--I wish you could have seen the number of defendants. It took several pages of typing just to list the defendants, because we had to name each of these people who was on the electoral rolls, the voter's rolls, electors' rolls. Anyway, the writ was returned and it was resisted on the basis of law, mostly. Snarlin' Marlin was not impressed with the argument for some reason, nor was he at all impressed with the defendants' request for additional time, which would have taken us beyond the day of the primary election. He issued that writ then and there. The rolls were purged, and none of those guys voted. I was on that, I was a candidate for [alderman], and had been, that's one reason, not the only reason, I think it would have come to Duane and me anyway, but that was one reason I participated in it. We were elected, and I served out that term as a member of the Board of Aldermen.

McNulty: There was a famous case in Santa Cruz County involving a woman named Mrs. Marshall. [Louise Foucar Marshall]

Hall: Yes.

McNulty: Do you remember the case?

Hall: I remember that. I was not yet admitted to the Bar. Mrs. Marshall was tried on the change of venue from Tucson to Nogales. Her lawyers, who were George [R.] Darnell and his partner [Samuel L.] Kingan, Kingan and Darnell, came down and employed Duane, which was a good move for obvious reasons, on account of his familiarity with the local situation and the jury. Duane assisted in the trial of that case. Actively assisted in preparation in addition to the trial proper. I was not present. I was away in college. I think I was in law school, actually. Duane told me that there were some marvelous arguments made to that jury. And that Kingan, who was reputed as (an orator as well as) a lawyer, had gotten so carried away in addressing the jury that he turned his back to the jury and addressed the people in the courtroom, which was packed. Every available sitting and standing space was packed. Anyway, the real defense--I think I told you this, Jim--the real defense in that case was that the doctors had killed Mr. Marshall. That he had had a couple of superficial wounds and, and in his medical treatment he had become infected and he died as a consequence of the infections.

McNulty: Was it true that he had been shot while he was asleep.

Hall: He was shot in bed while he was asleep. By a little lady who sat in the courtroom, a little white-haired lady, long dress and little shawl in a rocking chair, knitting. [Mrs. Marshall] Pretty hard to believe that she had been the woman who . . .

McNulty: Did she ever take the stand?

Hall: No. Well, I don't think so. No. She was acquitted, as you probably remember. There was an uproar over that case, of course, mostly here in Tucson because of her, and his, prominence in the community. Of course, she then went on and established the Marshall Foundation which has done so many fine things. I think a fellow named Molloy is the head of the Marshall Foundation, isn't he now? Isn't John the head of it?

McNulty: He is indeed. You said earlier something about the perils of translators in a bilingual courtroom.

Hall: Oh, interpreting?

McNulty: Yes.

Hall: Well, of your own experience you probably will remember the--no, not you, because you understood some Spanish. Did you ever try a case in which you did not understand the language of the witness? And you had to act through an interpreter?

McNulty: No.

Hall: Well. If you did, this would be more real to you.

Lawyers and judges and those members of the jury who don't speak the witness' language are at the absolute mercy of the interpreter. And that, not necessarily, I don't mean mercy so much in the sense that he can evilly decide what to say and what not to say, but he [the lawyer] is at the mercy of the interpreter in the latter's pure ability to convey the truth of the question asked and the answer made. Because the question is delivered in English and translated by the interpreter into the language of the witness. The witness responds in his language and the interpreter gives his answer in English for the reporter. And somewhere in there many things go wrong. In Nogales it wasn't too bad because, not after Gordon assumed the bench, because he knew Spanish. Duane and I were the only Nogales practitioners that knew Spanish, of the group I've mentioned to you. G.A. Little, who later practiced there, knew some Spanish. But we were constantly troubled with questions of interpretation. Sometimes the interpreter would make an interpretation favorable to your client. Then what do you do? You've got an obligation to your client, too. Sometimes he would make an interpretation unfavorable to your client, then in my mind there was no doubt what to do, and when that was really bad I would try to ask the interpreter to listen to the question and

re-interpret it. Or listen to the answer and re-interpret it. And sometimes that corrected it. Sometimes, though, I would fall afoul of the interpreter, or Duane would. And I had a personal experience, the reason I know. I was trying a case involving a Chinese planter down in Culiacan, a very wealthy planter down there, and he had survived the purge of Chinese out of Mexico because he was wealthy and smart. He sued a local broker, produce broker in Nogales, with the good name of U.S. Bond. "U.S." Bond was named for U.S. Grant. U.S. Bond was the damndest southerner you ever saw in your life. He was square out of Tennessee and no one needed to tell you that from his speech. Delightful and intelligent man. He was named U.S. Bond and, by the way, his mother had been a descendant of the Grant family when she married a damned Tennessean. Anyhow, in the course of that case this Chinese plaintiff took the stand and we had to have a Chinese interpreter. Wong, the witness, was a very elegant and distinguished Chinaman. He was tall and slender, beautifully dressed in a silk, long black silk robe that fit him, typical, around the throat to his feet. He wore cloth shoes. He wore a black silk hat, and he carried a black--what is that black stuff called they make fans out of--anyway a black fan. And when his turn came to be interpreted,

we had to call upon the services of a local Chinese grocer who, coincidentally, was named Y.C. Wong. And Y.C. was sworn as an interpreter--Y.C., although Chinese and spoke Chinese, had been pretty much educated in the United States, so he spoke quite good English. Well, we swore the interpreter truthfully and so on to interpret and Y.C. took his seat next to the witness on the witness stand, which was elevated in Nogales, and the first question was, "What is your name?" And Y.C. said to this witness, in Chinese, something, and the Chinese said something back to Y.C. Wong. And Y.C. stiffened up a little bit and he said something to the witness in Chinese. The witness said something at length to Wong in Chinese. Wong jumped up, clicked his heels together and started bowing from his waist to the witness. So the judge finally said, "Mr. Wong," he said, "this is very interesting, but we must get ahead. So the question was, 'What is your name?'" And this was the origin, as far as I'm concerned, of what later became as a joke, "Kim say so-and-so." But Y.C. said, "His name is Wong." No, he translated accurately. "My name is Wong." But he didn't say "Me name Wong," which became part of the local lore later. Well, we had to conduct that entire, that entire interrogation through this interpreter, and it involved some fairly complicated

questions of bookkeeping mostly, records of the handling of produce that had belonged to Wong and been handled by Bond. When the noon recess came, I met Y.C. by accident out in the hall of the courtroom there, the foyer, and I said, "Y.C., for the love of Pete, what was all that bowing and scraping and monkey business you were going through?" And he said, very seriously he said, "Tommy, that's the head of my Tong, and I was not about to do, going to do anything to hurt his feelings." And then I said, "How much did you explain to him?" He said, "Very little, actually. I was able to convey pretty well in Chinese. Once in a while he would ask me a question to elaborate on what the question was. And I would. Well of course, none of us knew that and the record never reflected that. But it's apropos of what I'm saying, Jim.

McNulty: Let me ask you about Appellate or Supreme Court justices. Are there any of those whom you particularly remember?

Hall: Well, I remember Justices [Henry David] Ross, [A.G.] McAlister and [Alfred Collins] Lockwood as being on the court when I first went on. Later on, oh, I remember. . . .

McNulty: Well, Judges Udall and DeConcini.

Hall: Udall, both Udalls [Jesse A. Udall and Levi S. Udall]. [Evo] DeConcini. Oh, hell. Names, names. Funny the

way you remember the older ones sometimes more easily than the younger ones.

McNulty: Were you close to any of these men?

Hall: Not particularly. Frank [X.] Gordon and I were friends. We knew one another before he went on the bench.

McNulty: You're talking about the current Chief Justice or his father?

Hall: I'm talking about the current Chief Justice. Duane and Frank's father were friends in the days when they were in Kingman, of course. I don't remember Frank's father. Duane knew him. And Frank and I have remained personal friends. In fact, I had a letter from him yesterday on another matter. But we've remained personal friends through the years. And all of the members except the newest member of the present court I know, of course. But the old-timers are the ones--I knew Lorna Lockwood when she went on the bench.

McNulty: As well as her father?

Hall: As well as her father. Yes. I remember once when I was addressing the bench and Judge Ross was--and McAlister and Lockwood--were on the bench. A case that arose in Nogales, but was tried by two Douglas lawyers, whose names I--they were married. [Laura F. Gilmore and William G. Gilmore] He was quite a bit

older than his wife and she was one of the first able women lawyers of my acquaintance, and a rarity because there were practically no women lawyers in Arizona at that time. She was a prototype of today's yuppie. She wore a dark skirt, dark blouse, white shirt and a white tie tied feminine style, and low, not flat-heeled, but low-heeled dark shoes. She was a very proper lady and she had a very bad temper. And, when--she did nothing in the trial of the case. Her husband was the trial lawyer. She was the brief writer and arguer of appeals and we were arguing the case and Judge Ross was presiding. I won the case and she had appealed it; and in the course of the appellate argument, the opening argument, she kind of took me apart. And when my turn came I didn't attack her personally but I attacked the validity of some of the thinking, as I saw it. I'm not sure it was valid at the time, but it was directed at the argument, and she became increasingly irritated. When I finished and she got up, she jumped right up, to resume the closing argument, and the first thing she said was, "Mr. Hall is no gentleman." And Judge Ross looked at her and smiled kindly, and he said, "Well, Mrs. Jane Doe, Mrs. So-and so, I don't think Mr. Hall really lacks in gentility." He said, "He has generally comported himself in a courteous way before this

court. Go ahead."--he didn't really dress her down, but he didn't let her get away with that outburst. Very nicely I thought. Could you possibly remember her name?

McNulty: I don't. And I . . .

Hall: Martin knew them well.

McNulty: . . . went to Bisbee in 1951 and I'm surprised . . .

Hall: Well then, this occurred before then, of course.

McNulty: I know, but I knew those old-timers and I'm surprised that I . . .

Hall: Yes. Well I don't know whether they lasted on that long or not.

McNulty: Yes.

Hall: But, I don't know how they got hired to come to Nogales in some dispute over a real property problem. And they were there.

McNulty: We've tried in these interviews to get folks to contrast what would seem to be the practice of law currently with the way that you remember it fifty or fifty-five years ago.

Hall: Well, I remember that the feeling between lawyers at that time was notably different than it is now.

McNulty: In what way?

Hall: We were either very good, warm personal friends or we cared very little for one another, and that was displayed. On the other hand, I don't think I, I

can't ever remember in the trial court ever making a written stipulation. What we agreed to both in court and out of court we accepted, and acted on. And I'll say with some degree of pleasure, I never had any occasion to regret an oral stipulation. Later on when you were required by rule of court to have stipulations for the court in writing, then of course some of us made them because we had to, although it was not required as between ourselves. That was one of the notable differences.

McNulty: Does that suggest there was a higher sense of the professionalism of the Bar?

Hall: I would have called it professionalism. I'm not sure today's lawyers would call that professional. I would say it was professionalism.

McNulty: Yes.

Hall: I regard it as such. And I'm very proud of the members of the Bar of that period. They were so scrupulous about their verbal commitments. Scrupulous, scrupulous. Of course we spent a lot of time in those days in one another's company. And in one another's homes. And at the bar, it was the liquor bar.

McNulty: Was it a prestigious thing to be a lawyer in rural Arizona in 1930, 1935?

Hall: Yes it was. We were respected.

McNulty: More so than today?

Hall: I think so. Because, well we all know the general prevalent public opinion of our profession, but in those days that was not true. Then it was quite prestigious to be a judge, especially so, and to be just a practitioner also.

McNulty: Is society more litigious today than it was?

Hall: Oh! Unquestionably! Unquestionably.

McNulty: Well, what's the difference? Were there other vehicles for solving disputes?

Hall: Well there wasn't so much news-media publicity educating the general public into the proposition that if anybody does you harm go sue him. In those days that was not true. Occasionally a piece of litigation of, oh, maybe notoriety, murder trial or something like that, or a big case that would attract public attention and get attention in the press, but there was very little in the press about the details of lawsuits. That, of course, has long since disappeared, and we're at the mercy of the reporters, now, for accuracy as to what goes on.

McNulty: Were there other ways to solve quarrels than by going to the courts?

Hall: Well, we, most of us, made efforts to--there was not so much insurance--most of us made efforts in our clients' interests, to solve cases, if we could. And

very frequently with success. That case of Wong, that I was describing, and Bond, after we had tried the case for a day we all got together and settled it. With no trouble at all, because when the evidence had been out it appeared there was something legitimate to be said on both sides, and we settled that case. I don't know how many cases I've settled--having been gone through the pleading phases, but before going to trial, and some after going to trial.

McNulty: What do you see as the effects of wide-spread news publicity about cases today?

Hall: I believe it influences them because I don't believe that jurors don't read some of that stuff or don't watch the tube when the news is being broadcast. And I believe that--I'm not necessarily, I don't mean to imply now that it's done to impress the jurors, but I can't help but believe that the jurors are somewhat affected by it. And I believe they read things they are not supposed to read.

Tape 2, Side 1

McNulty: The size of jury verdicts, have you an opinion about those numbers currently?

Hall: Well, of course, they seem to me, many of them, to be out of this world, but I think that's because of the

period in both the economy and the practice as it was in my active days, Jim. I'm sure some of these big verdicts are justified, but I think many of them are not.

McNulty: Other than lawyers attempting to talk clients out of doubtful litigation, were there any other societal pressures that would steer people away from the courts? Or were there other methods by which they could have their quarrels . . .

Hall: Solved?

McNulty: Yes.

Hall: Well, in my day, of course, they were solved by fist fights and gun fights. That was one way to solve them. But, also, people in those days would get together and simply chew one another until they chewed it out. And I think that was more common. I think people are less prone to that kind of quarreling now, than they were then. People shout at one another now, and say all kind of vulgar things to one another, but I don't think that this fisticuff talking, literally with fist under the fellow's nose, is as common as it was in those days. And I'm sure in many cases it brought results, in the sense that they made peace between themselves.

McNulty: Were justices of the peace or church organizations or fraternal organizations involved in any way in

conflict resolution?

Hall: In those days, members of the church frequently intervened in the interest of parties that they regarded either as members of their own church, primarily, or basically Christian people. And a lot of things were resolved in that channel. The justices of the peace were great also. One of the justices of the peace in my experience was the father [Charles E. Hardy] of the two Hardy brothers. And he had come to Nogales in the employ of the Southern Pacific. He wasn't an engineer, but in some of their upper echelons, and he had had the wisdom to see that, although he had been a working man, he saw to it that both his boys were educated for the law. Anyway, after he retired he became a justice of the peace and was for many years. Never studied the law. One of the best justices of the peace, in fact best judges I ever saw. He had an innate sense of what was fair, and his actions as judge, he frequently I think--well he was supposed to I think--he paid sometimes very little attention to black letter law and a great deal of attention to what he thought was just. He and others like him. He was succeeded by a man who had been a school janitor, and he also, although not as able, he was a kindly and very humane man. And he did, he followed in those same footsteps.

McNulty: And these justices of the peace would tell quarreling parties that things should be decided in such and such a fashion? And to a remarkable degree the people accepted that?

Hall: Yes. Sure. And they'd go out and the judge would say, "Well, I'll enter judgement if you want me to. I'm about to do it, but is there any possible way. . . ?" And then if they couldn't, he'd enter judgment. That would be the end of it. And that was I think, oh, I'm sure that doesn't occur any more. At least I think I'm sure. That had disappeared, actually, by the time I was winding up my career as a lawyer, and as a teacher of law.

I could tell you some interesting things that happened in the Nogales Justice of the Peace Court. There was a Justice of the Peace Court out in Patagonia, Gordon's home town. And the justice of the peace was a barber. His name was Cyril Forsyth. We were out there one day, I was out there one day, and the County Attorney and a representative of one of the ranchers of that area were out there one day in a hassle over the sanitary laws as affecting the cattle, and it had a criminal aspect that had to be processed anyway. It wasn't a--it was a forfeiture rather than a criminal procedure under the statutes, part of which took place in the presence of the justice of the

peace. So the J.P.--and Forsyth in Patagonia was the J.P.--we went out there on a Saturday afternoon to accommodate one of the lawyers. I think it must have been the lawyer for the rancher, one of the ranchers. Anyway, we were out there and of course that was Cyril Forsyth's big business day, Saturday afternoon haircuts and shave preparatory to Sunday's church and what not. Sunday's or the weekend. So the judge convened court in the barber shop and he barbered while we tried the case. (laughter) That's true, Jim. Absolutely, literally true. Sat there snipping, snipping. He would rule on an occasional objection. Snip, snip. Collect from him, from one customer and out he would go.

Another interesting case I tried, I think might interest you, because of a humanitarian aspect involved. There was a--Judge Hardy, the J.P. I mentioned, was also the police magistrate for the City of Nogales. And the City Attorney was then Nasib Karam. Do you remember Nasib?

McNulty: I do very well.

Hall: Yes. Well, Nasib Karam was then City Attorney and he and I were great friends from the time he came until the time he died. But of course we were always in conflict with one another because in a small community sooner or later you have to try cases against your

best friends. Anyway, Nasib Karam was the City Attorney. Well, my little daughter woke me up early one morning, shaking me, "Daddy, Daddy, wake up." And here there were tears in her eyes. And right behind her was one of Nasib's nieces, a little friend of my daughter's, who never spoke. Never spoke until she got to be--I don't know how old. Now she's teaching school, a beautiful woman. But in those days she was quiet, spoke to Susie, our daughter, volubly, but never to Nona or me once. She was standing there with her and my daughter said, "Daddy, Daddy. They've arrested Skippy." Well Skippy was a red chow, mean vicious dog that belonged to Nasib's brother, Alex Karam who were fairly close to being neighbors of ours. I had to go by the Karam residence every morning and quarrel with Skippy, who invariably offered to bite me, on the way down. And while I walked home in the afternoon he invariably offered to bite me again. And so my immediate reaction to my daughter's announcement was, Thank God. And I said so to Nona, but it didn't deter my daughter. She kept shaking me. And I took one look at her little face and I said, "No, I'm not going to let them arrest Skippy." I thought Nasib might be able to square that out. Well, the case was taken into the Police Court on some misdemeanor charge in which Nasib's brother

was the nominal defendant and in which Skippy was the true defendant. And Skippy sat on the desk in front of the judge, and I, his lawyer, on one side and his master and mistress on the other side. Nasib couldn't participate because he was City Attorney. Who. . . ? Somebody pinch hit for Nasib. And he was sympathetic with the case too. Anyway, the complaining witnesses were not dog-bitten people, but neighbors who lived across the way, had a fenced yard. Skippy would hop over the fence and tear up the lawn. And these were delightful old-time pioneer residents, mother and daughter, and both of whom were dear friends of mine and Nona's, my wife. Anyway, the mother was testifying and I was cross-examining her, very courteously because I respected her and liked her. But her daughter didn't like it very much and her daughter said to me, in the midst of all these proceedings--everybody called me Tommy--"Tommy, you can't talk to my mother like that." (laughs) So the police magistrate had to tone the daughter down first. When the case was over I made a few remarks based on the constitutionality of the statute. And Judge Hardy told me in substance that I knew very well that he didn't know anything about constitutional law and would I get to the point. And so I made a few remarks and I was reaching out to draw attention to the dog

and the dog bit me. (laughter) I think I've still got the, you can still fairly discern this little faint scar on my hand. Bit me right through the hand. So that's the way you practiced law before the magistrates and justices of the peace in a rural community of long ago.

McNulty: You didn't ask for leave to amend your closing remarks.

Hall: No. It came out beautifully. The judge took the matter under advisement and the judge and the nominal city attorney and I, the actual attorney for the dog, went out and sat on the tracks of the Southern Pacific Railroad Company, which ran right behind the City Hall. We sat there on the tracks and chewed the breeze for a while and the question was, What could we do to dispose of this insoluble constitutional law question. Well, the solution was, that we arrived at, was to require that Skippy be taken by his family and transferred out to live on a little farm they had out north of Nogales. And I don't think anybody was any happier than I was at that solution. Skippy was transported out to the farm and he stayed out there a modest period of time. Then he mysteriously reappeared, but from then on they kept him on a leash in his back yard.

McNulty: Tom Hall, thanks for a very fine, splendid interview.

Hall: Well, thank you, Jim. Obviously I had the fun. You didn't have much fun.

McNulty: I'm of half a mind that we could do a similar amount of time all over again and never encounter the same stories again.

Hall: Oh, I've got a few notes to remind me of things that I think are interesting, but I'm delighted. I think I've said as much as I'm entitled to say.

McNulty: (laughs) Thank you.

Hall: I want to say something. I want to have a, I may have said something that gave you a bad impression about what I think about Gordon. Gordon was a fine judge. And we were friends and remained friends throughout and still are. But when I spoke about his earlier days when he was struggling to learn to be a judge, I'm afraid that may have sounded as if I was putting him down. I didn't mean to do that. Any judge would have had the same problem, I'm sure.

McNulty: I bragged on Judge Farley to Judge James Hathaway at the State Bar last Friday afternoon, and after I'd gone on for a little while Judge Hathaway said, "Oh, yes, yes." He remembered Judge Farley very well indeed. Especially the time that Judge Farley had defeated Judge Hathaway's father for a seat in the Arizona House of Representatives.

Hall: That's right. (laughter) Jim Hathaway as you know,

practiced law in Nogales, and was County Attorney for a while, and he and I are great friends--I'm older than he--but we were friends since his childhood. I defended his uncle in one of the sensational murder cases down there. Who was named Jim Hathaway too.

McNulty: Yes. That was Jim's uncle.

Hall: Uncle Jim. Yes.

McNulty: Accused of killing . . .

Hall: Fred Telles.

McNulty: There was no question that he did kill him.

Hall: Oh, sure. He shot him.

McNulty: Yes.

Hall: No question about that.

McNulty: And he was charged with what?

Hall: He was charged with murder. This case happened just when a book had been written about--in effect "murder at the O.K. Corral," or something like that, and the press got hold of it and it was widely mooted, not only locally but throughout the country. Jim had--you're through with me. I'll tell you this some other time when it's more convenient for you.

McNulty: I think I'd like to come back.

Hall: Oh, no. I don't want you to do that, but I'll tell you, just as a matter of personal interest.

McNulty: Well, no. We want this on the tape.

Hall: Well, go on. You've got, I heard you make a noon

appointment, Jim. Now get going.

McNulty: Well, but, tell us about this.

Hall: Well, okay.

McNulty: Because I remember this one. This was after I came here.

Hall: Well, okay. Jim, Jim Hathaway was a legend in his lifetime. In fact, I once not only thought about it, but did write a series of stories about him where I elevated him into legendary stature, like Paul Bunyon and John Henry and people like that, folk heroes of our, of the American society. And I, with Jim's permission, I was going to name my hero Jim Hathaway. He was the prototype, and I had very little to do to aggrandize him into a legend. Anyway, Jim was a real cowman. Tough, also very gentle sometimes, and very, very courageous. He had been in several scrapes prior to the time that he and Telles got into this fight. Juan Telles was a well-known rancher near Elgin. He and Jim had been friends through their lives.

Jim was at the corrals there at Sonoita loading cattle for a friend of his who was a lady named Edith Whiteside, I don't suppose you would remember her, but she was well-known in the area at the time. Juan had been drinking that day and he came down to the corral and sought to engage Jim in a conversation in Spanish, in the course of which he made some unflattering

remarks about Mrs. Whiteside, in Spanish. And Jim told Juan, "Shut up," both in English and in Spanish. At least Mrs. Whiteside later testified that and the jury apparently believed it.

Anyway, Juan then, being drunk, was truculent that Jim would speak to him in that fashion and he fired back and Jim slapped him lightly. And that did it. Juan flew off in a rage and he hopped in his car, went home, came back--had a little Plymouth coupe--came back, parked the car nose-in to the wings of the corral, got out and he was standing behind his car and he took a shot with a pistol at Jim. And he missed. He took another shot with his rifle. And missed. Then Jim dropped on his knee, turned sideways--he had shoved Edith out of the way--turned sideways, and he shot two shots up through the Plymouth, traversing upward, to get Juan out from behind the car. And it worked. Juan came down behind the wing of the corral and--you remember corrals, there the wings are horizontal boards and they have open spaces between them--so that Juan was partially concealed but partially quite visible behind these wooden wings. And he took another shot at Jim, and missed him. So Jim shot him. And hit him in the chest. He didn't die right away, and when the people began to get there Jim was sitting on the ground holding Juan in his

arms. And Juan apologized to him. Well, they accused him--excuse me, I'm emotionally upset by it. Because these people were friends of mine.

McNulty: This would have been in the late 1940's, I would guess.

Hall: Yes. Yes, it was.

McNulty: Because I remember, I was going to school here when that happened.

Hall: Do you remember that happening?

McNulty: I do.

Hall: Okay. And so he was, Jim was accused of murder. And I defended him.

McNulty: What County Attorney pressed that charge? Ruffo Espinosa?

Hall: Yes, it may have been--it was Ruffo Espinosa.

McNulty: Yes.

Hall: Anyway, Jim, obviously we defended him, and he was acquitted. But that was a very dramatic trial and drew an awful lot of notoriety.

McNulty: It did.

Hall: Because of the--and of course the town--there were a lot of people who didn't like Jim. And there were a lot of people who liked the Telleses. I liked the Telleses.

McNulty: There are still a bunch of them around down there.

Hall: Still a bunch of them. Yes. But the community

divided sharply into parties and when that case came on for trial, even at that late juncture, we had done it before in cases that I had tried, but at that late juncture they stationed deputy sheriffs at the door of the courtroom and everybody who came in was frisked. At that late juncture, two of them were armed.

McNulty: Two people who were coming to . . .

Hall: Two of the spectators came in armed.

McNulty: Yes.

Hall: Now in an earlier case that I tried a great many of them came in armed. Where there was division that way. Well it was a notable lawsuit. But Jim was acquitted, and when Jim was going home about, oh, within a few weeks after that, he was going home in the late afternoon, out to his place up on Turkey Creek. He had to go through a fence, and he had to dismount from the fence and get out to that old Texas-style gate, those drag gates. He was dragging the gate and he looked up and out of the brush stepped several of the Telles family. All armed. And they looked at one another, and Jim backed up to his jeep. He always kept--had the day he shot Juan--he had a rifle and a scabbard up behind his head on the, under the jeep top. Jim reached in there and pulled out his rifle, cocked it, and they faced one another. And they backed down. I think partly, not--I don't think

through cowardice. I think partly from the realization that, largely from the realization that what they were doing was wrong and just as bad as what they were mad about.

McNulty: Yes.

Hall: Somebody else killing somebody. Anyway, they quit and left him. But . . .

McNulty: And Jim lived out his life and died . . .

Hall: Jim. No, Jim died very properly. A bull gored him, in his own corral. And it was--I've got part of that in one of the stories I wrote about him, Jim.

McNulty: Yes.

Hall: And Jim's, Jim Hathaway, the judge, has a copy of that story.

McNulty: Tom Hall, thanks for your time.

Hall: Well, you're welcome again. I'm sorry to have . . .

McNulty: It's gone very swiftly.

Hall: It was fun for me. I'm sorry I became upset.

End of Interview

Thomas L. Hall Interview

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