

Evo DeConcini
Oral History Project:
Arizona Legal History

Interview with Ashby Lohse
June 9, 1987
AV 0399

Tucson: Arizona Historical Society



1988

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.

Ashby I. Lohse Interview

TABLE OF CONTENTS

Photograph.	i
Table of Contents11
Biographyiv
Parents' backgrounds.	1-2
Early schooling	2-3
Recreation in Tucson, 1920's.	3-4
Leslie Lohse (father) and Albert Steinfeld.	5
Arizonans' reaction to the Santa Fe Compact	6-8
Description of the University of Arizona, 1932.	8-9
Professors and activities at the University of Arizona.9-10
Recollections of Dean Samuel M. Fegtly.	11-13
University of Arizona College of Law courses and professors	13-16
Law school classmates	17-18
Bar exam, 1939.	18-19
Life in Tucson during the Depression.	19-21
Establishes law practice, Tucson.	19-23
Recollections of Ben Hill, Sr..24
Criminal cases assigned by the court.	25-26
Early interest in water law26
Association with John Haynes, Sr.	27-28
Purchase of and move to offices at 188 and 192 N. Church; partnership with Jack Donahue	28-29
Induction into the army, World War II	30-31

Service in army during World War II, European Theater .	31-35
Work for Tucson Title after World War II.	35-36
Development of class on title insurance at University of Arizona Law School	36-38
Explanation of title insurance and abstracts.	38-40
Beginning of title insurance companies in Arizona . . .	40-42
Marriage to Florence Widger, 1946	41-45
Growth of Tucson after World War II	45-46
Return to private practice; move to new building. . . .	46-47
First work with foundations	48-49
First court case, Justice of the Peace court.	49-50
On being a trial attorney	50
Appointment to Arizona Interstate Stream Commission	50-51
Involvement with Central Arizona Project (CAP).	51-53
Arizona vs. California water suit before the Supreme Court	51, 53-55
Congressional hearings on Central Arizona Project . . .	55-58
Other individuals involved with Central Arizona Project legislation	59-61
Continuing work for foundations	62-64
Changes in relationships between lawyers.	62-65
Reasons for litigiousness of society today.	66-67
Index of names.	68-69

Ashby I. Lohse Interview

Ashby Ira Lohse was born May 21, 1914, in Tucson, Arizona. His father, Leslie Albert Lohse, was a wholesale grocer and a close friend of Albert Steinfeld. Among other friends of the family were several lawyers who strongly influenced Ashby Lohse's choice of the law as a career.

Lohse attended Tucson public schools, Holladay and Roskrige, and graduated from Tucson High School in 1932. He then entered the University of Arizona and received his B.A. in economics in 1936, and his J.D. in 1939. Upon graduating from law school, he took the bar exam and began a private practice. In 1941 Lohse received a commission in the army, where he served until 1946, resigning as a colonel. Upon his return to Tucson he went to work for Tucson Title for nine months and then returned to private practice. In later years his practice consisted primarily of work with foundations.

Lohse has had a lifelong interest in water and water law and was appointed to the Interstate Stream Commission by Governor Paul Fannin.

This interview deals primarily with Lohse's experiences as a lawyer in Tucson and his observations on life in Tucson. He also tells of his experiences as an officer with a tank division of the Ninth Army during World War II, participating in every major tank battle in the European theater.

Lohse's interest in water matters is evident throughout the interview. He speaks extensively of the litigations

concerning Colorado River water and the history of the Central Arizona Project. Lohse's observations offer a valuable insight into the people and the issues surrounding water in Arizona.

He also reminisces on the changes in the relationships between lawyers and between lawyers and their clients. The interview ends with his observations as to the reasons for the litigiousness of society today.

ASHBY I. LOHSE INTERVIEW

It's June 9, 1986. We're here in the offices of attorney Ashby Lohse at 70 West Franklin in Tucson, Arizona, as part of the oral history project of the Arizona Historical Society dealing with legal history. [Also present is sound technician, Tim McIntire.]

Palmquist: Mr. Lohse, my name is Bob Palmquist and we're happy that you agreed to be interviewed by us today. We want to talk with you about the practice of law as you've seen it in Arizona. First, I'd like to get some general biographical information about you if we may. And let's start by asking you to give us your full name.

Lohse: My name is Ashby Ira Lohse.

Palmquist: And when and where were you born, Mr. Lohse?

Lohse: I was born in Tucson, Arizona, May 21, 1914.

Palmquist: And what were your parents' names?

Lohse: My father was Leslie Albert Lohse and my mother was Jessie Agnes Lohse.

Palmquist: What did your parents do for a living?

Lohse: My mother was the chief operator of the telephone company in Chicago, was sent over to L.A. [Los Angeles, California] for a while and then finally sent down to Tucson to set up the first telephone exchange. Shortly after her marriage she ceased working and became a housewife. My father was a wholesale grocerman, during his entire lifetime in

Tucson, Arizona.

Palmquist: When did your mother come to Tucson?

Lohse: In 1905 and my father came about 1904.

Palmquist: What was Tucson--what are, say, your earliest memories of what Tucson was like as a boy? Or when you were a boy?

Lohse: Well, as near as I can figure out the population when I was born was about ten thousand. We were still a horse and buggy situation. I was, I guess, about six or seven when I saw my first horseless carriage, which, as I recall, was one of the electric cars. A couple of women were driving downtown in the electric cars and they wore all finery and everything else. So it was basically a very simple town. A small town. We knew just about everybody.

Palmquist: What were the major businesses or sources of income to the city?

Lohse: Service, so far as Tucson was concerned; mines, cotton, cattle, on the outskirts.

Palmquist: Did you go to school here in town?

Lohse: Yes, sir. All of my schooling has been here. I went through grade school, high school and seven years of college.

Palmquist: Where was your grade school located? The school that you went to?

Lohse: First and second grades were Holladay, and that was located just west of the Tucson High School. At the time Tucson High School was across the street at Roskrugs. During my second grade, I could look out about ten feet out of the window and see the columns going up in the present Tucson High School. When that was finished the high school moved over there, we were moved over to Roskrugs, and they tore down Holladay.

Palmquist: Do you recall approximately how many students were in the grade school when you were going through?

Lohse: I would say about fifteen, in the class. That's pure guess on my part.

Palmquist: Male or female teachers, at that point?

Lohse: All female.

Palmquist: All female. How about the high school population? Do you recall the approximate size?

Lohse: At that particular time? No, I would not have known that.

Palmquist: Okay. Any strange or unusual incidents or situations that you particularly remember from your boyhood that kind of stick in your mind?

Lohse: Yes. It's unusual so far as today is concerned. I could go swimming in the Santa Cruz River until the age of fourteen. And during the early years, and I can just barely remember it, we had Silver Lake

down in the Elysian Grove area. That was there for a couple of years before it was washed out in the big flood of the Santa Cruz River. Being from a desert country, water means a whale of a lot to me so anything in connection with water has made a very great impression upon me.

Palmquist: Silver Lake, was that used as a recreational area?

Lohse: The recreational area of Tucson, back in the early days, was the Elysian Grove area. That is over behind El Minuto and the general area over there. Supposedly, there was two springs that were the foundation of Tucson, in that general area. And whether or not it was the springs that were the source of water for Silver Lake or not, I don't know. But it, all of the zoo, the baseball parks, everything else were down in that particular area.

Palmquist: As you were growing up, did you know any attorneys so as to become interested in the practice of law at an early age?

Lohse: Yes. I knew quite a few of them. My father was taken under his wing by Albert Steinfeld, Uncle Albert. He and his family were probably the source of most of our litigation around here. It was also back in those days that the sheriff went out and picked out the jury. So he'd walk down Congress Street and tap somebody on the shoulder, "You

report". So my father was involved, as a juror, in a lot of the early litigation, together with his education from Uncle Albert. So, as a result, I was able to crawl around the desks of a lot of the early lawyers.

Palmquist: Could you tell us about some of them? Who they were and some of the things you remember?

Lohse: Oh, Judge [Samuel L.] Pattee. George [R.] Darnell was later on, but, Selim Franklin. I'll have to come back to you later on and give you more names.

Palmquist: Sure. Sure. Do you recall the details or any facts about any of these cases that your father was a juror on?

Lohse: Not especially, no. They were some of the leading cases around here. Back in those days there wasn't too much Arizona law.

Palmquist: Yes.

Lohse: Anything was almost new. Most of them were business types of--no real criminal cases, as far as I was concerned that he was involved in.

Palmquist: As a boy did you ever go to the courthouse and watch trials or the proceedings?

Lohse: Not in those early days, no. No, back in those days, remember that the courthouse was probably on the front lawn of the tile building. And it was in that area, so far as I know, that we had the last

public execution. I didn't see it. It was a little before my time.

Palmquist: When did you graduate from high school?

Lohse: In 1932. There from 1928 to 1932.

Palmquist: Before we started the interview, I believe you mentioned that you had given an address about water during that period. Could you tell us about that?

Lohse: Well, all my lifetime I have been reciting and things of that nature, so in my freshman year in high school, I went out for the oration contest and won it as a freshman. And my subject was Arizona situation under the law that the representatives from California had been, had put in Congress, that was going to build the Hoover Dam, the All-American Canal, et cetera.

Palmquist: And what did that law mean as far Arizona was concerned, in terms of what the water situation was?

Lohse: It meant that the major portion of the water that was generated in Arizona was going to go to California and we didn't think it was right. I was raised by the people who were fighting what they felt was the unjust distribution that grew out of the Santa Fe Compact. [Divided the water of the Colorado River between seven states - California, Arizona, Nevada, New Mexico, Utah, Colorado, and

Wyoming: 1922.] California's land supplies very little water for the Colorado River, and yet they're getting the lion's share out of the river.

Palmquist: You say you were raised by the people who were fighting that. Who would these individuals have included?

Lohse: I can be wrong in the initials. G. E. P. Smith, university professor, people of that nature. And going to him was a lot of the sources, my information as to the Santa Fe Compact and the things that went on behind the scenes. I'm not satisfied I could give you right now any of the names of other people that were involved in it. But it certainly was the unanimous opinion of everybody in Arizona that we had to resist California and the federal government to the extent possible.

Palmquist: You mentioned, also, an episode before the interview, involving the use of Arizona troops. That was a situation that came up in that context, wasn't it?

Lohse: Yes. Arizona was not successful in stopping California in Congress. Congress allowed and agreed upon and passed the bill which, one, created Hoover Dam; two, the diversion, near Imperial, I believe; and then the All-American Canal. Well,

when the Bureau of Reclamation, no the Corps of Army Engineers, attempted to start the work, the Arizona National Guard were called out, machine guns placed in the river bank, and that stopped it at that time. Cooler minds and heads recommended that we do our litigating in Congress rather than fighting. So I believe Arizona went to the Supreme Court on five different situations and lost in every case. After that, by the time I was in, let's say sometime in the university [University of Arizona], we decided we had better join them and take what we could get.

Palmquist: When did you begin your studies at the university?

Lohse: In 1932, the fall of 1932.

Palmquist: What did you major in there?

Lohse: Economics and minor in business administration.

Palmquist: Could you describe the U. of A. for us as it existed at that time? How many students were there, what was the campus like, and so forth?

Lohse: The population, the student population was between eleven or twelve hundred students. We knew about everybody. You would have one college, such as LAS [Liberal Arts School], that had all of the departments, almost, other than the mines and music, under that one heading. We still had the bird cage at the corner of Park and Third.

Palmquist: The bird cage?

Lohse: Yes, the bird cage.

Palmquist: And that was what?

Lohse: That was a very large wrought-iron wire enclosure that contained a lot of zoo-type birds, and that was one of the noted things of the university at that time.

Palmquist: Who was president of the university when you started there?

Lohse: I believe it was Alf Atkinson.

Palmquist: Any particular professors that made a real dent on you or a real impression?

Lohse: Richard Harvill was one of my major professors. He became the president of the university. E. J. Brown was the head of the Economic and Business Department at the time. I did a lot of work over in the Music department. Prof. [Lester W.] Feezer. I minored in military, so I came out as a second lieutenant in the horse cavalry.

Palmquist: They had an actual unit of mounted . . .

Lohse: That's all they had here.

Palmquist: Yes, that was it.

Lohse: And that was the background of the horses for the polo teams, the men and women's polo team that we had there.

Palmquist: Did you play polo at that time?

Lohse: Nope. I would love to, but they said the only ones we'll take are those that are very, very experienced horsemen before they get here and have probably had experience in playing polo in the private military colleges.

Palmquist: Did you go through on a mounted drill and that sort of thing?

Lohse: Oh, yes. And they also had a unit of trick riding that we were involved in with the rodeo, where we did vaults and pyramids and the like. So, yes, we were exposed to horses. And then all of my pre-war military, pre-World War II military experience was with the horse cavalry in Fort Bliss.

Palmquist: At the time that you were at the university had you decided that you wanted to be a lawyer?

Lohse: Yes. I had decided that while in high school. And the first thing my father and I did was go up and see Dean [Samuel M.] Fegtly, who was the head of the College of Law.

Palmquist: Yes.

Lohse: And decide what courses I should be taking in LAS as a background.

Palmquist: Could you describe Dean Fegtly for us? I've heard about him from other people we've interviewed.

Lohse: Hard for me to describe anybody. Tall, fairly tall, thin man, kind of stooped shoulders, very

slow, kind of a drawled talk. Excellent professor. I represented him for a little while. I represented his daughter and still represent his daughter today.

Palmquist: What advice did he give you when you and your dad went up to talk to him? What courses did he recommend as prerequisite to a legal education?

Lohse: At that time he felt that the business and the economic law was probably the best. I did put in some social work, some logic, as a background. I'll say today, if I was doing it over again, I might, say major in psychology because all we are are salesmen and trying to figure out what is in the judge's mind and the jury's mind . . .

Palmquist: Yes.

Lohse: . . . or how's the best way to impress upon our clients what they should do.

Palmquist: Yes.

Lohse: So we all become amateur psychologists.

Palmquist: Psychologists. I agree. You mentioned at graduation from the U. of A. you had a commission with the . . .

Lohse: Second lieutenant in the Horse Cavalry.

Palmquist: Second lieutenant in the Horse Cavalry, and you mentioned Fort Bliss. Were you transferred from here?

Lohse: No, no. This was just inactive duty.

Palmquist: Oh, okay.

Lohse: Two weeks duty.

Palmquist: I see.

Lohse: Now, between our junior and senior year the cadets who were in the advanced ROTC course had a six-week training period at El Paso, Fort Bliss. Then in addition, whenever we got two weeks duty, after we were commissioned, we did it down there.

Palmquist: I see. Who was the officer in charge of the ROTC unit here at the U. of A.?

Lohse: Colonel Holderness.

Palmquist: Had he been here quite a while?

Lohse: Yes. He was a little tiny horse-cavalryman who was bowlegged and the like. Almost like a jockey, but a little bigger than a jockey.

Palmquist: So after you graduated you had the two-week duty to do, but did you go immediately into the law school program from undergrad?

Lohse: Yes.

Palmquist: Was Dean Fegtly still dean when you . . .

Lohse: During my entire period there, yes and for some years after that.

Palmquist: Did he also teach courses at the Law School?

Lohse: Yes.

Palmquist: What courses did he teach?

Lohse: He taught Evidence. As I recall, he also taught Contracts. Those are the principal ones, I think.

Palmquist: What was the program like, say for the first year? What courses did you have to take?

Lohse: Well, the first semester we took criminal law, and that was wonderful because it stood alone. By the end of our first year I thought I knew the law. By the end of my third year and graduation I understood that everything was so interrelated that I didn't know much of anything. I now know I don't know anything.

Palmquist: (laughs) Yes.

Lohse: We had beginning pleadings as well as contracts, evidence, criminal law, things of that nature.

Palmquist: Was there any effort in the Law School at that time to include a kind of practicum program of any sort of actual experience, hands-on experience, working with lawyers?

Lohse: Absolutely none. The only practical experience that I got up there was in Chet [Chester H.] Smith's course in wills. He assigned us the job of going through and reading the statutes and preparing forms on it. He never checked our forms or anything else, but we did have that experience. So when we got out of school we had absolutely no idea where to turn. And it was for that reason

that when I, instead of teaching regular courses I talked them into letting me teach a course in how to be a lawyer after you got out of school.

Palmquist: Something that is very much needed.

Lohse: And I've been fighting since I quit and I can't get anybody to follow it. I want to say here, basically the courses and the curricula that they had back in those days were courses that qualified students to practice law. That isn't true since then and, even to a limited extent, today. There's a lot of social things and everything else, but the basic training of the mind of the lawyer has been neglected. And the Bar has been . . .

Palmquist: Suffering.

Lohse: . . . greatly opposed to some of the courses given up there. I had one nephew go through there and I insisted that I pick out the courses that he was to take, to qualify him, because I thought we were going, he was going to come into this practice. Instead at the last minute he decided to go in with the FBI.

Palmquist: Which courses do you think qualify one to practice law, that is train the lawyer's mind?

Lohse: Well, other evidence and proceedings, contracts, property, real property, personal property, wills, future interests. Future interests hasn't been

taught for many years. Nobody knows up there, these new kids know nothing about future interests. It's things like that rather than how to handle some of the problems of the prisoners up at Florence and things like that that I think are essential. It was back in those days that the Fegtlely moot court situation was developing.

Palmquist: Oh. You mean while you were going through law school?

Lohse: While we were there, yes. That's right. Fegtlely was the one that really started it. Trial practice was essential. But those are the types of courses. We had a constitutional law course at that time. I didn't take it. We didn't have any tax courses which are now taught; those are essential. But the basic courses that really teach you how to reason are kind of few and far between nowadays.

Palmquist: With the Fegtlely moot court competition, was it run the way that more modern moot court competitions are? Two students arguing an appellate court case against one another?

Lohse: It was basically that format all along. There's never been really any change in that. It may have gotten a little more detailed and more, a few rules to smooth things out, but it's always been that approach.

Palmquist: Aside from Dean Fegtly and Chet Smith, are there other professors at the law school that you particularly recall for any reason? Any one who sticks in your mind?

Lohse: [William S.] Barnes was there during that time.
[Claude H.] Brown was there. [L.J.] Curtis.
Curtis was the constitutional lawyer, especially.

Palmquist: What did Barnes and Brown teach?

Lohse: Right now, I'm sorry. (laughter) Senility, Alzheimer's disease and everything else. Your minds go blank. I've got to think back. I haven't thought about some of these names for a long, long time. And also, my mind is getting, is mixing up with someone who was teaching there a little later, too.

Palmquist: Sure. How many people were in your beginning law school class?

Lohse: About twenty-two, twenty-three.

Palmquist: Any women among them?

Lohse: Yes. I think it was two. I can guarantee one.
[Mary] Stella Rosenberg [Cota-Robles] was in our class, and she is still practicing.

Palmquist: I've met her.

Lohse: Did she mention any other names?

Palmquist: No. I just talked to her briefly.

Lohse: I just can't recall whether there was another one

or not.

Palmquist: I didn't interview her. Do you recall hearing anything or picking up any feelings about the role of women in the law at that time? Were they considered strange or different?

Lohse: Well, they were few and far between, but no, I had no feeling of any opposition to women coming in at all. There was no difference in the treatment of the professors of them. They had the same responsibilities and everything else. The only case, I think, that I heard any professors making any comments was about the first day in criminal law. Judge Smith said, "You're professionals now. We've got a mixed group here, but rape, and statutory, sodomy and everything else, that's discussed from the technical things." That's the only situation in which there was any recognition that there was a woman there, as far as I was concerned.

Palmquist: So when did you graduate from the law school?

Lohse: In 1939.

Palmquist: In 1939. And did you take the bar examination that year?

Lohse: Yes.

Palmquist: What was the bar exam like in 1939? What did they test you on and how long did it go?

Lohse: It was a two-day test, from early morning to late at night. It tested on all of the subjects that we had in school plus some other ones like mining law and insurance, that we had to bone up on our own accord. It was strictly an essay-type examination where the questions--at that time there were three examiners. Gerald Jones and I can't tell you the other ones at this time. And they were the examiners for many, many years of the State Bar. And they made all of the questions and they graded all the papers. It was a personal deal. So we'd get there at eight o'clock in the morning and we had rooms for those who wrote and there was a room for the typewriters, which I fell into. . . . I think they handed out the questions and the sections at about an hourly basis. I'm a little mixed up right now whether or not we could go ahead, run over time and just go get the next section, when we were ready for it. But I think it was controlled by sections.

Palmquist: Was the test held here in Tucson or . . .

Lohse: In Tucson, in the Law School.

Palmquist: Okay. I've talked to some people who took it earlier that had to go up to the . . .

Lohse: Phoenix.

Palmquist: . . . capital in Phoenix.

Lohse: Yes. No, it was all done here. But for the people that--I was going to say, before the Law School existed. That isn't correct. The Law School existed, I think, at that time. For anybody that might be still living today.

Palmquist: During the period that you were going through law school, did you also work at a job?

Lohse: No, I did not. I was very fortunate. My parents were middle-aged, middle economic situation, not much wealth or money or anything else, but [by] living at home they could afford the tuition. I've forgotten what it was, but it was peanuts compared with what it is today.

Palmquist: I'm sure. You would have grown up and gone through college and law school during the depression. Could you describe what depression life was like in Tucson? Was it . . .

Lohse: Yes, I could.

Palmquist: . . . serious or hard hit?

Lohse: And see, I did not know when I graduated from university whether I would be able to afford to go through college because of the depression. The depression did not hit here in 1928. It hit here closer to 1935 to 1936. We were kind of self-sufficient and what happened back in the East never did bother us.

Palmquist: I see.

Lohse: But, yes, the bank closing hurt us. There was just no money. Everything was script. The government was paying employees by script. Those that had a job, like my father who was the head of Albert Steinfeld's wholesale grocery company, got by very nicely. Few vacations, let's say, during those periods of time, as far as going any place. But I think, basically, this area got by pretty nice compared to a lot of the areas in the East. We didn't have the big industries. Cattle, yes. People still had to eat so there was a market in that.

Palmquist: Right.

Lohse: I had no feel as to what effect the Depression had on the mines. I know they were still in operation during those periods of time.

Palmquist: When you graduated and took the bar examination did you have a job prospect lined up . . .

Lohse: No.

Palmquist: . . . at that point?

Lohse: At that time there were only two firms in town, and one of them was just a two-man firm. Almost the entire practice at that time was individual practitioners.

Palmquist: Who made up the two firms?

Lohse: Fickett and Misball was one of them. And Knapp, Boyle, Bilby, Thompson, was basically the second one.

Palmquist: The Bilby, would that have been Ralph Bilby?

Lohse: Ralph Bilby. Knapp, Boyle and Bilby was the firm. I'll take it back, George Darnell and Knapp may have been in existence. But while my parents knew everybody, the only one that I went to was Fickett and Misball. They were not interested at that time in bringing anybody in. So I started out on my own.

Palmquist: Where was your office located at that point?

Lohse: I started out sharing an office in the eighth floor of the Valley Bank Building. I had no telephone listed to my name, no address or anything else. In four months I made thirty-two dollars, grossed thirty-two dollars and fifty cents. I got out, I shared an office on Pennington with a chiropractor, which was legal in those days, and I had a great big sign in the window, Ashby I. Lohse, Attorney at Law. And my clients started coming in then. So I have been basically by myself most of the time.

Palmquist: What type of cases did you take in when you first began practice?

Lohse: Anything I could get my hands on, believe me.

Palmquist: Sure.

Lohse: Surprisingly, I've always had a good probate, even as a young lawyer, practice. And that's been my principal practice all my life.

Palmquist: Wills and estates and so forth?

Lohse: Yes.

Palmquist: So you moved to Pennington and shared offices with the chiropractor.

Lohse: With the chiropractor. And the office I had was about twice the size of this desk. (laughter) I wanted to sit behind a desk, couldn't get anything like this size in there, so I went down and bought an unfinished desk that was about twelve inches wide, that I could sit behind. And I had room just for one chair there, nothing else. (laughter) It was very crude compared to what these young attorneys coming out of the law school now expect.

Palmquist: Did you employ a secretary at any time . . .

Lohse: No!

Palmquist: . . . in the early years?

Lohse: I should say not!

Palmquist: I didn't think so.

Lohse: I did it all on my own accord. But I got, my first probate I went to another attorney and I said, "I'll give you half the fee if you'll look over my shoulder. And just be certain I've done everything right."

Palmquist: Right.

Lohse: No. The first thing I did was go down to Bell Hall, who was the clerk at the court. And she had a list of cases of various types, a dog bite, a personal injury, an automobile accident. And that was our bible. We went to those and those were our guides. We had a very small Bar and I'll say I loved it. It's wonderful. I'll never forget it. You could go to any of the lawyers, they'd be happy to drop what they were doing and help you out. We had a very close-knit Bar and even the old timers would put up with the young sprouts like myself, you see.

Palmquist: Who were some of the old timers when you started practice?

Lohse: Ben [C.] Hill, city attorney. Had one of the finest practices of law I have ever imagined. Basically he was a mining expert. And forgetting the time that he was City Attorney and turned out the first published book on the city ordinances, he would sit in his office all day long examining mines in the Philippine Islands or up in Alaska. Never a telephone ring, peace and quiet, nobody bothered him. It was wonderful. You just can't imagine that.

Palmquist: No, I can't. (laughter)

Lohse: There was a while I thought that I was going to work with him and specialize and everything in the mining law, but I could see that mining law was just going out. So I never got involved in it, but that's the type of situation.

Palmquist: About how many attorneys were there in the Bar, the Tucson Bar, when you started? You mentioned it was small and close knit.

Lohse: I was going to say twenty-five to thirty, someplace around there.

Palmquist: Aside from . . .

Lohse: We had one judge.

Palmquist: Who was he?

Lohse: I think it was J. Mercer Johnson.

Palmquist: Any recollections of him as a judge? What he was like or his strengths, weaknesses and so forth?

Lohse: Not along that line. None of the young lawyers had extensive practice. We were all--everybody in the Bar was assigned criminal cases, ready or not, willing or qualified. So we all had that experience, and were delighted to get it. We made twenty-five, fifty dollars for a criminal case. (pause) We had no real big business in Tucson, except the Southern Pacific Railroad, some mines, farmers, cattle, and those were pretty well tied up. So that a young lawyer starting out was

limited very greatly as to what he was doing.

Palmquist: Do you recall what the first criminal case was that you were assigned by the court?

Lohse: No.

Palmquist: No?

Lohse: I've had them all, from murder on down. I think it was a burglary case. That's about the way they started us out.

Palmquist: How much time would you have to prepare a case like that once you got the assignment?

Lohse: Well, I'd say that time was no pressure upon us. We were ready. Never thought of asking for an extension. None of us were so tied up with additional work that we couldn't take any time that the judge was available. I would say it was more of the judge than anything else. I cannot recall in the early days ever bringing in an outside judge to help out. When the judge took a vacation, everybody took a vacation.

Palmquist: I know you've been involved a great deal with water law, and we'll talk about that, of course, in a little bit, but was there anything in your early practice that got you involved in that subject?

Lohse: No. My interest was from high school on, in more of the situation of a dry state with very strong total public commitment to the proposition that

sooner or later we had to bring in water from outside sources. We knew, even in those days, that there was a drain upon our water supply. Now up until the age of fourteen I could swim in the Santa Cruz River. Now that meant that the water table up to about that time was high. But with the influx of all these people coming in here, we've started to draw down. So that was basically the interest. I have tried, because of my tying up with the Central Arizona Project in the Arizona Interstate Stream Commission, not to take any clients that involve water rights.

Palmquist: Yes.

Lohse: So I have not used that as a source of income or practice.

Palmquist: I see. In the early period, you had moved to the Pennington location. How long did you remain there?

Lohse: I'd say a year to two years.

Palmquist: And from there where did you locate your office?

Lohse: I moved it to North Stone Avenue to share an office with John Haynes, Sr. John Haynes owned some property on Stone that was just north of Steinfeld's Hardware Store. He had shared his office with a insurance man for many years. The insurance man died. And I was the first lawyer

ever, in fact the only outside lawyer ever to share any offices with John Haynes, Sr.

Palmquist: Did he have a substantial practice at that time?

Lohse: Yes. He had a very good practice.

Palmquist: What was--what did his practice consist of, primarily? What types of business?

Lohse: Well, he represented George Martin, Martin's Drug Store. He represented his brother, who was the Coke people. He represented the Birchums, who were the Pepsi people. That type of situation.

Palmquist: Did you get any spin off business from that sharing office space?

Lohse: I came in with him on quite a few cases where I did the trial work.

Palmquist: I see.

Lohse: I handled condemnation suits for him for the Birchums. I handled some condemnation suits for him on the freeway out here at Redrock. Things of that nature.

Palmquist: Eminent domain . . .

Lohse: Yes.

Palmquist: . . . proceedings?

Lohse: Yes. When they were starting to bring the freeway down here. After I left him I did take one client away from him with his blessing. That was the Birchums who owned the Pepsi plant. I represent

the family today.

Palmquist: Where did you go after you left Mr. Haynes' office?

Lohse: I got a chance to buy my own office building, which was a lifetime ambition down here. So I bought the old judge, judge. . . . 188 and 192 North Church buildings. There are two residences. I converted one into an office and shortly after that brought in a partner, Jack [John L.] Donahue. The other building we rented out to Arnold Smith on the ground floor, and to Ernie Cabot as the commercial artist upstairs.

Palmquist: Was Arnold Smith another lawyer?

Lohse: Yes. Whose name was also A. Turney Smith. He made Ripley's with his name.

Palmquist: Yes. (laughs) Your partner, was he a native Tucsonan as well?

Lohse: He was the son of one of our early doctors. I think he was born here, but I'm not going to guarantee it.

Palmquist: Is he older or younger than you?

Lohse: Younger.

Palmquist: Did he have any particular specialty or was he a . . .

Lohse: Not at that time.

Palmquist: . . . general practitioner also?

Lohse: While he was working with us he did become a tax

specialist. He is now up with the firm of Molloy, Donahue, et cetera.

Palmquist: Did your probate practice continue to occupy the majority of your time at that point?

Lohse: Yes. All the time it has been the principal source of my practice.

Palmquist: I see. Any particular case or situation in that period that you can recall that stands out in your mind as being unusual or perhaps even funny sometimes?

Lohse: No, I'd have to think about that.

Palmquist: From that point, how long did you remain at the office building there?

Lohse: With John Haynes, until I was called into the service for World War II. At which time I turned over my practice to a man by the name of Bill Quesnell. He had health problems and was not called into the service. I came back four years later and there was actually no space available, so for nine months I worked for the Tucson Title, which was a wonderful experience. I learned title examination. Then one day Bill Quesnell told me for health reasons he was giving up his practice and I moved back.

Palmquist: I see. Your military service, I take it, would have been active duty with the army?

Lohse: Yes.

Palmquist: Did you get overseas?

Lohse: Yes. I was commissioned in the Horse Cavalry. I was called in when the war broke out. I wrote them that I was ready to come any time but to let me practice as long as I could. So I was called in in 1941. Twenty-one of us were called in from Tucson, all of them about the same background as I had. We went down to El Paso. There was a young army captain examined us. He had examined a forty-five year old draftee about two weeks before that who immediately dropped dead on the hot drill fields of El Paso. He took one look at me without examining me and said, "Lieutenant, you're burning yourself out. Go home and go to bed for a year." And my blood pressure shot up like that! I couldn't pass an examination. I went AWOL. I came back here. Every doctor said it was perfect. It took me a year to straighten that thing out. But even today no army doctor can take my blood pressure. By the time I was called in the Seventh Cavalry had been transferred down to the Philippine Islands and their horses taken away from them and they were made a Recon. So I was called in to Fort Riley, Kansas. The pool depot was run by graduates of the university who knew me and said, "Ashby, we're

going to send you up to Des Moines. A new school's starting up there. That was the WAC school. They had on their desk something, there was a new outfit, a TD outfit in Colorado Springs and I said, that's where I'm going to go.

Palmquist: TD would be tank destroyers?

Lohse: Yes. But I didn't know that at the time. But I went there and I spent all my time in World War II with the tank destroyers. Had a very enjoyable time. We trained in, first in Colorado Springs, then we went down to Texas, finally to Louisiana. We went over to England. We were part of the core reserve on the D-Day landings. We were supposed to land on D-Day Four and they lost us. We were in the marshalling area. I was the S-3 at the time and so finally the Colonel said, "Go find us." (laughter) So I went around and finally called somebody in London. They said, "My god, where have you been?" I said, "Right down at the marshalling areas." So we had orders by the time I got back. We were on board the ship when the storm hit. So we were the first troops to land after the storm, in France.

Tape 1, Side 2

Lohse: So we participated in every single campaign. The tank destroyer unit happened to be right in the center of every major tank battle in the European theater. They weren't many or big but we were involved in them.

Palmquist: Were you with the First Army?

Lohse: Nope. We were with the Ninth Army most of the time.

Palmquist: Ninth Army?

Lohse: But we were part of the breakout in Normandy. And the Thirtieth Division to which our unit was attached commanded the so-called left shoulder, with Patton going down in two columns. And we did over--so the Germans tried to hit Malmedy [Belgium] and Bartholomew and they attacked for four days or five days in a row right against those places. We got a whale of a lot of tanks there. After that we cut across France up to Belgium and Holland and we stopped at Heerlen, Belgium, and we were one of the few units that attacked through the Siegfried Line. Having made a hole there, then we went down to the right, right along on top of the Siegfried Line knocking it out, trying to close the Aachen Gap.

At the Aachen Gap for the first time we saw the Tiger tanks. And our guns wouldn't knock them out. We got to the Ruhr, at which time the

Ardennes breakthrough occurred. The Seventh Armored Division was the first one brought down from the north right into the middle of the breakthrough. My brother commanded the rear action at St. Vith [Belgium] and the Thirtieth Division followed right behind them and were the first unit to stabilize the North Branch at Malmedy and Stavelot. So we lost all our tanks down there.

Palmquist: I bet.

Lohse: After that no tanks. Except for single ones here and there.

Palmquist: Yes. Your unit, then, served through to the end of the war?

Lohse: Yes. I left the tank destroyer battalion as we came out of the Ardennes. One of my former commanders was the head of the tank destroyer group at Clohr and he asked me to come up there and become his executive officer. So I fought the last two campaigns up there with him.

Palmquist: Had there ever been any talk when you came into active duty about getting you involved in the Judge Advocate General's office?

Lohse: Yes, and I made it very clear I didn't want to have a thing to do with it. If I was going to give up my law practice I wanted a total vacation. As such I was only in so-called pre-combat. I was in one

General Court. It was a rape case. I and another lawyer from my outfit were the defense counsel. And we got him off. And the orders were changed the next day. At all times I was an individual judge, in effect, so far as the discipline within the battalion. After it was over at Clohr the corps was asked to clean up a lot of general court martials. And at that time I became a law officer of a general court. And we tried everything from murder to desertion on down. So we had about ten or twelve big cases. I didn't have to do anything other than act as the law officer on the court, because the judge advocates office itself did all of the paperwork and handled that.

Palmquist: I see. When you came back to Tucson, I believe you mentioned you went to work for Tucson Title.

Lohse: Tucson Title, for nine months.

Palmquist: Did you know Mr. Padilla?

Lohse: Very well.

Palmquist: We interviewed him this morning.

Lohse: Did you? Okay. Yes. Joe [Joseph C.] Padilla, Rainier, I've known the O'Dowds all my lifetime. Went to school with them.

Palmquist: You mentioned the O'Dowds. Mr. Padilla only mentioned, I believe, a J. J. O'Dowd . . .

Lohse: J. J.

Palmquist: Was there another member of the family that was also involved?

Lohse: J. J. was the old man. He was the boss. J. B. was his son, who was a lawyer and in the business. They had another son, Carl, who was not a lawyer. He was in the business more in the escrow for a while. Then he left and went to California.

Palmquist: How did you--you were a title examiner at that time?

Lohse: At that time.

Palmquist: How did you go about examining a title? What were your concerns?

Lohse: I'll never forget my first day there. (laughs) He gave me a desk, slapped a series of files on the top of my desk and said, "Go to work". So I opened it up and I went through everything and made my examinations for what I thought was right or wrong based upon what I had learned in law school without any other background. Then I went over it again. And I think I was on it about the sixth time when one of the head secretaries came in and said, "Ashby, this is a slave deal here. Sign that thing and get it out." That's the way it happened. (laughter)

Now there was a short time when J. B. O'Dowd, on this education of servicemen, set up a special

course for us where he was training us. That didn't last, that did not qualify very long. But that's about the only training we had. There was a man by the name of Ong, an older man there, who came from the Chicago Title Company, and between him and the O'Dowds themselves they established the procedures how we examined titles and the like.

But based upon that experience, I was called by the dean, it was McCormick at the time, of the law school and asked me to teach a course in examining abstracts. I said, "Dean, we don't examine abstracts anymore. It's all title insurance." He said, "Ashby, some of our students go places where they have abstracts, so you've got to." So I said, "All right. Let me teach a course in how to be a lawyer afterwards. Because you can't examine an abstract unless you know whether the divorce was handled properly or the buying of the land was proper or the probate was proper. So let me teach a course on the whole field of law as it interrelates." And that's what he let me do. And the final part of my course, I got about twenty-seven abstracts from the title company's records all on one subdivision, so I was able to hand out to the class an abstract. They could see it. And then I went through and examined it on the

board in outline form, how to do it.

Palmquist: When did you begin teaching that course?

Lohse: I came back in 1946. Maybe 1952, someplace around that time. Prior to that time I would teach an individual course, like divorce, marital situations, marital relations, in effect. When a professor went on a sabbatical leave or had a heart attack or sick, I'd step in on that type of course. After this type, I taught this one continuously until about thirteen or fourteen years ago. Most of the time I was teaching it in summer school.

I asked for a leave of absence for a while so I could build my own home with my own hands in the foothills. And during the two years I was off, the legislature changed seventy-five percent of all the knowledge the lawyers had. (laughter) And I never got around to preparing a new textbook. Hold off just a second, will you?

(tape turned off briefly, then turned back on)

Palmquist: Mr. Lohse, talking about Tucson Title and title examinations, Mr. Padilla, when we interviewed him, has mentioned to us that when the title insurance business started up there was some opposition, or at least he heard some rumblings among the attorneys against it. Do you recall anything of that sort?

Lohse: It wasn't rumbling. It was rebellion. Armed force, almost. (laughter) They didn't like it.

Palmquist: Yes.

Lohse: A major portion of your early practice consisted of examination of abstracts. So they had grown up with it, and knew what it was all about. This A. Turney Smith I mentioned, had one of the most elaborate books, which I have inherited and I'd like to give it to the College of Law if they ever get enough room for it. Historically. A record of his examination of abstract; it almost made it a tract book. But he had entered on one page--he had bought great big ledger sheets and everything else so that he could have a complete examination of the thing. It is beautiful. Yes. Tucson Title was the first organization to go into this thing and getting your initial records from the courthouse was a real, real chore.

Palmquist: When you say a 'real, real chore,' what type of problems were there?

Lohse: Well, let's go back from the beginning of the patents issued on these original lands from the government. You had to have a card made out showing that from the United States to John Smith and a description of the property and the dates and whether the document was acknowledged or where it

was recorded and things like that. You had to have some record of every single transaction in the recorder's office. So that you could examine things, see. Because your examination was done in the office of the title company and not by going down . . .

Palmquist: Yes. That was something that Mr. Padilla told us about which surprised me, because back in Pennsylvania, where I've done a good bit of title examination, we did all of ours over at the court house.

Lohse: Yes. The only courthouse work we did was probates. We didn't keep a detailed probate record. We'd go over there. Now the title companies don't even bother about checking a probate. Just hope that everything is all right, as far as I'm concerned.

Palmquist: So you had the whole chain of title and everything . . .

Lohse: Yes.

Palmquist: . . . for each tract in-house at Tucson Title?

Lohse: Yes. So when an order came in here, on a given piece of property, some of the plant people, who were engineers and entering things in the books, would go through and in the file pick out all the papers that are shown on the tract books that affected this particular property. So, in effect,

we examined an abstract. It was a loose-leaf abstract, see.

Palmquist: Yes. And you were at that work for approximately nine months?

Lohse: Nine months.

Palmquist: You mentioned the almost armed force that the attorneys resorted to. (laughter) Did they get up any petitions, or attempt to block the activities of the title . . .

Lohse: No. There was nothing like that. It was just hatred. Somebody taking away the business. Now you take Arnold Smith. It was his principal business. I think I, after World War II, I examined only one abstract in all the time. And that happened to be an abstract on a piece of property over in Bisbee.

Palmquist: Is the title insurance kind of a universal thing now, here in Arizona?

Lohse: Except for mining. They've never gone into the mines. So the mining still is an abstract situation.

Palmquist: I see. And since that time other companies have come in to compete?

Lohse: Now there's a lot of them. While I was working a second one came in, Arizona Land. And, oh, the feeling between the . . . Coming in and taking

over my business.

Palmquist: Did they have to go down and do the same sort of thing . . .

Lohse: Yes. They had to . . .

Palmquist: . . . and gather all the records and so forth?

Lohse: Yes. The third one that came in was Transamerica, then know as Phoenix Title. Now we had one man in town by the name of John Blacksill, who was an abstracter. He made the abstracts. When Lawyers' Title came in they tried to buy him out, for the records that they wanted. They didn't succeed. Everybody who has ever gone into the business has tried to buy him out. So finally Phoenix Title, when they decided they wanted to move down here, asked me to go ahead and buy it for them. So after a lot of negotiations, I bought the Blacksill's plant, for the benefit of Phoenix Title. And that was the only way that they could get in Tucson, by virtue of the fact they had a start.

Palmquist: I see.

Lohse: Now, there's only one company. All of the title companies get all of their records from this one company. So they've got one company that does nothing but making the records off of there, and the daily records is made and every title company has exactly the same records.

Palmquist: So they still do it pretty much the same way? In-house type of . . .

Lohse: In-house.

Palmquist: . . . of examination.

Lohse: Yes.

Palmquist: From the records which they collect.

Lohse: But instead of the cards that we had, something like that, or the sheet of papers which summarizes a deed, they now have everything on microfiche.

Palmquist: After you left Tucson Title, I believe you said you went back to your law office . . .

Lohse: With John Haynes, Sr.

Palmquist: . . . previously occupied.

Lohse: I had met a gal, an ex-school teacher, in Connecticut, driving a two-and-a-half-ton truck in Germany for the Red Cross. And I had invited her out to visit me out here. I wasn't about to make any arrangements until I had a job of some nature and she saw how bad Tucson was for living purposes. So I invited her down here. I met her at the airplane and says, "I have just quit my job. I've gone back to the practice of law. I have nothing. If we're going to get married, it's going to be now." So that was the way I started. (laughter)

She did not know, at the time she got on the plane that I had left my job, or I'd had the offer

to. But I made it clear that while the O'Dowds wanted me to stay there--they felt they needed it, it was the start of a real real estate boom and everybody was swamped--my love was the practice of law and I wanted to do it. Well, that isn't quite correct. I never decided I was going to be a lawyer. But Fegtle said, if you want to be a businessman, take law; if you want to be a banker, take law. It's a good background course. And I had decided I wanted to have a little practical experience. And I hadn't had enough before I went into World War II, so I wanted to get back to it.

Palmquist: Sure.

Lohse: But I've enjoyed the practice of law--as it was in the old days. What you have today. . . .

Palmquist: The lady with the truck, what is her name?

Lohse: Florence. It was Florence Widger. And I want to take my hat off to those Red Cross gals. They were better drivers than we men were. I was visiting her one night when there was a train, a German train wreck and I led a convoy of two-and-a-half-ton trucks through those narrow German streets and everything else. They did a beautiful job. And I'll also say this for your background. The American soldiers were so starved to see American girls that when any of them came up there with

donuts and coffee, they showed them everything. My wife was checked out in more military vehicles than I ever was as an officer. (laughter) She has driven them all.

Palmquist: When were you folks married?

Lohse: In the latter part of 1946. So I got out in January of 1946. Then you figure about nine months after that, when I invited her down here. So we were married in September, September 28.

Palmquist: You mentioned you were going to make sure she knew what Tucson was like. What was her impression of Tucson?

Lohse: Well, fortunately she liked the sun, which she hadn't seen in Connecticut. And she was able at that time to live with hot, hot weather. Now, having lived with so much air-conditioning, going in and out, we now both feel the hot weather. But it's been a successful marriage, and she has loved the country.

Palmquist: Tucson was starting to boom then, at the end of World War II?

Lohse: When I left to go to World War II we had a population of about forty thousand, when we came back four years later it was sixty thousand, and part of it was the people who were trained here decided to stay here or come back. But it's gone

on ever since then.

My folks, if they were here today, would not believe this is Tucson. They had friends who homesteaded out on Speedway and Alvernon. "Those damn fools. They haul water all their lifetime and then just abandon it. Nobody ever would go out that way." Nobody could visualize it.

Palmquist: Were industries starting to come in at the war time?

Lohse: At that time. Yes.

Palmquist: Which ones in particular, do you recall?

Lohse: Well, Hughes, the predecessors of Hughes out at the airbase were coming in along those lines. More hand and mouth things, more service. That was the start. Nothing big.

Palmquist: Did you notice more business when you went back into private practice?

Lohse: Oh, yes. There's no question about it. And my father living here did not recognize what was happening.

Palmquist: Your dad was still alive at that time?

Lohse: Oh yes. And for some number of years after that. But I had made my allotments back here, so he had had a fairly substantial sum of money. He couldn't recognize it. The minute I saw what was happening I got involved in real estate and the like and a

short time after that I started buying my own building downtown and things of that nature.

Palmquist: And that was the one that you took the partner in and had the commercial artist upstairs?

Lohse: Yes.

Palmquist: How long were you at that location?

Lohse: Until the Southern Arizona Bank came to me and said, "We've bought all your property all around you and we can't use any part of it unless we have your property." I said, "It isn't for sale. I'm working, I'm trying to tear this thing down, make plans and building my own building. But I won't stand in the [way of] progress." I said, "If you find a lot for me, buy it, build me a building, I'll make a tax-free exchange." So I found this lot right on the corner here of Ninth, Church and Franklin, the triangle thing.

Palmquist: Yes.

Lohse: I said, "You buy that. Fine." So we did it. I told them what architect to hire. They designed the building to my specifications. When it was over, they paid off the mortgage on the old building, they gave me a deed free and clear on this one, and they got that property.

Palmquist: What year would that have been?

Lohse: Oh. I'd have to go back and look at records. I'm

sorry. But we were there--I had an office with an underground parking area, space for nine lawyers, a room this size was all a vault where we had all of our files and everything else, library, conference rooms. It was a lovely place.

Palmquist: Sounds like. Did you have nine attorneys working in the. . . .

Lohse: We got up to seven.

Palmquist: Seven?

Lohse: Seven was the maximum we had.

Palmquist: Just two partners and some associates or were there other

Lohse: No. I'm talking about seven partners.

Palmquist: Seven partners?

Lohse: Yes.

Palmquist: Who were those gentlemen?

Lohse: Oh, Jack Donahue, Clifton Bloom, Henry Merchant, Walter Grace, Phil Reardon, [H.] Earl Rogge. I don't know how many that is, but that's that type of thing. Loved it over there until my first client died and left me her whole estate for a foundation. And that was in 1969. I won't forget that date. In December of 1969 Congress passed a new law dealing with foundations and made me a disqualified person. I was renting one of my office spaces to the foundation for one hundred

twenty-five dollars a month, furnishing and everything. That's the same price I was charging A. Turney Smith until his death. But Congress said if you had a valid lease they'd recognize it for ten years. Phoenix Title held title to my property under a family trust, so we got by for that ten years. But at the end of about seven years my partner and I started going all around Tucson to try to find a building we could buy where the foundation could own half and we could own the other half. We weren't successful. He and I had this 50 by 105 foot lot, for supplemental parking over here. We finally made a charitable gift to one of our foundations of half this property. We then went out and. . . .

(tape off for a moment)

Palmquist: Mr. Lohse, we'll be back. We are talking about your office and your work with the foundations, but in our break, you mentioned a situation that you encountered in one of your early trials in the justice of the peace court here in town. Could you tell us a bit about that?

Lohse: I think it was probably the first court case I had. It was a little automobile accident case, down in justice court. All of our justices--we had only one justice of the peace at that time, one here and

one in Ajo. They were lay people, no legal backgrounds. I walked in--I represented the defendant in this case--I walked into court well prepared. I had everything outlined, questions to ask and everything else and arguments to the judge, with about five law books under my hand, under my arm. The judge leaned over the bench and said, "Mr. Lohse, this is a court of justice, not law. Don't cite any cases and don't bring any law books into my court."

Palmquist: (laughing) What was the outcome on that case?

Lohse: I don't know. Whether I won or lost, I think I won. But I didn't win it on any citations or any brilliance or any briefs that I had prepared on the thing. (laughs) It was just what the facts were and his common sense and generally speaking his common sense was what the law was in the first place.

Palmquist: Was there much in the way of automobile accident litigation in the early part of your career?

Lohse: Not for my work, no. I've done very, very little of it. I have done, basically, you can say no personal injury work. It's not a field that I was interested in. As far as I'm concerned, any attorney who is really a trial attorney and stays in the business beyond thirty-five or forty has

good possibilities of either becoming an alcoholic or having a nervous breakdown. It's a job for a young attorney. And very limited period of times. So no, I have not wanted to go into that at all.

Palmquist: You talked before the interview a little bit about your involvement in the area of water law, and specifically involvement with the Central Arizona Project. Could you tell us when you first became involved with anything connected with CAP? And what that involvement was?

Lohse: CAP itself, I was appointed. . . . (pause) I was trying to think of the judge at the--the governor at the time. Senator [Paul] Fannin was the governor, I guess maybe all the time. I was appointed by Fannin to the Arizona Interstate Stream Commission for a six-year term. It was fundamentally the key period of time in the entire history of the Central Arizona Project. It was the time just before, my appointment was, before the arguments on the Arizona v. California lawsuit. So I had the opportunity to see that case developing.

I had the opportunity to sit in the Supreme Court of the United States during the entire argument of that case. I was admitted to the practice before the Supreme Court on the first day of the hearings and before it started. So I,

basically from the time that [Simon H.] Rifkind made his decision in favor of Arizona to the time that Congress passed the CAP, I was involved in it. So I sat in on every single hearing in the House and the Senate on the CAP hearings. I've had the run of major portions of the Capitol for meetings in this particular thing, which means areas which the public are not in; private rooms of either Johnson or the Speaker of the House and things of that nature. And then, say, to meet with the Secretary of the Interior--that would be Stewart [L.] Udall--afterwards. During his administration where we were trying to work out procedures involving the CAP and as it is affected by the construction of Glen Canyon. All of the filling criterias of Glen Canyon, how it has affected the Hoover Dam and the generation of power, which was paying for the lower one, and how the power was going to affect the payment of Glen Canyon. I was actually involved in this. It was a wonderful time.

Chairman of the CAP at that time was Wayne [M.] Akin. A grand old gentleman; he's still alive. But basically the entire burden of the CAP was carried by Phoenix people. Tucson wasn't much interested in the thing. After I went on the board

I had a knock-down, drag-out fight with the mayor and council to force them to make a decision whether they wanted any water. Phoenix on its own accord had allocated from the first day a hundred thousand acre-feet of water from the CAP and twelve thousand acre-feet coming from the Charleston Dam. Most of the time Tucson wasn't interested in it at all. They couldn't see the need for it. That was back in the days when Hummel was mayor, Gibbons was councilman and I made enough noise so the paper and everything else forced them to make a decision. They decided yes, we do want it. And from that time on the City of Tucson has been behind CAP, fighting for it.

Palmquist: From your perspective what are the major problems or major issues posed by the CAP project?

Lohse: The major one was finances. How is it going to be paid for? The delays that we've had in this thing. California fought us for years and they use all our water, worth millions, billions of dollars. Any delay was money in their pockets. And even today they're using our water. We haven't been able to pull our water out for Tucson or anything else. California is using it. And therefore the cost of the project is so many times what we anticipated. It's been a real problem. And now in the final

stages it's so costly that they're even talking about Arizona paying parts of the costs of the thing.

Palmquist: In the arguments of the California versus Arizona case that you witnessed, were there any particular justices that played a more active role than others in asking questions or in listening or in hearing the arguments?

Lohse: [Hugo] Black was always one who asked questions. And he did ask a lot of questions. He's the only one I can think of at the time. One of the key arguments between California and Arizona was the Gila River. California was saying that we had to apply all of that water against our 2,800,000 acre-feet allotment. So that type of argument was involved at the time.

Palmquist: Who were the lead counsel on either side in that case?

Lohse: On the other side?

Palmquist: Yes.

Lohse: Oh, I can't think of him right now. He was the attorney general for the state of California at the time. Charlie [Charles H.] Reed was Arizona's lead counsel. He was a small attorney from Coolidge. When, at one stage the CAP, the Central Arizona, the Water Commission went to the State Bar and

said, "You must give us the best trial lawyer that you can, that you have in the state." And they did. So we had two counsels. One was Charlie Reed and the other one--I had it in my mind a minute ago, I'll come back and give it to you. Oh, a big, big firm in Phoenix. [Mark Wilmer] But a magnificent job he did in the Supreme Court. I didn't think Charlie Reed did a very good job.

Palmquist: Anything in particular that you thought he missed or glossed over?

Lohse: Amongst other things, when Black would ask him a question, it was just, "I'm coming to that later on. I'll tell you that, I'll answer that later."

Palmquist: Oh.

Lohse: And you don't treat judges that way! Especially not at that level!

Palmquist: No!

Lohse: I had heart failure! I talked it over with Mo [Morris K.] Udall, who was in Congress at that time. "Mo, what can we do?"

Palmquist: Later, Your Honor.

Lohse: That's right. But Charlie Reed was the key man. He had the key responsibility. And I was fortunate, I was the only lawyer on the commission and as such I was kept briefed as to what was going on. I was very careful that I wasn't the lawyer

for them, but I did want to know what was going on.

Palmquist: Any twists or unexpected things that went on during that proceeding that . . .

Lohse: No.

Palmquist: . . . really struck you.

Lohse: The only thing that came to surprise to all of us was the finding that was contrary to Rifkind's commissioners opinion that out of our allotment had to come some for some of the Indians. If they'd stopped right there we could have lived with it. But after that every Indian tribe in the State of Arizona has come in there and it's cut down tremendously the amount of water that we have.

Palmquist: You mentioned sitting in on all the legislative committee hearings as well. Who were the principal legislators involved in either debating or pushing the project or trying to hold it up?

Lohse: You've got me there. You see, my mind's a blank on so many of those things. Carl [T.] Hayden controlled things in the Senate. In the House, I want to say Wayne Aspen was the head of the Interior Committee. I could be wrong on that. As far as I'm concerned the hearings were totally controlled by the two chairmen. The Interior Committees in both houses were basically dominated by the western people. The eastern people, of

course, were opposed to some of these things, but they didn't have enough power to really be effective.

Palmquist: Do you recall any of their arguments? The opposition? The gist of them?

Lohse: Well, not as far as the congressional. Let me say, I've heard the Sierra Clubs and all those people talking against it. They were talking against the dams. The CAP program had two dams, one in Marble [Canyon] and one in Bridge [Canyon]. Up to this point all recreational projects had been financed on the generation of electricity. And that was the plan here. The Sierra Club and those in objection said in effect, if you will eliminate the dams we will support you in nuclear plants. Clean, no problems at all. Notwithstanding the fact that there's nothing cleaner than water. It doesn't use up anything. Water goes today but it will come back tomorrow in the form of rain and anything else. And they talked Congress into outlawing any more dams. And that instantaneously increased the cost of the CAP tremendously. We did not have power to support it.

Palmquist: They said they would support nuclear- . . .

Lohse: Plants. That's right.

Palmquist: . . . -generated plants.

Lohse: Then the minute that that was done, their position was totally contrary. So I have seen--let's say I'm not one that are basically in favor of these ecology organizations. There's got to be a compromise between the ultimate ecology and the needs of the people. And I've never seen any willingness to compromise on anything. Sam Fall, our minister up here, says, "I don't care if no one ever looks at the Colorado River. I want to have the right that if I want to walk up there and look over, I can do it." There have been no places in the Grand Canyon where you could have seen any of the water backed up. I did have one experience, I'll never forget it. The Bureau of Reclamation--the Interior Department--had some jet boats. Are you acquainted with the jet boats?

Palmquist: Yes.

Lohse: Okay. We picked them up at Temple Bar and we sailed 150 miles up the Colorado River to see the sights at Bridge, and then turned around and sailed back down. So I've gone up the rapids and down the rapids. A wonderful experience. I know the Havasupais wanted the dams there. They wanted it for their own recreational. Havasupai is a small tribe, with very, very few assets. It would have been a wonderful thing for them. So it was

basically the ecology people that have defeated it and, in my estimation, sooner or later, whether we like it or not, we're going to have to generate all the electricity we can. And that's dams. And there's only two more sites available.

Palmquist: How long did your participation in these various processes last? The legislative committee and the Supreme Court proceedings?

Lohse: Until my six years were up. Upon my termination we had a Democratic governor, and he appointed Evo DeConcini.

Palmquist: I see.

Lohse: Evo went on there for six years. Then Bill Wheeler went on there. Now during all that time I was working as the water committee of both the City of Tucson and the Chamber of Commerce. So those were two very active committees in connection with water.

Palmquist: By that time you had talked the city authorities into seeing that they wanted to be involved in the project?

Lohse: Basically that was done early in my appointment with the committee and before we had the hearings back in Washington, or even the trial of the case.

Palmquist: I see.

Lohse: Because we had to make some definite plans and the

like.

Palmquist: And the Chamber of Commerce also has a committee dealing with water?

Lohse: They had it for many, many years. I don't know what--I'm off of both those committees right now. I felt very strongly that, one, while I was on the committee I was not a lawyer for the committee, and I'd keep my mouth shut in that areas. I also felt very strongly when I went off that I should back off for a while and let the other people run the things. So while I've been very close to both Evo and Bill--Bill Wheeler was in this office about four days ago. Bill Wheeler right now is the head of the Central Arizona Project Association, so he evolved from being on the committee, in the final stages of the committee, to running the CAP project for the State of Arizona. So, no, I've tried to stay out. And I would not take any cases involving water.

Palmquist: I see. So, chronology-wise, your term ended in what year?

Lohse: I can look some things up, but I can't tell it off right. . . . I know Fannin left his office and became, a senator. So the last couple of years, while it was going through the congressional hearing I was working very close with Fannin. So

what years that he was governor here and then went up to the Senate, I don't know. Charlie Reed, after the thing was passed, was meeting with Carl Hayden's executive secretary and eating. He choked to death on a piece of steak. At that time we hired Riney [B.] Salmon to become the chief counsel. Riney was a very close friend of Carl Hayden. His assistant, again the name slipped me, is now one of our federal judges up in Phoenix. Riney is also dead now. Have you--I presume, indirectly, you're interested in CAP matters.

Palmquist: Sure.

Lohse: In water matters. Have you talked to anybody up in Phoenix along these lines?

Palmquist: No we haven't. I haven't anyway.

Lohse: All right. Then you ought to talk to Wayne Akin. And I can give you several names up there that you ought to talk to, who know the early days of the organization, where they fought alone for no one else in the state was helping them particularly.

Palmquist: Yes, sir. We'd appreciate that.

Lohse: The concept of exchange of water was developed in Phoenix. The water flowing by Flagstaff, they can't touch it. Because it's all owned by Phoenix. But they're going to get to keep that water and Phoenix will take CAP water to replace it. And

that's the thing all along here. It's a wonderful concept. And basically Arizona is really indebted to those people, what they did up there and their, their public spirit. They carried it, the cost and everything else all on their own shoulders. A few farmers. The Salt River Project was big in it. Read Mullan.

Palmquist: Mr. Akin would be somebody to talk to?

Lohse: That's right.

Palmquist: I would appreciate any other names.

Lohse: All right, I can get you telephone number and address and everything else.

Palmquist: I would appreciate that very much.

Lohse: He is right now in the real estate business, out on Scottsdale Road. I mean Camelback Road.

Palmquist: I gather that these activities with regards to either the lawsuit or the CAP probably took up a substantial part, if not all of your time.

Lohse: No, a substantial, but not all of it.

Palmquist: Yes.

Lohse: No, I was running my own practice.

Palmquist: And that would have continued to be the estate practice that you . . .

Lohse: The estate practice and other matters. I just had to schedule things around them.

Palmquist: Sure. I think you mentioned before the interview

started that you had become involved with a number of foundations as a result of your practice.

Lohse: Yes. Now, my father, as I say, most of his life was the president of the Marshall Foundation. Mrs. [Louise Foucar] Marshall was the first Dean of Women of the University of Arizona. And she bought up all the property just outside of the fence and gate on Third Street, or University as it is now known. I've never had any relationship to it, but in 1969 my clients started dying, leaving me their own estates to set up private foundations. And basically foundations work is taking about seventy-five percent of my time now. But from that time on, I'd say fifty percent of my time was spent on foundations.

Palmquist: What's the advantage to a person in setting up a private foundation?

Lohse: For the donor?

Palmquist: Yes, sir.

Lohse: Well, the donor might have more money than they know what to do with. It's a way to get tax exemption for them during their lifetime. If they have no relatives, it's a way to perpetuate their names. And I've just had a lot of people in that category that are willing to rely upon me to manage the whole thing.

Palmquist: That takes about seventy-five percent, I believe?

Lohse: Now it does. I've got one secretary next door who spends all of her time on it and investments are taking up her time. It's hard work to give away money successfully. And we've had a lot of interesting experiences.

Palmquist: I'll bet. We've talked a little bit about some of the things that you've seen. What do you look at in looking at your practice and see as the major changes in the practice of law since you began practicing?

Lohse: When I started up practicing law, the word of a the man's personal word, was all you needed. That and a handshake. I did practice like that. Pre-World War II. I will still take some chances for my own affairs on that basis. I won't do it for my clients.

Tape 2, Side 1

Lohse: That's the first thing. The second thing, the fantastic relationship that the Bar had back in the early days. We all knew everybody. I am now a total stranger around here. I'm a total stranger so far as the judges are concerned. We have judges that I've never heard of, never met in my practice.

That wasn't possible in the old days. So it's a total different situation. Nowadays there's no way in the world that any lawyer can keep up on anything. Changes in federal tax laws and everything else. I've gone to school for nine months just trying to find out about one small phase of this new tax bill--generation skipping. I can't find out exactly what to do and I've got wills I've got to draw on them, see. So, most of us lawyers today say we probably wouldn't go into it again, knowing what we do now, with the way we have to practice now. I could have called up any lawyer and make any kind of deal with him and that's it. Nowadays I wouldn't trust him if he was in writing. It's not good.

Palmquist: No, it's not.

Lohse: Now, a part of it, I think, is the law training they've been getting. They haven't been getting enough of the basics. Another big cause is the problems that California walked into some years ago. It used to be that any lawyer who was admitted in another state could be admitted down here in Arizona and California. Then people started retiring in California and just flooded them out. And instantaneously they started having discipline problems. They couldn't make a living;

they had big overheads; they started taking their clients' money and property. California stopped that. They started coming over to Arizona. Now we don't have reciprocal things but our law schools are still graduating a lot more lawyers than we can take advantage of. Over fifty percent of the law graduates now, in Arizona, are women. There are very few women, totally women, firms. Most of them had to go into government work. There's an occasional woman in a firm.

Palmquist: Do you think there is still a resistance among the firms here in town to the hiring of women attorneys?

Lohse: There's not that number of big firms. We generally start out with one or two of us getting together, and then we bring in somebody else, see. It's as we have a need. And it isn't until you get to the really big firms that you might be able to have a place that you can even use them. Or use even a junior male. Certainly I've never been in a practice where we've really had a position for them. I think my practice has always been very peculiar and unusual. Most partnerships, each attorney has his own clients. The firms I've always had here all of the partners have known all of the clients and have been able to step in if I'm

out of town or on vacation. My clients have been very happy with them, or they'd be happy with me for the other ones. And that's a little unusual. But we've been small enough we can do it.

Palmquist: How many attorneys are there here in your present operation?

Lohse: Just two of us.

Palmquist: Just two of you.

Lohse: When I had to sell that building over here, we had room for only two lawyers on that side. And I pushed my partner into getting somebody to replace me so I could retire, let's say. He finally said, "No. If anything happens to you I'm going to promote a secretary." So I just on my own accord moved out of that office, gave her my office, moved over here, in the hopes that we could start moving her into it. Her health hasn't been too good so we haven't made much progress on the thing yet. But I would love to spend all my time just doing work, helping him out. Seeing no clients of my own.

Palmquist: Do you think people are more litigious these days?

Lohse: Oh, no question about that. And there's lawyers who are filing lawsuits that should not be filed. They can't make it so they'll file or hopefully get a few fees sometime. Yes. No, I'm very disappointed with. . . . Maybe forty percent of

the cases filed should never be filed. I'm an old-fashioned man and I thought the law was a profession. My partner and I do not advertise. Never have. Never will. I don't like this advertising situation. We cannot understand the fees that are being charged today. They're unconscionable in our estimation. But if a young lawyer only has one client, he's got a wife and kids to support and he's got a fifty-thousand-dollar-a-year office overhead, he's going to grab what he can get. He may have the client only one time, but he'll milk it. . . . But it does a lot of damage and things.

Palmquist: Tim, do you have any questions for Mr. Lohse?

McIntire: I don't think so. I'm going to have to go over with you a number of spellings, names. But nothing specifically.

Palmquist: Okay.

Lohse: I can't spell CAP, but I can look most of those names up there. (laughter)

Palmquist: We're right near four o'clock.

Lohse: Yes. I've got an appointment coming in here. Well, if you get to thinking you want to talk to me later on

End of Interview.

Index of Names

Akin, Wayne M., p. 51, 60
Barnes, William S., p. 16
Black, Hugo, p. 53-54
Blacksill, John, p. 41
Brown, Claude H., p. 16
Cota-Robles, Mary Stella Rosenberg, p. 17
Curtis, L. J., p. 16
Darnell, George R., p. 5, 21
DeConcini, Evo, p. 58, 59
Donahue, John L., p. 28, 47
Fall, Sam, p. 57
Fegtly, Samuel M., p. 10, 12, 15
Hall, Bell, p. 23
Hayden, Carl, p. 55, 60
Haynes, John, Sr., p. 26-27, 29, 42
Hill, Ben C., p. 23
Holderness, Colonel, p. 12
Johnson, J. Mercer, p. 24
Jones, Gerald, p. 18
Lohse, Jessie Agnes, p. 1-2
Lohse, Leslie Albert, p. 1-2, 4-5, 10, 20, 45, 62
Marshall, Louise Foucar, p. 62
Mullan, Read, p. 61
O'Dowd, Carl J., p. 35

O'Dowd, J. J., p. 34-35, 43
O'Dowd, John B., p. 35
Padilla, Joseph C., p. 34, 37, 39
Pattee, Samuel L., p. 5
Quesnell, Bill, p. 29
Reed, Charles H., p. 53-55, 60
Rifkind, Simon H., p. 51, 55
Salmon, Riney B., p. 60
Smith, Arnold Turney, p. 28, 38, 40, 48
Smith, Chester H., p. 13, 16
Smith, G. E. P., p. 7
Smith, Judge, p. 17
Steinfeld, Albert, p. 4, 20, 26
Udall, Morris K., p. 54
Udall, Stewart L., p. 51
Wheeler, Bill, p. 58, 59
Widger, Florence, p. 44