

Arizona Bar Foundation
Oral History Project:
Arizona Legal History

Interview with John Nicholas and Sybil Webb Udall
James F. McNulty, Jr., interviewer

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ARIZONA BAR FOUNDATION ORAL HISTORY PROJECT: ARIZONA LEGAL HISTORY

HISTORICAL NOTE

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

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

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

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

In 1987, the Board of Directors of the Arizona Bar Foundation expressed an interest in continuing to document the history of the legal profession in Arizona on a state-wide basis. In particular, the Board felt that the collection of oral history interviews with senior members of the State Bar would stimulate scholarship and publication on various topics

relating to legal history, such as water rights, land use and development, and civil rights, as well as on the history of individual firms and the State Bar, itself. The Bar Foundation and the Arizona Historical Society/Tucson agreed to work together to expand the DeConcini Project statewide, calling it the **Arizona Bar Foundation Oral History Project: Arizona Legal History**.

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

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

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



John & Sybil Webb Udall

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Introductory Note

John Nicholas and Sybil Webb Udall granted this interview to the Arizona Bar Foundation Oral History Project on January 15, 1991. James F. McNulty, Jr. was the interviewer.

All Arizona Bar Foundation Oral History Project interviews are tape recorded and transcribed. Researchers wishing to listen to the interview may do so at the Arizona Historical Society Library, Tucson. Please ask for interview *AV 0412-19*. Copies of this transcript are sent to the narrator, the interviewer, the Arizona State University School of Law, the University of Arizona School of Law, the Arizona Bar Center and the Ninth Judicial Historical Society, Oregon. All original materials are housed at the Arizona Historical Society Archives, Tucson.

John Nicholas Udall Sybil Webb Udall Interview

McNulty: This is January 7, 1991. I am Jim McNulty and it is my great honor and privilege this morning to conduct interviews of Nick and Sybil Udall for the Arizona Historical Society and for the continuing project of the Arizona State Bar Foundation, in which we are trying to record the history of the great names and the great personalities that were part of the justice system of the state of Arizona, with particular reference to lawyers and judges, of which Nicholas Udall is both. [Adelaide Elm, Archivist for the Arizona Historical Society is also present.]

McNulty: Nick, good morning and thank you for coming here.

Udall: Good morning, Jim. I'm sorry I was a few minutes late. Normally punctuality is one of my strong points, but Tucson has changed in its street patterns and

traffic patterns a great deal since I came down here in September 1936 to have an abortive start at the study of law.

McNulty: You began your day by driving the wrong way on a one-way street?

Udall: Just about. I didn't quite do it, but I did make a U-turn in front of an officer that Sybil saw but didn't tell me about. Fortunately he didn't stop me.

McNulty: Well, if you do it again, you should ask Judge [Richard H.] Chambers, the retired chief judge of the Ninth Circuit to defend you, because he's had the same experience himself. Nick, I've read your biography and that is always part of our efforts here. I think, *Adelaide [Elm]*, really that the biography, as complete as it is, probably ought to be just made part of our whole pamphlet. You understand that this is to be typed . . .

Udall: Adopt by reference.

McNulty: Exactly. And that this will be typed and submitted to you and you will be asked to criticize it and correct it. After that we will publish that in a form of which we've got about two dozen now. Our emphasis is the law, but we're interested in the early history of the state and particularly of the pioneers of which you two are two. You were born in St. Johns, Arizona in 1915?

Udall: No. 1913.

McNulty: You're even older than I thought.

Udall: And my wife Sybil was born here in Tucson some time later.

McNulty: You were part of the colonization, you and your family, of Northern Arizona by people from Utah principally under the benevolent direction of the Church of Jesus Christ of Latter Day Saints. Is that not so?

Udall: Yes, but there's one little item that I neglected to put in this brief summary that I sent to you. One of my ancestors, my great-great grandfather Jefferson Hunt, passed around the perimeter of Tucson in 1847. So we really do go way back. He was the, I may have mentioned it, he was the ranking officer of the Mormon Battalion who belonged to the Mormon Church. It made the longest infantry march in history, according to what I've been told, from Fort Leavenworth, Kansas, to somewhere in Southern California and they disbanded there just as gold was discovered in California, yet most of them returned to meet their families in Utah.

McNulty: This was an effort headed up by General [Philip] Kearny.

Udall: That's correct.

McNulty: In William Tecumseh Sherman's autobiography, just published by the American Heritage Collection last fall, many references are made to General Kearny and the Mormon Battalion. And a number of people, a minority of course of the overall group, but a number worked their way to San Francisco where Sherman was the commanding officer of a small group of troops. And Sherman talks at length about the discovery of gold, and on the whole, quite flatteringly of the men whom he met.

Udall: This was an interesting portion of our Southwestern history in that it served the purpose of both the Mormon Church as well as the United States government. We were starting to have trouble with Mexico and they needed some men immediately. The Mormons were in the Missouri, Illinois area, so they had a battalion of them brought into the army to make this march. And whether it was threatening or really supportive I don't know, but at least it provided the Mormon Church with funds that were sent back by the soldiers to their families in Illinois as they started moving westward.

McNulty: You are speaking of Nauvoo, Illinois? Would that be where they began?

Udall: Yes.

McNulty: Your early years in primary school were spent in several places, were they not?

Udall: Yes. I remember when I was six years old we moved to a ranch at Hunt, Arizona, just east of the Petrified Forest. They built a one-room brick school house with one teacher. That's where I started to school and stayed until I entered the eighth grade. Then I went to St. Johns [Arizona] and went to school one year in the eighth grade. I graduated there in 1926.

McNulty: With whom did you live when you were in St. Johns?

Udall: Our family started in St. Johns, and Eager. That's where my grandfather had his families. And my father brought my mother from Thatcher, Arizona, when they were married, to live in St. Johns. After she died and he later remarried, we lived in St. Johns for a time until I was six and then we moved to this ranch. I was a little different from most of these kids now in school. I liked school. We had an eight-month school in Hunt. As soon as each school year was over I would go up to St. Johns and live with my Grandfather Udall, that's David K. [King] Udall, for a month to get in an extra month schooling in St.

Johns, sort of gratis. I did that until we moved back when I went into the eighth grade.

McNulty: Had both your parents received a high school diploma?

Udall: Yes. My mother and father met in Thatcher [Arizona] where he and his brother Levi went to get the last two years of their high school. They called it the Gila Stake Academy. Both of them finished in 1911, I believe it was. Both of them met their wives there. My mother was Ruth Kimball. In St. Johns they did not have a four-year high school. They had a two-year church academy in those days.

McNulty: What accounts for the powerful attitude toward education of these early Mormon pioneers?

Udall: I think it goes back to the religious philosophy that they had subscribed to. One of our sayings is, "The Glory of God is Intelligence." And we believe that. We cannot attain anything without knowledge, therefore education is one of the prime goals that we have in life.

McNulty: The people who contributed so much to the early Mormon migration and who came in a large part from Southern England, did they have that powerful feeling toward education when they left there or was this something that developed as time went by?

Udall: I think that it's more of the latter. In the book about my grandfather David K. Udall there's a summary or an appendix about his father David Udall, who joined the Mormon Church in England in 1850 and then migrated to the United States. In it he says one of his motives is to give his descendants a chance for opportunities that they would not have in England in the caste system that existed then. I'm sure that education was one of his goals, although he didn't express it. He arrived in St. Louis sometime in 1851, my grandfather was born there, and they stayed there for sufficient time for him to cross the plains to Utah. They didn't have very good transportation. They had to go with either wagons or handcarts. But as soon as the main body of the church arrived in Utah, under the direction of Brigham Young, education became one of their first goals.

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

Udall: Sixteen.

McNulty: Did you continue your education right away?

Udall: No. I did register in the Phoenix Junior College but after about two weeks my father prevailed on me, because of the advent of the depression and with his large family, to find a job. So I discontinued my education for a couple of years. I worked at the Central Arizona Light and Power as a grunt, a lineman's helper, and then at the Arizona Industrial Commission.

McNulty: Had your family by then located to Phoenix?

Udall: We had moved to Phoenix in 1926 just as I started to high school.

McNulty: Your father was very much involved in government at a variety of levels, was he not?

Udall: Yes, he was clerk of court in Apache County when my mother died. There was an interesting side event there. He and his brother Levi who had spent two years together in strange lands in Southern Arizona obtaining their last two years of high school and were very close brothers discovered one Saturday afternoon that under the caucus system that then existed they were the respective candidates of their parties for clerk of court. They went to my grandfather and said, "What shall we do? Shall we flip a coin and one of us withdraw?" He said, "No. You conduct the campaign like gentlemen." My question in later years was, "And did he also add, 'And may they best man win'?" In any event, my father won and shortly thereafter he made his brother Levi his deputy clerk. After my mother died my father was so disconsolate that he resigned and retired to his cattle ranch and Levi was appointed by the Board of Supervisors as clerk.

McNulty: You're telling me then, that Levi won the Democratic nomination for clerk of the superior court . . .

Udall: They didn't have it by nomination. They had it by party caucus.

McNulty: So the Democratic Party of Apache County nominated Levi Udall for clerk of the superior court and the Republican Party caucus of the same county nominated your father John for the same job?

Udall: That's correct. Anyway, the blood relationship didn't seem to make any difference to them. While Levi was clerk of court he started to study law under the guidance of Judge A.S. Gibbons who many years later he defeated for judge of the superior court. But both Levi and my father were very active in religious and civic matters in the St. Johns area. My father, in addition to being clerk of court, was in the Arizona Legislature I believe for two terms, four years, in the early twenties, and became well-known all over the state.

He and Lewis [H.] Douglas, who was his age peer, became very good friends, were sort of the men that ran the legislature in that Lewis Douglas was the leader of one Democratic faction. There was an equal-sized faction that couldn't get along with each other. My father and two other Republicans were the swing votes so my dad and Lew made all of the political medicine in the legislature in those days.

McNulty: Was your father a Republican . . .

Udall: Yes, he was.

McNulty: . . . through his entire life?

Udall: During the depression he was one of the few Republicans in Arizona. He and Ralph [W.] Bilby and Irv [Irving A.] Jennings were three of the stalwarts.

McNulty: David King Udall, your grandfather, do you know what political party he was registered with?

Udall: I think that he was a Republican, that my grandmother was a Democrat and Uncle Levi's mother was a Democrat. Anyway, we've kind of split it down the middle. I'm the only Democrat in my father's family. He had ten other children and they were all Republicans.

McNulty: The story I've been told is that your uncle Grover Cleveland Udall was so-named because of the pardon extended your grandfather David King Udall by President Grover Cleveland. Have you ever heard that?

Udall: I've not only heard it, I've seen the pardon. In fact, I think it's in his book.

McNulty: So there's no question of your grandfather's disposition toward President Grover Cleveland as being thankful for this pardon from this wrongful conviction.

Udall: That's right. The conviction was for the wrong purpose. They were trying to prove that my grandfather had two wives, which he did, but my grandmother was living in Southern Utah and they couldn't prove it. So he was convicted on a charge of falsely signing an affidavit as to the homestead application of a gentleman by the name of Miles T. Romney, who was the grandfather of George Romney, one-time candidate for president of the United States.

McNulty: Did Miles Romney collaborate with authorities on that matter?

Udall: No. He went to Mexico.

McNulty: But is not the story that your grandfather had signed papers which verified that Mr. Romney had proved up on the homestead, that is he had built a building

of some size or of some value as a condition precedent to getting a patent for that land?

Udall: Well, I think the facts are some of which I have obtained from the federal court records from the storehouse in Bellflower, California, I believe it is; and I've seen others that Uncle Levi had. The fact is that Miles T. Romney settled on a homestead a few miles north of St. Johns. When it came time to make his application for a patent he needed two persons to verify that he had lived there for three years. My grandfather Udall was not a man of letters. He didn't have much of an education. He went to the clerk of court, before whom he signed the application as a witness, and asked him what it meant. This clerk of court was of Spanish descent—I can't think of his name right off—but my grandfather asked him the meaning of some of the statements. One of them related to the fact that Mr. Romney had lived on these premises and made certain improvements for the whole period of three years. My grandfather explained to him, according to the lore that I have, plus what I've seen in the file, that he had been by there periodically, he had seen laundry clothes on the lines and children and chickens and everything in the yards, so he presumed he was there all of this time, but he hadn't seen him there every day of every year of the three-year period. The clerk said, "Well, that will be fine," so he signed this application, along with, I believe, a man by the name of Crosby.

Well, it turns out that the statement was not absolutely correct so he was charged with perjury. Mr. Crosby was neither charged or convicted, I don't know which it was. But my grandfather was convicted by a judge who later signed one of the petitions, as I'm told, to President Cleveland for his pardon. I think that also was true of the district attorney. Arizona then was a territory. The trial was in Prescott.

To show you the venom that existed against this group of Mormons who had come to Arizona, grandfather's bond was fixed at \$25,000.00. In those days that was a great deal of money. Some wealthy rancher, I believe it was, signed a property bond for him so he remained out until the time of the trial. Then he was sent to the Detroit House of Correction under horrible conditions for a number of months until President Cleveland pardoned him when the true facts came out.

This judge was very anti-Mormon. He would not permit any explanation of how this application came to be signed by my grandfather. He wouldn't let the clerk testify. As you know, one of the requirements for a perjury conviction you have to do something knowingly and deliberately; and that testimony would have exculpated him completely. I think it was on that basis that he was pardoned and that explains Uncle Grover's name.

McNulty: Was your grandfather uncomfortable with this brief chapter in his life in subsequent years?

Udall: Well, it wasn't a pleasant experience but I don't think he ever held his head in shame. He knew why he was convicted and he knew that was why he was supported by the church. The church in Salt Lake City gave him every support it could, to his family and to him, and tried to get him out. They did get him out eventually by having the truth made known. He really wasn't presented and convicted of perjury, but because of polygamy, although they couldn't formally prove it.

McNulty: In the book *Arizona Pioneer Mormon* it is quoted from some newspapers at that time, some of the most inflammatory, even violent language with respect to the Mormon peoples. I suspect you are familiar with what I am speaking of, are you not?

Udall: Yes, I am.

McNulty: What accounts for the vitriolic disposition of those editorials?

Udall: Well, I can give you my explanation or justification. From the Mormon point of view it was a millstone that they had around their neck because they proclaimed that they belonged to what they considered to be the true church. A small number had more than one wife. And that brings resentment in people.

Another explanation is that they were a hard-working, thrifty people who were resented by frontiersmen who didn't respect the law or anyone else. We had very little law when the Mormons moved to the West. They also have a doctrine or creed that we believe in honoring, obeying and sustaining the law. So they ran counter to each other on that.

I suppose the more rational sociological explanation would be that the haves and the have-nots resent each other and the Mormons became haves because they worked hard and saved. The have-nots who wanted to live on other people, even in those days, resented that very much. Yet the unusual

thing is that the Mormons helped out everybody with whom they were associated in their communities. In fact, the first Catholic mass in Utah was held in a Mormon church. The Mormons let the Catholics use their facilities.

There was a Phoenix lawyer who grew up in St. Johns by the name of Greg García. I don't know whether you remember him or not, but he was still practicing when I commenced. He told me that he owed his profession and his status in life in his group of people because of my grandfather. There was no way for him to get an education beyond grammar school and my grandfather, who, then was the Mormon stake president in St. Johns, told him to come over and go to the stake academy even though he was not a member of the church.

So there are a lot of conflicts that have developed over all these years. Some people resented him and his people some people appreciated him. I've given you a couple of examples.

I can't give you any better explanation of the animus than that, but from the time that the church started developing in Ohio, Missouri and Illinois the members ran counter to the general populace. In Illinois, for example, at one time the place where the Mormons lived, Nauvoo, was the largest city in the state, even larger than Chicago in that time. In Missouri they were buying up much of land and that was resented. They would work hard and buy up the land. I think we see a modern-day phenomenon in the resentment of lots of people towards people of the Jewish faith because of their ability to work hard and acquire. And it's resented.

So I don't know whether that's an explanation. It's a little convoluted but I think it may cover it.

McNulty: Let's get back to you and the year 1930. You're about seventeen years old and you've just graduated from high school. You've spent a couple of weeks at Phoenix College and then you remove to, was it St. Johns?

Udall: No, I went to work for the old Central Arizona Light and Power Company. That's the predecessor of A.P.S. [Arizona Public Service Company]

McNulty: Oh, yes. Was that strictly because of money considerations?

Udall: Yes.

McNulty: How long did you work for CALAPCO?

Udall: Oh, about four months until I got a better job. Wages were very low in those days. I made three dollars and a half a day. A lineman, who was considered

the elite, made six dollars a day. That's a hundred and eighty dollars a month. And he would raise his family on that amount. It was hard work. I dug many a hole for high-tension power lines with a hand shovel and scoop and so forth, six feet deep, very neatly tailored. I remember that after the first three or four days my hands were so blistered and sore I couldn't hardly drive a car. But it was a good experience.

McNulty: When do you think you became interested in the law as a possible career?

Udall: I think when I had started to high school.

McNulty: Was anyone else in the extended Udall family, looking through both of David King Udall's families, was anyone else interested in the law?

Udall: Yes. Three of my uncles were lawyers at that time. My uncle Levi and uncle Jesse were the first two. Both of them had attended the University of Arizona Law School, I believe, at some point of time. My uncle Don had gone to Georgetown University. He was the youngest and I was the oldest of the two different generations. I think there was sixteen years between us. I can remember when he came home one summer, I was about six years old, something like that, he was courting his wife and they took me for a ride. I knew he was a law student. He was always very kind to me and he became a sort of an early role model. I decided I, too, wanted to go back to Washington and go to law school. That was at a very early age, but later I formulated it very firmly in my mind when I started to high school, that I wanted to be a lawyer.

McNulty: Wasn't it an extraordinary thing that a Mormon from St. Johns of very limited financial circumstances would wind up at a Jesuit law college three thousand miles away?

Udall: Well, I don't know how he got into the Jesuit college. That's where I wanted to go too, but one of my BYU [Brigham Young University] friends and I both went back there at the same time to go to law school. He wanted to go to George Washington and I wanted to go to Georgetown. He ended up in Georgetown and I ended up in George Washington. The reason was George Washington required two years of a foreign language and he didn't have it. Georgetown required a degree and I didn't have it. I had three years when I went into law school.

McNulty: Even back then Georgetown had a degree requirement?

Udall: Yes, they did, in 1937.

McNulty: Which, of course, the University of Arizona didn't have for probably thirty years afterwards.

Udall: Well, I started at the University of Arizona in 1936 but the depression was still on and I could not afford to stay there. I wanted to get married, also, so I went back to Washington. And George Washington was the one that was available. Professor Smith, as I was departing, made it clear that I would not be well advised to go to one of the second-class law schools that I could get into immediately. I had to return to undergraduate studies a little while to get the three years to get into George Washington. In fact, I was the last group to get in without a degree. They changed it in 1937.

McNulty: How did you support yourself when you went to law school at George Washington?

Udall: I worked as a civil service employee of the federal government and then after Sybil came back there we helped each other. She says she put me through law school but I say I did whatever studying was required. But we both worked in the government.

McNulty: Does that mean your law school classes were all at night?

Udall: Yes, with one exception. I went to day school once when I had a late afternoon job. But primarily it was at night, five to seven every night.

McNulty: Was your family, your father and your stepmother now, were they able to help you in any significant way financially?

Udall: No. I had been going to the University of Arizona Law School when I received a telegram offering me a job as a sorting machine operator. That was something I had learned to do at the Industrial Commission. Those were the precursors of computers, which we didn't have in those days. But I met that qualification of a sorting machine operator, I had taken the civil service exam and so within a day of the offer I withdrew from law school here. I talked to Chet [Chester H.] Smith, who was one of my favorite professors. He told me not to go to one of the grade B law schools, even though I was a little older than the average student in those days because I had stayed out of school four years and that the extra effort would be worth my time. So I followed his advice and when I went back there I enrolled in the undergraduate and went two more years to get enough credits. But when I registered in the program

I was able to get in, even though when I entered law school they actually had required a degree. But I sort of was grandfathered in. It's kind of a tough deal.

There's another interesting aspect of this, Jim. The District of Columbia had a requirement of three years attendance at a law school before you took the bar. I had gone to law school three years, but I had another year to go. Twelve of us at GW got together and decided we would take a bar review course, with all of the other things we were doing, and take the bar early. All twelve of us passed it. Most of them quit law school. But I continued and got my degree. Sixty-nine percent of the four hundred plus who took that bar failed it, including quite a few with degrees already obtained from either Georgetown or George Washington, the two good law schools in the district. Most of them were from the other law schools. Then I went to work as an attorney in the Department of Agriculture. One of my professors was a colleague there. And I continued to go to law school.

McNulty: So you finally did get a degree from George Washington after you'd already been admitted to the District of Columbia Bar?

Udall: I'd been admitted for eight or nine months, I guess.

McNulty: When were you admitted to the Arizona Bar?

Udall: I came out to take the bar here in January of 1944. Then I came back to my brother's funeral in May. I had passed it and was admitted then, in May of 1944.

McNulty: And have you practiced law in Arizona ever since?

Udall: I went back to Washington to consult with my wife and had told her that I had been offered a place to put my files, so to speak, with Paul [M.] Roca, who had been ahead of me at George Washington. So we sold our house and we quit our jobs and moved back to Arizona with our two sons in July of 1944. I have been either a lawyer or a judge ever since.

McNulty: When you were admitted to the Bar did that make the fourth Udall now admitted, after Levi, Jesse and Don?

Udall: I think so. While my father was serving as Federal Prohibition Administrator, he took a night law course from Terry Carson, who gave a bar review course in Phoenix. Dad studied this for about a year and read the booklets from some Chicago correspondence school, took the bar but he lacked one point of passing.

He never did become a lawyer. He always thought he should have been but he wasn't.

McNulty: Did he have any formal education beyond the high school level?

Udall: No. But he was very well read. I'd say he was very well educated. So I was the fourth Udall lawyer after my three uncles.

McNulty: Given the harshness that your family had experienced at the hands of the law, in the case of your grandfather, and given the hateful kinds of publicity that was visited upon Mormon people in Northeastern Arizona, why did the Udalls persevere in looking to the law and embracing the law and, of course, complementing it by the strength of their intelligence and their work efforts?

Udall: I guess there are a number of reasons. One time I asked Uncle Levi's wife, Louise, why it was that the Udalls were in the forefront in civic, political, religious matters. She said, "I think they like to run things." So maybe that's one reason. Another is, I think, that our great-grandfather, David Udall, who came over from England and all of the others who contributed to our blood, were just committed to hard work, achievement and the law was one of the many avenues open for us. People who think that the Udalls are all lawyers are way off. There are far more farmers or ranchers or tradesmen or school teachers than there are lawyers. It just seems that maybe we've made a little more noise.

McNulty: But given the disillusionment that certainly members of the family had to feel after the conviction of David Udall and the hostility from a number of neighbors and the slowness with which the law seemed to respond to the needs of the Mormon people, doesn't it seem unusual to you that so many Udalls have embraced the law. There must be, what, eight or ten Udalls admitted to bars over the country?

Udall: I think there are probably fourteen or fifteen now.

McNulty: Yes.

Udall: Some that I don't know.

McNulty: Wasn't there a heritage of some injustice visited upon the Mormons in Nauvoo, Illinois, surely.

Udall: Yes, but I think maybe there's a partial explanation. Finally, they decided that the only way that they were going to have peace and tranquility was to seek a place where they would be alone. That's why they went to Utah after

Joseph Smith was killed. In fact, they were planning it before he was killed in 1844. But they didn't leave Illinois until about 1846, I believe it was, and they moved westward rather slowly, building relay stations where they grew vegetables and built buildings to take care of the ones who followed along.

There was a man by the name of Samuel Brannon, I don't know whether you've ever heard of him, you would if you were a western history major, who was very prominent in the early church. He was the headman in a group from Brooklyn who went around South America and landed in San Francisco. Then he went overland and met Brigham Young, who had just reached Utah, and told him about the San Joaquin Valley and the lush area of California. Brannon said, "I think you all ought to come on over to California." Brigham Young said, "No, we want to stay here where we are going to be isolated and can build up our own communities." Samuel Brannon went back to California and became very wealthy. He, among other things, loaned a lot of money to the Mexican government. He died a pauper and was buried by the Mexicans in Mexico.

But the attitude that I've told you earlier about those who were in California when gold was discovered and went to Utah, plus the entreaties of Samuel Brannon, would indicate that the Mormons for a couple of generations at least were willingly more or less isolated. This continued on down into Arizona. So when you say we had trouble with our neighbors in Northern Arizona, that's not quite true; because as our people branched out from Salt Lake south and north and so forth into Idaho and Wyoming and Colorado and into Arizona, there were four communities set up in Arizona: St. Johns, Snowflake, Mesa and Thatcher. They were the predominant group there so there wasn't that harassment there, although in St. Johns when my grandfather settled, there were quite a few of Spanish descent. There was some friction for a while but they overcame that.

McNulty: There was an editorial in a newspaper in St. Johns calling for the extinction of the Mormon people, was there not?

Udall: Yes, but that was primarily a group of Texans who came in and were allied with the Mexicans, the people of Mexican descent. They called them the "St. Johns Ring" but they didn't last too long there. They moved on.

McNulty: How long did you practice law in Arizona before you got involved with the City of Phoenix?

Udall: Not very long. I started in July of 1944 practicing law and in the early part of 1947 Ray Busey, then the mayor of Phoenix, asked me if I would run, with his support, to be a city commissioner. In those days they had the mayor and two commissioners elected in even years and two commissioners in odd years. That was something we corrected a little later. I agreed. I was second choice; Dix [W.] Price, an old friend of yours, was asked but his family didn't want Dix to get into politics. So I ran and was elected as a commissioner. Busey and I could not get along, so after about a year, when his term was drawing to an end, I decided to run to succeed him. He didn't run.

McNulty: Was this the beginning of charter government, so called?

Udall: No. That came some time later. I was elected mayor in 1948.

McNulty: Those elections in those years prior to charter government were on traditional political party alignments were they not?

Udall: No. Phoenix city government has always been non-partisan.

McNulty: I see.

Udall: The reason that Ray Busey wanted me was, I believe, because of my religious affiliation. He was trying to balance his group. But he was a rather dominant man who did not want to brook any opposition. He would not consult with me before he would, in effect, commit my vote. I finally told him and the city manager I would not blindly vote the way he wanted unless he talked to me first and had my consent. If I didn't give my consent I wouldn't vote his way. So not long after I became a city commissioner, I joined with two dissidents. We formed a new majority and we fired his city manager. It was during that period of time I decided to run for mayor. Now to get back to your question, it was less than three years after I returned to Phoenix from law school that I was in city politics.

McNulty: Were you instrumental in the formation of so-called charter government?

Udall: Yes, I like to think so. After I was elected mayor there was another faction that got control of the city commission and I found myself in the minority again. During that period Charlie [Charles N.] Walters, a Phoenix lawyer who was appointed to take my place as a city commissioner when I became mayor, helped me engineer a charter amendment. I remember one of the leaders was

Frank [L.] Snell in bringing this about. We gained a lot of support in the community, even though we were in the minority, and we had a vote to amend the charter in the fall of 1948. It was proclaimed by the governor, I think, in the end of November. One of the things it did was to change the name of the governing body to a city council, added two new members, and it provided among other things for the employment of a professional city manager. Also, the Arizona constitution was amended to permit the employment of a non-resident as a city manager.

So with these tools in hand, it was the understanding of most people that we were going to get a new manager. We were going to run our city the way that it should have been run. The very first meeting of the new city council, they picked two more of their persuasion to be with them. Then Charlie Walters and I were completely outnumbered, five to two. Shortly after that, two fellows, one a Democrat, one a Republican—I don't know whether you remember Ron [Ronald, Jr.] Webster who was a Republican, he's now dead, he was a lawyer, and I'm not sure whether it was Larry [Laurence H.] Whitlow, they came to me and said, "We think that the people ought to support you and Charlie Walters and we'd like to help"—this is non-partisan, both a Democrat and an Republican—and, "How shall we do it?" And that was a part of the initial evolvement of the charter government group. Later Paul Roca and Alfred Knight and many other people in the community started giving us support.

Earlier, while Ray Busey was still mayor but after he had lost his power because of the change that I have indicated, he appointed a charter review committee and they met quite often. I sat in with that group while I was still the city commissioner. But it was after the default of the new council that the charter government really got under way. Then, as the election was approaching in the fall of 1949—by the way, we had changed the time of the terms from the first of May to the first of January, I voluntarily gave up about four months of my first term as mayor in order to bring this change about. I don't think they could have done it without my consent because as a change of law you can't usually deprive somebody of a vested right like that. Anyway, that's when they settled the charter government group, including Charlie Walters and me.

There was some initial controversy in my selection because the attitude in the community was, "Let's throw all of the scoundrels out." I met with some of them and said, "You're doing me an injustice and Charlie Walters an injustice. Why should we be fighting when we are on the verge of prevailing, then kick us out too?"

I remember Paul Roca asked me to come and see him one day, and said, "I've heard some stories and if they're true this group is not going to support you. If they're not true they are." I said, "What are they?" He told me. I said, "There's no truth to them." So they decided to build the five new councilmen around Charlie Walters and me.

We had some problems in assembling that group. It included Barry [M.] Goldwater, his friend Harry Rosensweig, Margaret Kober, Frank Murphy and Hohen Foster. Before Murphy was picked they had selected an official of the Arizona Federation of Labor who was a good Catholic. We felt he would add to the ticket, we were trying to build it to include all groups. We didn't get around to some Hispanics and others of minority groups until later. The labor man backed out and so Frank Murphy was selected to take his place. In that ensuing election we won handily. I had three opponents so I didn't get quite as many votes as Barry. We won a little more than two to one over the total vote of everybody else.

In 1951 all seven of us ran for re-election, which would be the beginning of my third term. And again we had the same experience. This time ex-mayor Ray Busey was one of my opponents. Again, all of us had more votes than all of the others combined. No runoff was required.

In the summer of 1952 Barry and I each decided to go our ways. He resigned and ran for U.S. Senate, successfully, and I resigned and was elected judge of the superior court. I decided that I wanted to get back into my professional field. I had accomplished what I started out to do in the city.

In my second term, after we had selected a professional city manager and put the thing on the proper basis by cutting out favoritism and all of the other perks that used to go with local city government, Phoenix was awarded the All-American City Award during my second term. I was very proud of that! I might say that until I came along there had never been any mayor

succeed himself with the exception of one way back before World War I when Phoenix was rather small.

For statistical information, when my family moved to Phoenix in 1926 it was a little city of around 30,000 people. Our 1930 census was 35,000. Our 1940 census was at 49,000, I believe. Our 1950, while I was mayor, was 106,000. Our surrounding cities were very much smaller. Now we have about, almost 1,000,000 in the city limits and we have around 2,000,000 in the whole valley.

McNulty: When you ran for Maricopa County superior court judge, did you run for an open place or did you run against an incumbent?

Udall: The system in those days was that there would be up for election as many as there were vacancies to be filled. We ran more or less at large. It was almost a popularity contest. In 1952 there were two pending vacancies, Judge [Dudley W.] Windes and Judge [Charles] Bernstein. Judge Windes aspired to go to the Supreme Court so there was one actual vacancy. Judge Bernstein was the juvenile judge and had a big crowd of probation officers. He was rather a formidable opponent.

There were six of us ran for the Democratic nomination, two to be nominated. I came in second and Henry [S.] Stevens was nominated by the Republicans. So in the general election, Henry, Charlie and I were the candidates. That's when Sybil first met Henry. She could not understand why, at the rallies, he was so complimentary to me all the time even though he was running against me. Henry and I became very good friends and shortly after I took office I persuaded the board of supervisors, who I had some close political contacts with, that we needed another division. Howard Pyle was the governor and I knew that Henry would get the job, which he did. So Henry and I worked very closely together on the bench until I left.

McNulty: How many years were you on the Maricopa County superior court bench?

Udall: About five.

McNulty: It seems to me, looking back at my own experience, that you have never, up to the moment we are in this interview in your life, you've never earned a whole lot of money.

Udall: My wife whispers, "Right". I think I've done all right. I've never put my children in our bank account rather than money. We have seven children and

haven't had to get any of them out of jail or bail them out of any serious problems. We're very proud of them.

S. Udall: Excuse me. I think it should be known how little they paid the mayor. In 1914 it was three hundred a year. When Nick ran for mayor it was three hundred a year. Until he had it changed by the voters to six thousand a year, which helped a little.

McNulty: But you've got these kids and you must be thinking about their education. Did that play a part in your leaving the bench and joining the law firm?

Udall: Income had a part in my leaving the city to go to the bench, because the judges were paid ten thousand a year and that was a big jump back in 1952 when I ran. Then, when I was visited by Irv Jennings in 1957 asking if I wanted to join them as a partner, they needed some middle-level person who could talk to clients and go to court, I wavered about one or two days while I could talk to Sybil and then we accepted it. That's why I left, because my income immediately doubled. And I was looking forward to when my children soon would start to college.

McNulty: So at that moment you are really full-time into the practice of law as a working lawyer, and the political business is pretty much behind you?

Udall: Yes. While I was serving as city commissioner and then as mayor and getting the three hundred a year, Sybil forgot that I had a two hundred dollar expense account that I didn't have to account for, so I was really making five hundred a year, and spending a lot more than that for the various things that a mayor has to do. The mayor's salary was increased in 1949. In May of 1957 when I joined the Jennings, Strouss, Salmon and Trask, as it was then known, I became a full-time lawyer and have been ever since. But I practiced law to supplement that three hundred so we would have something to live on, all the time that I was in city government. I might say that my first full year of law practice in 1944-1945 was one of my most profitable before I got into politics. I was making more money than most of the old-timers because I worked long hours and I became involved in enough things, got enough referrals from others that I was doing pretty well, comparatively for those days.

McNulty: A fellow named Ralph Bilby told me in January of 1985, when I applied for consideration of employment by the firm of Bilby and Shoenhair that, in his

words, it was not possible to be a politician and a lawyer, and I remonstrated with him quite vigorously. I assume you would have done so too.

Udall: I'd say Ralph was about eighty-five or ninety percent correct. He and Irv Jennings were two of my father's very close friends. They were both active legal practitioners but they had their hand in the political scheme a little bit too. They may not have been candidates but they participated.

Ralph and my uncle Jesse were classmates and very close friends. I remember going into Ralph's new home over in the Country Club area in 1936. He had evaporative air conditioning. That was the first that I had ever seen. We didn't have such in the thirties. He was in the forefront of that. So I knew Ralph from way, way back.

I think your basic premise is correct, Jim. Somebody, and I don't remember who it was, said, "You can't put your eggs all in one basket, but you need to put most of them there."

McNulty: So do you feel that, to use your metaphor, that you put most of your eggs in the practice-of-law basket?

Udall: Yes. One of the commitments that I volunteered when Irv Jennings came over to talk to me, I said, "I suppose then, that this is the end of politics." He said, "Well, we want you as a lawyer, not as a politician, but we may call on you." As long as he was alive he and I talked about city and state politics all the time. I kept my hand in pretty much.

McNulty: Did you ever engage in any active lobbying?

Udall: Yes. Until we had a lot young men come along who could do it better, I spent ten or fifteen years out in the halls of the legislature, when Harold Giss and Bill Kimball and gentlemen like that were holding sway.

McNulty: In the practice of law, did you tend to focus on one area?

Udall: Initially I started in the labor field, and I'm talking about when I joined the law firm. When I was a young lawyer by myself, sharing offices with Elias [M.] Romley and Paul [M.] Roca, I took practically everything that came along, except criminal work. But with Jennings, Strouss I started to handle labor matters and then I decided I really didn't fit that and didn't like it, so I became mostly involved in tort litigation, defense, and also I did a lot of domestic relations until we decided as a matter of policy to no longer handle

that. I have handled malpractice as well as everything else up above fender benders.

McNulty: Who are some of the lawyers that you knew, met, perhaps contested with, that particularly stand out in your mind?

Udall: There are a lot of them. I started out with Paul Roca and Elias Romley. I've since had a couple of tough cases with Elias, both with him and against him. I remember an especially hard-fought one with my friend Dan [Daniel] Cracchiolo. I've run the gamut with a whole lot of them and I just don't think of any that stand out more than those two that were rather tough.

McNulty: Judges before whom you have practiced. Who stands out in your mind, or what several stand out?

Udall: I think one of the early ones was Judge Marlin T. Phelps. His only son and I were friends in high school for four years so I knew of him even before I got out of high school. When I started to practice he was handling probate. I remember the good lesson he taught me one time when I stood in the line, as practice was then for *ex parte* matters, you just got in the line and had your papers for him to sign. I went over one day to have a sale of a car confirmed, got back to my office and discovered that I had copied the wrong description of the car, I put down a Ford and it should have been a Chevrolet. So I had to take an amended order the next day. I was in the line and then up to the bench, the room was filled with lawyers. Judge Phelps, said in a rather loud voice when I explained, "Mr. Udall, do you bring things over here before you've reviewed them?" I'll tell you, from then on I did. That was just a bitter and embarrassing lesson. Yet despite that Judge Phelps and I were always good friends. I bought a fancy car from him that I used to drive around, an old Buick with shiny, silver-colored covers on the wheels on each fender. A real sport car. The judge told me later his wife was very unhappy that he sold it to me. He stands out as a judge.

Another one was Dudley Windes who was an early judge. I replaced him. So after I was elected I asked him if he would mind if I sat in his chambers as well as well as his court room to watch him and learn about some of the cases that were being handled. He had just undertaken, the month of the election, a new assignment system, for Maricopa County but he really hadn't put it completely into effect. I would listen to him in chambers and

then he would, after the lawyers had departed, ask me how I would rule or what I thought about it. I would tell him and then he would either affirm or correct me. He helped me out a great deal before I became a judge. So those two stand out as judges.

Then, I watched my uncle Levi and was always a great admirer of him, both as a trial judge and as a Supreme Court judge.

I had very good relationships with Howard [C.] Speakman, who became a federal judge in Tucson; with Arthur [T.] LaPrade, who later went to the [Arizona] Supreme Court; with Charlie [Charles C.] Bernstein and Lorna [E.] Lockwood, although I didn't always agree with them. They were my colleagues, as well as Fred [C.] Struckmeyer [Jr.] and Renz L. Jennings before they became a [Arizona] Supreme Court Judges.

I don't know how wide this is going to be circulated, but I will say without fear of any contradiction that, in my opinion, one of the best judges I've ever appeared before is Federal Judge William P. Copple. I've had a very good relationship with him.

I've had a pretty good relationship with Dick Chambers, who was Chief Judge of the Ninth Circuit. I remember one time I went up to him to shake hands at a Bar convention and told him my name—this was way, way back. He said something to the effect, "Hell, Udall, don't you think I know who you are?" So I never introduced myself again. But one time I went up to see him in San Francisco about a non-judicial matter and we finished at nine-thirty or ten in the morning. He asked me when I was returning to Phoenix and I said, "Late afternoon." He said, "Well, come back at noon and I will take you to lunch." So I went back to his chambers about eleven-thirty. Here were about nine or ten circuit judges gathering and as each one came in he would say, "This is my friend from Arizona. When you're all here I'll tell you who he is." Before we went out to lunch he proceeded to give them my biography. I didn't know he knew that much but he'd done his homework. I had a very interesting lunch with all of them. About a dozen of us went to a place that they had reserved and had lunch, which they did once a month. I had really lucked out on that one. My partner, Ozell Trask joined that court in 1969. He was an excellent scholar.

A couple of judges I've had some good relationships reached our highest court. In fact Chief Justice [William R.] Rehnquist and I had a jury trial against each other and I'm happy to say I won. I also knew Justice O'Connor when she was a senator.

I've been admirers of many judges and I've criticized a few of them. I think I have an unusual position in that with my background, experience and so forth, I can speak up to them when a lot of others can't or won't.

I don't know whether I can focus on it any more than that, Jim.

McNulty: I won't ask you to.

Udall: Oh, I might say I also have been a great admirer of my uncle Jesse Udall, who was different than Levi. He wasn't quite as much a long term student of the law. He was also a military and business man, but he had probably a little more compassion than Uncle Levi. He was a very compassionate, understanding man.

McNulty: I watched him marry a couple during a recess in a trial in which I was involved as one of the lawyers, and he wanted people to stand in the chambers while he conducted the ceremony and to stand up for the parties. They had arrived by themselves. I was drafted and stood there obediently during the whole presentation, I almost felt like I was in a church and that this was a clergyman presiding. He had a book that he carried with him. It was a long ceremony. He wasn't going to treat this cavalierly at all.

S.Udall: Most of them are in the Mormon Church. But that wasn't in church.

McNulty: But that was an unforgettable experience for me.

Udall: Before we leave this I have to relate a story that probably is not in my uncle Levi's family's lore. He told me one time of an incident while he was still a trial judge in St. Johns and he was also the stake president, which meant that he was the top church official in that area. As such he performed many marriage ceremonies. Of course he was qualified to do so as a judge, but as a churchman he never made any charge. In fact, I think he said that he'd never performed one as a judge per se, he just did them because he was the stake president. A man and woman were passing through in a big Cadillac and decided to get married and came to the courthouse, and so he married them as a judge. When they finished the man said, "Well, how much do I owe you?" Uncle Levi said, "Whatever it's worth to you." Later he was quite embarrassed

by the position that he'd put this man in. The man gave him twenty-five dollars, which was a lot of money in those days. He told that story with some humor but also some embarrassment.

McNulty: Are any of your children members of a Bar anywhere?

Udall: Yes. I have a son, Kimball, practicing in Santa Fe and a son, Larry, practicing in Phoenix.

McNulty: Did your son in Santa Fe perhaps go to work for Tom Udall, what would he be, his cousin, the new attorney general of New Mexico?

S. Udall: Oh, no.

Udall: Not hardly. They're cousins, as you know, as well as . . .

S. Udall: That wouldn't be very profitable, I would think.

Udall: They're not only first cousins, they are second cousins, because their mothers are sisters and their fathers are cousins.

Kim has been in Santa Fe long before any of the others went up there. He's been there practicing since 1972. When he started he was with the largest firm in Santa Fe, then about seven or eight lawyers. Then he went off on his own and now he's with another firm, Sommers, Udall and a bunch of other names and he's doing very well.

McNulty: How has the practice of law changed over the years?

Udall: That would take an awful long time to explain; but I think I can highlight it by saying that when I started to practice we generally trusted each other, there was an atmosphere of doing our work by phone or in person without extended pleadings. We didn't commit things to writing that was not required by the statute of frauds. Our telephone call was all that was necessary to set up a deposition or to agree on a trial date or whatever; in fact, if you wrote a letter confirming an agreement on a trial date or on a deposition the other lawyer would call you back and say, "Don't you trust me?" Now as a way of life, that's one thing in the practice of law that has definitely changed. In fact, you might be guilty of malpractice if you did not confirm appointments or opinions or agreements of any kind. That's one great change.

Another one is the pace has changed for the worse. In addition to the unfortunate lack of trust that lawyers have in each other, and in the world in general I guess, it's more a dog-eat-dog situation than it used to be. We looked

on it as a profession rather than a means of earning a living; which came second or was incidental.

I don't think lawyers devote nearly as much time as they should to public affairs and civic affairs like they used to. Some do but most of them do not.

We didn't used to keep detailed time. We may have made notes here and there but we never billed on tenths of an hour or a fourth of an hour. That has become the way of life and it's abused. The exceptions are those who are in the plaintiff's personal injury fields and I think they even have to keep their time to protect themselves in case they get fired and need to make a *quantum meruit* claim. The dollar sign is the prevailing guideline now.

McNulty: If some of your grandchildren, I suspect some are in the position where they might be contemplating a legal career. If they asked you your advice would you encourage them?

Udall: I think so. I've always been proud of my profession. I have been unhappy with some things that I've just mentioned, but I think it's one of the honorable professions. If we don't have good people in it we'll have ourselves to blame for the results. Yes, I would encourage them. I'm not sure that I would encourage them unless I felt that they were not only committed themselves but capable of handling it. Because, as you know, not all smart people are good lawyers. And not all good lawyers are smart.

S. Udall: We have a granddaughter who intends to go to law school. She's just in high school now.

McNulty: And I think she'd probably be a pretty good lawyer. I'd like to take a little break here. Then Sybil, I'd like to ask you a few questions.

McNulty: After a short break everybody's thought of a few things they'd like to talk about. Nick, let me ask you to proceed.

Udall: Well that's rather an open question. It's not a wise one for a lawyer to ask questions of another lawyer. There are a number of things I could probably add about my early life. My mother became ill and went to Los Angeles when I was about twenty months old, and took me with her. She had minor surgery but caught pneumonia and died within a day or two. It was very disruptive to

my father's life. He left me with his father for the next year and a half and stayed in his ranch. I'd see him all the time but others took care of me. In the same time frame that my mother died my father's mother died. So he had a double dose. He went off to his ranch more or less to hibernate, as I've said. I became very well acquainted with my grandfather Udall from almost my earliest memories. My grandfather Kimball visited me often. Then I can remember when my father went off to Salt Lake City to marry my step-mother, Leah Smith, his second wife. So my memory goes back to about the time I was three, of many things.

McNulty: I'd like to ask about your recollections of David King Udall and your grandmother, Ida Hunt Udall.

Udall: Well I don't remember my own grandmothers because one died before I was two, as did my own mother.

McNulty: Your grandmother Ida?

Udall: Yes, she died in 1915.

McNulty: When you were only two?

Udall: Yes. Less than two. But I stayed around my grandfather's home. People who are not of our faith don't understand the very close relationship that existed in these multiple family situations.

My father eventually married Leah Smith. Her father was the equivalent to my grandfather in the Snowflake stake. He had been stake president there for many years. He had a much larger family. My step-mother was his thirty-ninth child and her mother's baby, thirteenth child. And that family more or less took me in as though I were a blood nephew and treated me the same way. So, I have lots and lots of cousins in that great big Smith family. They are all over Arizona. I would have to say they're the largest single family in Arizona descending from one man.

I remember the reunions when all of my aunts and uncles would come to my grandfather's big home in St. Johns. One of things I've noted about the change in the times: in those days the children ate at the second table. Nowadays we, the parents, eat at the second table. We feed the children first.

But this was a very close-knit family. My grandfather was very hard-working. He used to take me with him out to his farm. He used to pass on gems to me from time to time. In fact, one that you and I may not like, Jim,

was, he said, "When you get right down to it, there's only one group of people in the world that are not parasites." I said, "Who are they?" He said, "The farmers." He ended up with children, grandchildren, great-grandchildren who were in all of the professions, and I'm sure he really didn't mean that the way that it sounded then. He was dedicated to hard work. He would get up at four in the morning and do his chores around the house. I could hear him chopping wood, when we finally moved back to St. Johns, at four or five o'clock in the morning in the summer. I used to drive him around the valley when he was a little older and moved to Mesa as president of the temple there.

The last time I saw him I was getting ready to go to Washington. I took Sybil by to introduce her to him and to tell him that we were going to get married. Then he died within a year of that and I didn't get to see him again. But I remember the closeness of the Udall family even though they were all strong-minded individuals.

I want to say just a little bit about my grandfather's brother Joseph, who also is the sire of a lot of people around Arizona, Joseph Udall and all of his family. He and my father were very close politically, more than my grandfather was. Between the two of them I'd say they were the dominant political leaders in Apache County during the twenties. Even after we moved to Phoenix my father was still up there where he had his ranch. I'd go in the summertime to work on the ranch. And he kept his hand in Apache county politics for many years.

Let me say just a little bit about my mother and father. My mother's father was born in Salt Lake City, one of the many sons of Heber C. Kimball, who was the first counselor and the closest friend of Brigham Young. He actually has a larger progeny than Brigham Young. So I'm related to all of the Kimballs in the West that come out of the Utah group.

My mother, Ruth Kimball, was born in Salt Lake and grew up in Thatcher. She was in school there when my father went there to go to school and they started their courtship. My father was a few years older than she was but they did have class together. They were studying English literature and came upon an English author by the name of Nicholas Udall. So they said, probably half facetiously, "If we ever get married and if we ever have a son,

we'll name him Nicholas." That's where I got my name, although John is my first name, after my father.

My mother finished her education and then my father went back to Thatcher and took her to Salt Lake City where they were married. An interesting thing in those days, the real devout Mormons would go to Salt Lake City or wherever there was a temple and there weren't any outside of Utah. My father and mother were married by the president of the church, whose name was Joseph F. Smith. One of his wives was my mother's father's twin sister. Her name was Alice Kimball. She married Joseph F. Smith so that made him an uncle of my mother by marriage. Then when my father took Leah Smith up to Salt Lake City they again were married in the temple by the same Joseph F. Smith, who was a great-uncle of my step-mother. So there were many close connections.

My grandfather, Andrew Kimball, came to Arizona about 1897. He was the stake president in Thatcher for many, many years, and had a large family. He used to come by to see me after my mother died at least once a year, so I have very fond memories of him also.

Then, I must mention, his son, Spencer Kimball, of whom you've heard, who was just younger than my mother when their mother died. My mother was then about eleven and Uncle Spencer eight. She took care of the family until my grandfather later remarried, so there was always a very close bond between my mother and Spencer Kimball and he continued it on with me after she died. He used to come to see me in St. Johns and Phoenix and we were always very close. In fact, during the time when he was president of the Mormon Church I think that I was one of the few who dared tell him what I thought, where others were more respectful, although I loved him very much. In fact, people would see us together and think we were brothers because we looked so much alike.

McNulty: Spencer Kimball is the man who lived for many years in Safford and ran an insurance agency and was a close friend of my deceased partner, Martin Gentry.

Udall: Yes. I know that.

McNulty: They were very active in the Rotary Club.

Udall: He was very dedicated to his Rotary. In fact he went to conventions many places, overseas, to Europe.

Then just a little bit about the Smith relationship. My stepmother used to take me over to Snowflake, where she grew up, to see her mother, Janet. She was a very strong person with her thirteen children. They all treated me great. We even lived there when my father was in the legislature, so I had that closer relationship. Then all of the Hunts in that Snowflake area were my father's relatives. His mother was one of about six or seven girls and they married into the leading families up there so my father had the woods filled with cousins up in that area. Do you remember Gussie Larson? Or Wallace Larson who was in the legislature?

McNulty: Yes, I do.

Udall: Wallace Larson was my father's first cousin by one of those relationships. Outside of the Snowflake, the St. Johns and the Thatcher contingents we have no connections with the Mesa area that was colonized. St. David also was an early colony and quite a few people went there from the Thatcher area, so I had relatives down in that area eventually. All in all, I'd say that I have a very strong relationship with the Udalls, the Kimballs, the Hunts and the Smiths in Arizona. My own grandmother's father, John Hunt, was the long-time bishop in Snowflake. He was the son of Jefferson Hunt who came through this Tucson area with the Mormon Battalion. My father was named for him, John Hunt.

McNulty: What about the colonies down in Mexico? Have you ever visited there or do you have any relations there?

Udall: No. I've never visited there and I have no direct relationships there. My son's wife's family was there. I knew lots of them who went to BYU when I did in the thirties.

That reminds me, we've left out one little part of my education. After I had worked two years, I told my father that I felt that I had acquitted myself in helping him, so I took my old Chevrolet, that I'd paid twenty-nine dollars for and ran pretty well, and went up to Provo, Utah, to go to school. He wasn't able to help me but I foraged somehow up there and stayed there two years.

Within two weeks of arrival I was working on the student newspaper and attended by assignment the freshman assembly to elect class officers. I had just been working on my car, had an old sweater on with a hole in the

sleeve and I had some old dirty corduroys and suddenly remembered this assignment and ran across to the assembly hall without changing clothes.

The first five nominees for freshman president were all there in suits. It was not quite the regular dress for the campus so you knew that they had come prepared. They were from the different regional high schools in Utah, the leading candidate from each. Then I heard a voice from the back of the room. Myrlan Brown from St. Johns, who had ridden up with me and had gone to grammar school with me, put my name in nomination. I cowed down in my seat. I was a little embarrassed by my appearance. They called us all up to the platform, asked us who we were and where we were from. Then they took a hand vote to get the two highest and I came in number two. Number one was the student body president from the local high school. We had a two week period to campaign more formally and then had a ballot election. I decided I would use my past experience and I put on quite a campaign. The other guy took it for granted he was going to win. The results were so one-sided that they didn't even announce them, but one of the men who ran the tally said I won by five to one. So, I served as the freshman president up there. The next year I settled down, trying to study a little bit. Then the summer of 1934, after two years at BYU, I went to Kentucky and Virginia for a two-year period on a mission for my church. Just before I left I met Sybil.

When I returned from Kentucky I had just turned twenty-one. In fact I asked my mission president if I could return a couple of months early so I could get here in time to enroll in law school. During the time that I was gone I was writing to Sybil and when I came back we renewed. She discovered a cousin here in Tucson named Helen Webb. She started coming to visit Helen nearly every weekend or so, which she hadn't done before. But anyway during the . . .

S. Udall: You don't have to have add all these things.

Udall: . . . during the several months that I was at the University of Arizona Sybil and I crystalized our relationship. When I decided to go to Washington I went to Phoenix to ask her if she would follow me.

To show you how so many things have fallen into place for me as I've gone along, and which I think fit in a little bit here. The night of the afternoon

that I withdrew from the law school I went out to Miracle Mile to hitchhike to Phoenix. It was getting dark. A car drove up with a Kentucky license and stopped. The man said, "Can you drive a car?" I said, "Yes." He said, "We're looking for someone to drive us to Kentucky. Would you be interested?" I said, "I would, day after tomorrow." So he said, "Well, let me see you drive." He had brought his son out here for his health but he didn't want to drive the long distance back. The upshot was that I came back to the dorm and he told me that if I drive him there that there would be no charge but he wouldn't do anything for me or my expenses. He ended up by paying for my hotel for a couple of nights and took me down to the bus station in Kentucky and bought me a bus ticket to Louisville. So I got all the way to Louisville for nothing. I had borrowed some money to go back there so this made me a little better off than I thought. It cost me twelve dollars to go from Tucson to Louisville to Washington. Two months later Sybil followed me and we were married back there on my parents 25th anniversary.

I've often reflected how important a part the two years that I was in the South has had in my life for being more compassionate with people who have less. I saw extreme poverty during the depression then, in Virginia, North Carolina and Kentucky. I won't go into all of that but I think people's early life has an impact on them. That's the one that had such an influence on me, in addition to the general depression that all of us suffered.

Now, I mentioned to you at a recess that I had had a lot of contacts with Frank Snell, who was a young lawyer from back East somewhere and who stopped in Globe en route to Phoenix and practiced. Then he was in Phoenix when my father was in city politics. My father was elected mayor of Phoenix in 1936.

McNulty: On a non-partisan ticket?

Udall: Yes, non-partisan. He and Frank Snell didn't always get along well because Frank represented some merchants and my father didn't agree with some of the things that they wanted done. In any event, I became acquainted with Frank Snell early in my practice.

One of the things that I became involved in about a year after I started to practice was the organization of the Maricopa County Bar Association. Paul Roca involved me because I was practicing in his office. Paul, Dave [David

P.] Jones, Royal [D.] Marks and I were the four incorporators of the Maricopa County Bar Association.

As secretary I took it on myself to go to every law firm in town to get acquainted with lawyers and to solicit their membership in the County Bar, and incidentally to tell them that I was available for referrals of their odds and ends of practice. I was very busy by the end of my first year, I had done very well, far more than I had anticipated.

Among those that I became acquainted with were Frank Snell and Mark [B.] Wilmer. Mark had just started working with Frank. But I discovered a little later that two of my subsequent partners also, at one time or another, had been partners with Frank Snell. I don't know whether you knew that or not. Riney Salmon was once his partner, the firm was known as Snell and Salmon. Another time Charlie [Charles L.] Strouss was his partner. Later they both joined Irv Jennings before I was brought into the firm. Then Ozell [M.] Trask had come out to Arizona. He was in a sanitarium in Tucson and met his bride-to-be, who was also ill. They moved to Phoenix. When I started practice Ozell was officing with Jennings, Strouss and Salmon. Then they formed another firm and when I joined the firm in 1957 Trask was a partner. So I go back almost to the beginning of that law firm.

But I met Frank Snell many times over the years. When I was mayor he was very active in the Arizona Livestock Association. Every time they had a big stock show he would come by and pick me up and, I don't know whether we'd have lunch before or after, but he would take me out to the fairgrounds for this show because as mayor I'd have a little welcome talk to give to all of them.

One time in later years I saw Frank in the courthouse. He was looking around and I said, "Frank do you need a guide?" He laughed. He very seldom went to court. As you know, he was more an office lawyer and he really built up a great law firm over the years.

McNulty: Sybil. I want to get you on to this tape here. You were born in Tucson, Sybil Webb?

S. Udall: Yes, I was the only one of mother's children that was born in a hospital.

McNulty: Which hospital?

S. Udall: Tucson Hospital.

- McNulty: Tucson Medical Center or, no.
- S. Udall: Well, it was the same hospital as . . .
- Udall: Well, it used to be north of Speedway. It's no longer there.
- S. Udall: The hospital is no longer there. It was the Tucson Hospital.
- McNulty: It wasn't called the Stork's Nest?
- S. Udall: I wouldn't remember. I was very young.
- McNulty: Did you go to school here in Tucson?
- S. Udall: No. I was born here. I lived here probably just a few months.
- McNulty: You went to Mesa then?
- S. Udall: No. My father went into Texas and to Phoenix. He was the supervisor for the water users. He had a lot of men working for him. He was the superintendent of canals. So we moved around a little bit because of that. I actually consider Mesa my home town. I went to high school there. We moved in 1926 after my father was killed in his work.
- McNulty: You graduated from Mesa High School?
- S. Udall: I graduated from Mesa High School.
- McNulty: What did you do after you graduated?
- S. Udall: The day after I graduated from high school I got on the bus and went to Salt Lake City and entered the LDS [Church of Latter Day Saints] Business College. I stayed there for a year and I received a secretarial degree, came home and worked for a year for a firm. Then I decided that that wasn't what I wanted, really, to do the rest of my life.
- McNulty: Were you working for a law firm?
- S. Udall: No, not a law firm. No, an insurance agency.
- McNulty: So you decided that isn't what you wanted to do?
- S. Udall: That isn't what I wanted to do for the rest of my life. So I went—well I guess in the meantime I met Nick. He remembers the dates and minutes and seconds but I don't remember that. Anyway, I had met Nick and . . .
- Udall: September of 1934.
- S. Udall: . . . and I went to—or did I meet you before I went up to the "Y"?
- Udall: Yes.
- S. Udall: So I thought I, we were quite serious about each other.
- Udall: She went to the "Y" to wait for me while I was on a church mission.

S. Udall: Not really. I did no waiting. I dated and had a good time at BYU. After all, we only had three dates before he went on his mission.

McNulty: Go ahead. You're doing wonderfully.

S. Udall: On the first date he said, "I don't know how I'm going to do it but I'm going to be an attorney." And he was the only boy I ever went with up to that time, and afterwards also, that knew what he wanted to do, and that impressed me a great deal. He was the poorest boy I ever went with. Really poor. His father was the Phoenix mayor at the time and Nick was able to get into all the theaters free, a pass, so we spent our time mostly talking or going to the theater, with the three dates we had. Then I went up to the "Y" and stayed there just a year and came back.

McNulty: Were you at school at Brigham Young University?

S. Udall: Yes. I went up to school, BYU. I have a degree from the LDS Business College. We were married in 1937. He went back to Washington, D.C. and found out he couldn't get along without a good secretary to help him through school.

McNulty: Were you married in Washington, D.C.?

S. Udall: Yes, were married in Washington, D.C.

McNulty: Was there a temple in Washington, D.C. at that time?

S. Udall: No, we had no temple wedding then. You don't necessarily have to get married in the temple to be Mormons. His father was very upset. I had decided that I would go back on a Saturday and his father called me in on a Wednesday and said, "Now Sybil, this is not the way to do it. You're not to go back there. You're to have Nick come out here and be married in the temple." He said, "I know everybody in Arizona and you'll have a great big wedding." Well of course I thought that was terrible, you know, to think of having a big wedding and receiving a lot of gifts. I've since changed my mind. It probably would have been a better idea. But anyway, I went back to Washington and we were married there.

McNulty: Were you married in a state . . .

S. Udall: In the church. Not in a temple. No, there was no temples back there then.

McNulty: Well there are now, are there not?

S. Udall: Not in Washington, D.C.

McNulty: Well just outside . . .

S. Udall: Oh, that's right . . .

McNulty: . . . an enormous beautiful temple.

S. Udall: . . . that's right. Just outside it. Yes. We've seen that. I'm sorry. Not in the city itself. Yes.

McNulty: Well, is the marriage in the temple for eternity as contrasted to marriage for time?

S. Udall: Marriage in the temple is for life and eternity, so you have to be pretty sure about being married in the temple, if it is possible.

Udall: We did that a year-and-a-half later in Mesa.

S. Udall: Yes. We came back a year-and-a-half later for Christmas and we were sealed, they call it sealed, in the temple at that time.

McNulty: As soon as you were married in Washington, did you go to work immediately?

S. Udall: Not as soon. I couldn't work in civil service. I had not taken the civil service exam. There was a clause, I think it was section 213, in the laws saying that two married people could work for the government at the same time.

Udall: Married people.

S. Udall: Married people.

McNulty: Is that so?

Udall: Let me interject so you get it in the proper context. As a depression measure the congress passed some law and one section called 213 prohibited married couples, both of them working for the government. I was already working there so she couldn't get a job. So she worked elsewhere, I'll let her tell it. Later they repealed that section and then she did go to work for the government.

S. Udall: I worked at various things. I was a secretary and also worked in a department store. We were pretty hard up. You know, Nick's hundred and five dollars a month didn't go very far when you pay forty dollars a month for school. Clause 213 was repealed and then pass a civil service examination. I went to work for the United States Office of Education. That was before it was in the president's cabinet, which came later. I worked there the seven years that we were there.

McNulty: But by 1944 now, you are all back in Phoenix. You and Nick plus how many children?

S. Udall: We had two sons in Washington, D.C.

McNulty: At that time. Did you resume work in Phoenix?

S. Udall: Not very quickly. When my twins were two years old and with five older children I couldn't stand it anymore, so I found a very capable woman who came in and took care of the twins. The children did most of the housework. I had a schedule on the icebox who did the dishes, who cleaned the bathrooms, etc. Then I went out to the House of Representatives took an examination and worked in the secretarial pool. The representatives did not have private secretaries. So I worked in the pool for a year and then Morris Richards asked me to be his secretary in the Senate. Later I worked for John Michelson and then Senator Gibbings. When I worked for Senator Gibbings, you were out there at that time and I used to go up the balcony and listen to you speak and I was very impressed.

McNulty: Bless you. Did you insist that your sons learn how to iron their own shirts?

S. Udall: You bet. They had to iron.

McNulty: What other things did you teach the kids as a matter of self-sufficiency?

S. Udall: Well, as my son Larry says, he didn't like the way I ironed and he out of pure necessity ironed his own shirts. Those were the days before wash and wear. I actually didn't know how to do one thing, not one thing, except to make fudge candy, when I married Nick.

Udall: I had to teach her how to run the washing machine.

McNulty: Tell me the whole list of chores that you insisted your children learn and then perform.

S. Udall: Well everything. Clean bathrooms, mop floors, clean windows. My son John, he was a great bathroom cleaner. My daughter-in-laws think it's great what I taught my sons to do. John is a great dish washer, and Roz says that he is so neat and persnickety that when they go into a restaurant to eat that he'll straighten everything up and dust the crumbs off. She says she hates it when they go into a motel. He straightens it up and leaves the room clean.

Udall: She also taught her children how to return merchandise.

S. Udall: Well I was a great mind-changer. Whenever I bought something, I loved it at the store, but when I got it home I didn't like it. That was with about everything, not just clothes. I would buy things and I got home and found I just really don't like that. So my boys would take them back. Why did you bring that up, Nick?

McNulty: By the time the last of the kids had left the home did you discontinue working?

- S. Udall: When they left home?
- McNulty: When the last kid has flown.
- S. Udall: Well actually I can't remember when the last one left home.
- Udall: Well you haven't worked since.
- S. Udall: I haven't worked since. No, I haven't. I've done community service, working with the Symphony Guild and with Opera Dames and Little Theater. I was one of those instrumental in obtaining an opera for Phoenix. You had an opera here in Tucson before we even had it in Phoenix.
- Udall: She ran for the legislature in a highly Republican district and led all of the Democrats and almost made it.
- S. Udall: Well that was the year 1966 and the year that Arizona changed completely from being Democratic to Republican. I did win in the primary. I did win the primary. There was a young attorney that I ran against and I won by quite a large majority.
- Udall: Was that Jim Walsh?
- S. Udall: No, no. I didn't run against him. I think he was in another district.
- McNulty: He was a little later than that. No, I could never compete with him. But anyway, that was my only experience . . .
- Udall: She lost in the general.
- S. Udall: Well, I lost in the general, yes, because that was the year that Arizona became a Democratic state for the first time.
- Udall: You mean a Republican.
- S. Udall: I mean a Republican state.
- McNulty: Do you remember when your sister was being courted by Stewart Lee Udall?
- S. Udall: Actually they had a very short courtship also. But I remember . . .
- Udall: Udalls work fast.
- S. Udall: She was married in Mesa.
- Udall: I think, just to correct the record, that they met at our house in Arlington, Virginia, while we were still there. Ermalee went back there to work and lived with us and then lived with my sister, Ruth, who also came back there. Stewart was either finishing his church mission or else his service, but somehow he came to Washington and they met. There was a long interregnum, but we were at their wedding, Sybil. It was at the Mesa Second Ward and they were married by Stew's father, Levi.

- S. Udall: That's right, we were. See, my memory isn't as good as Nick's.
- McNulty: Over the years the law business has been a very integral part of lots of Udall's lives. How has the experience and the interface with the law affected your life?
- S. Udall: Well I think it has made my life much more interesting than had I have gotten married to any other man, in any other profession. I find the law very interesting. Naturally, some of the cases Nick could not talk over with me; some of them he could because they didn't involve anybody I knew. But I have found it very interesting, the law, very interesting. And enjoyable.
- McNulty: Did you encourage the two children that you have that are in the law to that kind of career?
- S. Udall: I never encouraged them that way particularly, but that they must make their lives important. We lived in a big house in Phoenix with huge big bathrooms almost as big as this room, and John, my oldest son, would come in and sit on the bathtub while I rolled up my hair. He'd say, "What should I do?" I would say, "Well, I don't care what you do, John, just so you do something very important and make something of yourself." And he has told me since that he remembers my instilling in him that he had to do something important. He had to make a name for himself in some way. I did the others not so much, but I feel as though I influenced all of them in that way. Our children were permitted to watch T.V. only one night a week. I insisted they do their school home before anything else.
- McNulty: Don't we always lean most heavily on the first born?
- S. Udall: Yes. That's true. Of necessity when you have them come pretty fast.
- Elm: I'm interested in your running for office and wanting to enter the political field as a woman in the sixties. That was not real common. What made you lean toward that or decide to do that?
- S. Udall: I worked at the legislature over nine years and thought I knew the process of what went on very well! I just found it very fascinating. On campaigning I had the experience of going around to different people's houses and I thought that was a very great experience. Many of the people would say, "You're running for a state office and you're a woman?" It was quite surprising to many people in the sixties. I found that very invigorating because I thought, "This is the way all of our boys did on their church missions. This is what

they had to do, knock on doors and go in to present their ideas! So I found that very interesting. I did win overwhelmingly in the primary and I was elated about that. I was disappointed that I never found another opportune time to run again. We always lived in the wrong kind of area—for a Democrat.

Elm: How many children do you all have?

S. Udall: Seven.

Elm: Do you have daughters as well?

S. Udall: We have two daughters and five sons.

McNulty: Your family, the Webbs, have the long chain of Mormon antecedents even as Nick does, is that not true?

S. Udall: Yes.

McNulty: Where were your parents born?

S. Udall: My mother was born in Utah and my father was born in Southern Utah.

S. Udall: My grandfather was the head of the first academy in Snowflake, Arizona, my grandfather Webb. My father died when I was eleven or twelve years old so I don't remember much about him. He had three sisters and he was the only son. My grandfather had three wives. Nick's had two.

McNulty: Did you go on a mission as a young woman?

S. Udall: No. I had no ambition whatsoever to do that. I dated returned missionaries. I wanted to marry a returned missionary because they were nicer than most boys.

McNulty: Most of your children went on missions did they not?

S. Udall: Yes. Even one daughter. We've had six on missions.

McNulty: And did you encourage them to do so?

S. Udall: I didn't push them, but I encouraged them, yes, if they wanted. They all wanted to go of their own free will.

Udall: And we paid for it.

McNulty: Have you been active with the church even down to present times?

S. Udall: I've been very active in the church. I taught, when you were at the capitol. I think I told you that I taught cultural refinement. It included music, art and literature. I taught that for a good many years. I also taught in the Sunday school and primary. I preferred the women's auxiliary. I taught U.S. and state government classes in the church.

McNulty: Have you ever been restless with the LDS teachings vis-a-vis the role of women in society and in the church?

S. Udall: Well, yes. Very. Definitely. However, I think the church has come a long way now, compared to what it used to be. In fact, I think that we have two or three L.D.S. women in the legislature now. I haven't kept up with state legislatures like I used to. I've been involved in other matters.

McNulty: How many years totally did you spend at the state legislature?

S. Udall: I suppose around ten or twelve altogether, working in the House and in the Senate. I worked for Morris Richards and John Michelson and for Senator Gibbings. Then I worked in the secretary pool over at the House. When someone needed a stenographer he would call and surprisingly one would be sent. I was just shocked that the men who represented the state didn't know the English language correctly. They would dictate, and I had to correct all of their letters. But it's different now. I mean there are such superior people there now. I don't mean they weren't superior then, but they were mostly non-professionals with no knowledge of English grammar, such was the House in the early sixties.

Udall: That's why she was so impressed by Senator McNulty. He had a better command of the English language than anybody she knew.

S. Udall: Well, now I didn't take any work from him. I . . .

Udall: You told me how you listened to him every time he talked.

S. Udall: I listened to him when I could. I didn't always know when he was talking. They didn't send up a little note to me, "Get up there in the gallery and hear him, Senator Jim McNulty . . ."

Udall: You told me the word would be passed and everybody would go listen.

S. Udall: He was a very good speaker. He could speak the English language so beautifully, that's what I thought was so wonderful. And, as you know, many people couldn't.

McNulty: Tell me about some lawyers that you've known over the years. Are there a few that stand out in your mind?

S. Udall: Well, actually ones that I don't know, but have read about, stand out in my mind more so than the ones I know. Sitting here I can think of very few lawyers that stand out in my mind. I think Paul Roca very highly. Then, what was the man who worked with him?

McNulty: Elias Romley?

S. Udall: Elias Romley. They stood out in my mind very, very much.

Udall: Well, you always said Irv Jennings stood out in your mind even though you disagreed with him.

S. Udall: Irv Jennings I think was probably the most outstanding but, he was rather arrogant in a way, but he was truly one of the most brilliant men I think I have ever known. He married his second wife and they were in Alpine, someplace in Northern Arizona, and he invited Nick and I to come up and me join them on his honeymoon, which we were sort of flattered to do. He was a great bridge player, a great bridge player, and we played bridge with them constantly.

Udall: And he made you follow the rules.

S. Udall: Oh, you bet. I couldn't put anything down but he said, "Take your finger off Sybil." So, he was horrible that way. He was almost obnoxious, in fact.

McNulty: When you say you didn't agree with him do you mean you didn't agree with him politically or. . . .

S. Udall: Yes. Politically I thought that he was far, far to the right. Very far to the right.

McNulty: Did he ever suggest to you that he thought you were very far to the left?

S. Udall: Oh, no. I don't think so. I don't think he really knew it. In those days one had to more or less agree with the head guy in the firm. I wouldn't dare say—I did say a few things and got in trouble for it!

McNulty: Do you remember any judges? You must have met a number of those over the years.

S. Udall: Sure, there had to have been. There's Charles Ronan, did he ever become a judge?

Udall: Yes.

S. Udall: Yes, he did. Charles Ronan.

McNulty: His son-in-law is my partner here.

S. Udall: Oh, really?

McNulty: David [A.] Paige.

S. Udall: Tell him that we think so highly of the Charles Ronans. He and Nick were the greatest pals.

McNulty: Were you?

- Udall: We have the same middle name.
- McNulty: Is his middle name Nicholas too?
- Udall: I think so. Charles N. Ronan.
- S. Udall: Well, you know the man I think who was more cut out for being a judge than anyone I've known and was the best judge I've ever known, I'm sure he'd have made a great judicial career had he wanted to, was Nicholas. I thought that really was his career but he could not make enough money in that position to raise our seven children on a judge's salary.
- McNulty: You must have known a colorful character named Judge Renz Jennings, did you not?
- S. Udall: Yes. Very well. Very well.
- McNulty: Do you have warm memories of him?
- S. Udall: I think my memories are much warmer than some people's. I think he was truly himself and I admired that about him very much.
- McNulty: He did have a reputation as being somewhat unorthodox.
- S. Udall: Yes, very much. I knew his wife. I think she had a wonderful life but she had a lot to put up with. I guess a lot of judges' wives have that, but she had an extra lot.
- McNulty: We're about to wind up here. What should be in our record that isn't here yet?
- S. Udall: Well I just really—what would you like to know for your record? I've thoroughly enjoyed, knowing as little about the law as I do, and I think that I have humored Nick and even babied him because of the fact that he has been such a hard conscientious worker. He's very kind and considerate in spite of it.
- Udall: Jim, we've skirted one or two things about my professional career that I'd like to talk about because I think they have some significance. When I was in law school we had a student bar association and one evening our speaker was a federal judge, Boletha J. Laws. The U.S. Supreme Court had adopted new federal rules at the end of the prior decade and Arizona also had adopted it, so I was especially interested in it. My professor in that class became notorious for other reasons later. He was later the bishop of Northern California in the Episcopal Church. But he had been the reporter for the federal committee that

drafted the rules so he knew more about the federal rules than anybody else. His name was James A. Pike.

McNulty: Oh, my. Bishop Pike.

Udall: Bishop Pike, you've heard of him. Well, he was an excellent teacher. He wasn't more than two or three years older than I but he just really had it down pat. When Judge Laws came over to talk to us about pre-trial practice under Rule 16 of the new federal rules, he had been experimenting with it. In those days there was very little, anywhere, very little discovery, depositions or anything like that and there were no pre-trial conferences being held.

A few years later when I became a judge I had noticed that there was very little being done in pre-trial work. Once in a while some lawyer would have a deposition but it was not any regular thing. No judge ever held a pre-trial conference that I ever heard of. So one of the things that I decided when I was elected that I was going to seek an assignment where I could do this. I mentioned Judge Windes had inaugurated a new experiment of the judges. At that time there were only seven superior court judges in Maricopa County and three in Tucson. So I asked them at a meeting just before I went on the bench where we were going to get our assignments, and of course I was taking over Judge Windes' calendar, I asked for that assignment also. It was kind of a chore or a burden and the others could have cared less then. They didn't know what I had in store.

So the first morning as a judge that I had the consolidated motions, in other words under that system that we were inaugurating all preliminary motions, with a few exceptions, were heard by one judge. I started doing that. I had been elected with sort of a question among the Bar. They knew that I was in politics but they didn't think that I had the experience to be a judge. I decided that I was going to do several things that would change their mind and one was this pre-trial practice. So I announced that I was going to select cases for pre-trial conferences. I had a great deal of opposition, but nevertheless I put it in. There was a book named *Pre-Trial* by Nims. The salesman for that book company told me that he'd sold over four hundred copies after I put this practice into effect.

I had a great deal of opposition but a great deal of success, I came down here to Tucson and talked to the County Bar here about it. Later I went

to Salt Lake City and participated in the Utah Bar convention; later to Nevada and California conventions; and I became acquainted with several people foremost in that field, including federal judge Murrah on the Tenth Circuit from Denver, we became good friends, who had a similar experience in Oklahoma when he was on the trial bench. So pre-trial practice became an established thing in Maricopa County and later down here.

One of the significant things about it was that three of my colleagues were Charles Bernstein, Fred Struckmeyer and Lorna Lockwood. All later went to the Supreme Court. They were the three who gave me the most trouble on the trial bench and wouldn't do their homework, wouldn't do pre-trial practice properly. When they got out to the Supreme Court they adopted rules that swung the pendulum to the opposite end, too much so.

In any event, after I left the bench—oh, while I was on the bench I was also a member of the State Bar Rules Committee and after I left the bench I stayed on it for I think around twenty years. So one of my fortés was pre-trial practice and also the use of summary judgment. And I've carried that on. A few years after I left the bench we had a strong movement, after the election of judges was being terminated, to change a lot of our things.

One judge suddenly resigned so I was asked if I would go back on the bench until his successor was elected. So the governor didn't want to make an appointment for improper advantage purposes. So I served as the first pro-tem judge. In 1974 I took over Judge [Laurens L.] Henderson's calendar for about seventy or seventy-five days as a full-time judge. Then when they started the practice of using pro tem judges a few years later I served as a, and am now serving, on call as a pro-tem judge. I'm keeping my hand in judicial matters and have always done that. I've been very proud of the progress that Arizona has made.

As you probably are aware, Arizona was the second state in the nation to adopt the federal rules. I remember the day we started our class before Professor Pike. He asked, "Is there anyone here from South Dakota or Arizona? If so you are lucky because we are going to study the federal rules and yours are the two states that have adopted it."

I mentioned that I participated in the organization of the Maricopa County Bar. When the Arizona State University started its law school, or even

before, they set up a law society and I was an initial member of that law society and stayed on that for about ten years during which they started the law school. So I became very well acquainted with the founding dean and so forth. In fact, when he was divorced I represented him. He was very nice in telling me he hoped his students would have the interest of their clients like I had shown him.

Elm: Was this Dean [Willard H.] Pedrick?

Udall: Yes, Dean Pedrick. Then later we started the Arizona Bar Foundation and I was one of the founding members and on the board of directors. I stayed on there for, I think, two terms

I mentioned in my brief biography that I gave you that in 1986 the Maricopa County Bar honored the Udall family and four of its lawyer members, Morris, Stewart, Calvin and myself for our combination service to the Bar and the community. So one of the reasons that I'm proud of my profession is that it does give an opportunity to a member to participate in all kinds of public functions. We have an advantage over other people. We have a better training to participate in things like that.

McNulty: Amen.

Udall: And I think we have a corresponding duty to participate. One of the things I mentioned to you, Jim, at the recess was I hadn't gone far enough in telling you in the beginning this morning the distinctions or the differences in the practice of the law. One is the lack of the same kind of participation that we used to have. You could always count on lawyers to be in the legislatures on all kinds of boards and commissions because they felt that it was not only good for their business and good for them themselves, but it was a duty they owed to the community.

Another thing I want to mention that I think is a bad change in the legal profession is the way we count our time. It used to be that you'd talk to a client for any number of hours, you'd do your job, when you were through you'd try and figure out roughly how much time you had and how much it was worth to him and how much he could pay. Then you'd give him a bill, usually in some round figure like a hundred dollars or five hundred dollars or two hundred and fifty, whatever. Now we keep our time in tenths of an hour or quarters of an hour. We charge everything from a little phone call to passing on the street, almost. Our rates have become outrageously high, we are more

committed to the dollar. That's a necessary part but I think we've lost sight of the duty of the profession. That's a change that I think is wrong and will bring down our house around us if we don't change it.

Elm: How did that change come about? Do you see that?

Udall: There are several things that contributed to it. One was the general attitude of the whole country after the big war. We became very materialistic. We weren't before the war because we were still suffering, most of us, from the depression. We were more interested in being able to get along. Suddenly after the war money was the goal, in whatever field, and the law was one of them. Instead of being a profession, to many it has become a business and that I decry very much. I don't think that I'm worth what they have me listed in our computer, either as a full-time lawyer or as a retired lawyer. My firm charges for my time when I work on any case. I don't think Jim's worth what he charges. I don't think any lawyer is worth what we're charging and I think you'd agree with me Jim.

McNulty: Indeed I would.

Udall: At least we wouldn't want to be charged that rate. Yet our colleagues in the medical profession are even worse. They'll charge you a thousand dollars for something that takes them an hour or so. Admittedly, they have the life of the person in their hands and they have a lot of responsibility and a lot of knowledge in back of it. But it's just not worth it when you consider the cost to the people who have to pay it. I can't conceive of the harm that is done to a working man who has to pay a thousand dollars to save his little daughter's life when it will take him five years to pay it off, if he doesn't have insurance. It's just not fair.

McNulty: We now have a quote for the summary that one day will appear in the *Arizona Attorney*. Nick and Sybil, thank you very much for these moments and these insights and comments.

S. Udall: Thank you.

McNulty: We'll submit it to you and if you see something there that's going to get you tossed out of the State Bar feel free to change it. As your cousin Morris says about the candidate who went to Tombstone and spoke eloquently at length for forty minutes, and who raised a little interest of an old grizzled cowboy at the back of the room and caused him to stand up and say, "Son, I kind of like

what I just heard you say, but tell me, you're not one of those danged lawyers
-are you?" The guy was a lawyer. He thought for a moment and said, "Yes,
I am, but I'm a very poor lawyer."

End of interview.

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