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**Interviewee’s Name:** Jim Guy Tucker

**Interviewers’ Names:** Garret Kremer-Wright and Bridget Wood

**Location:** Center for Arkansas History and Culture, Little Rock, Arkansas

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**Interview Length:**

**Abbreviations:**

**JGT** = Jim Guy Tucker

**GK-W** = Garret Kremer-Wright

**BW** = Bridget Wood

**GK-W:** Today is July 7, 2016. I am archivist Garret Kremer-Wright of the University of Arkansas at Little Rock Center for Arkansas History and Culture. With me is Bridget Wood, Archival Technician here at the Center, and we are interviewing Arkansas’s 43rd Governor, Governor Jim Guy Tucker at the Arkansas Studies Institute building in Little Rock.

The James Guy Tucker Papers are being processed by the University’s Center for Arkansas History and Culture. The questions below were developed after listening to the interview that Governor Tucker did for the Pryor Center in Fayetteville, Arkansas. These questions will supplement those that you were asked by the Pryor Center. So if you are ready, we will be begin.

**JGT:** I am ready.

**GK-W:** You were elected to prosecuting attorney in 1970 when you were twenty-seven, one of the youngest for that office. What was your experience in criminal justice up to that point?

**JGT:** Almost nothing [laugh]. I had I guess two relevant experiences. I was an attorney at the Rose Law Firm, a brand new social attorney. I started practicing law in the summer of 1968, so I had been in law practice only two years when I ran for prosecutor. I had one appointed case in federal court on that.

I had one other case where I got paid a fee. My fee was some deer meat [laugh]. So that’s the only defense law of that kind that I had.

However, while I was in law school I was a founder of the American Civil Liberties Union [ACOU] in Arkansas. The founding board members were Mark Gittleman who was a law professor at the University [of Arkansas at Fayetteville] and a number of other people. The first legal case that the ACOU handled in Arkansas was of a young man who was arrested for demonstrating against the Vietnam War down in Arkadelphia at Henderson State University. The judge down there had convicted him under a law that had clear constitutional problems. The end result was that he was convicted down there and then I represented him with what is called a Writ of Corum Nobus. It’s one of the few if any other Corum Nobus Writes filed and issued here in Arkansas. But the Supreme Court heard the case on that Writ and throughout that judgement. So that was my only criminal law experience and in each instance it focused on the defense. But in this case I did for the ACOU, I think it was particularly useful because it sensitized me again to the civil liberties issues in the enforcement of criminal law.

**GK-W:** How did the office of Prosecuting Attorney operate prior to 1970?

**JGT:** Because state-wide all of the prosecuting attorneys, for each district—and this district had two counties, Pulaski and Perry County—all of the prosecuting attorneys, practiced law privately as well as served as prosecutors. All of the deputy prosecutors did the same thing.

In my campaign, which was against a fellow named Allen Deshawn, we had a vacant office in prosecutor. The prosecutor went to the judgeship, Dick Atkinson. The candidate who already announced was Allen Deshawn, who the son of the county coroner and was really well-known at the courthouse. I was not known at the courthouse and the ACOU history, to extent that I was known, was not a helpful recommendation.

But the prosecutors all practiced law privately and there deputies did, and I thought that was a terrible conflict. While the salary for the prosecutor was not awful, I was a young bachelor and I didn’t have family responsibilities, so I said it ought to be full-time work and I was going to prohibit private practice and I would seek increases in salaries for the legislature which was permitted for that office. So that was one change, but there was a wide range of other problems in the office.

The most immediate was that the county jail, where inmates were held was full to the brim and clearly unconstitutional. I toured it with a federal judge and the conditions were awful. They had put tin over all of the windows to keep inmates from yelling out the window at passerbies. It’s down where Riverfront Park currently is. They also had no air conditioning and no fans and they had taken the mattresses away because the prisoners would tear up the mattresses, so they slept on springs.

I have to mention I had one other criminal justice experience, because it is relevant to this. So the conditions there were absolutely horrible and clearly unconstitutional. But the relevant criminal experience was at—that law partner [John Harvey Haley] where I was just an associate—the Rose Firm, had become Chairman of the Board of Corrections under Governor Winthrop Rockefeller, when Rockefeller was elected governor. I had been head of Young Democrats for Rockefeller in his 1964 campaign before I went to Vietnam. He got beat in that race, but got elected two years later.

They had terrible problems at the penitentiary. It had been in the headlines for months. So he asked me if I would go down and be a prisoner. So I was James Gus Turner from Arkadelphia, and I think the charge that the papers said I had been convicted of was some type of burglary offense or something of that nature.

But what I was asked to do was to go into the penitentiary, check in as an inmate, but to take with me enough money that it would attract attention. In those days that was about seventy-five dollars. It did attract attention. I was immediately put on a work detail.

My first work detail was in the slaughterhouse where the chickens and everything that had been put into hot water to have their feathers removed then were sent over to me and another man in this little room that was very small, maybe twice the width of my arms, both length and width. The fellow who was in there with me was in a starch white, clean uniform. Each of us had a huge machete—or not machete, but a chopping blade—a square blade. And he was angry. He was chopping that chicken really angrily and ferociously, and it threw blood and meat all over me and him. And he kept chopping. I politely asked him what he was so angry about.

Well, he had offended one of the trustees at the penitentiary and the trustee had therefore put his parole hearing date on the day that he was going to be in the slaughterhouse chopping chickens and being covered with blood. So they had done it intentionally. He was in for a violent crime. They had done it intentionally so that when he went in front of the hearing he would not look like someone who was a gentle, recovered soul. Shortly after that one of the other trustees—the trustees are part of key to this—approached me about paying a little bit of my money if I like to get out a little sooner. I rapidly agreed. They could get me out immediately because at that time the prisoners at Cummins Penitentiary controlled all of the records, so all of the records on how the prisoners were doing, performing, how long they were to stay there and everything, was at the penitentiary. The records room was controlled by the prisoners. The guards around the walls of the prison were largely trustees who all had weapons. The corruption within the prison in terms of releasing people on parole early, by just changing the date in the records was atrocious. Anyway, I achieved what Mr. [John Harvey] Haley had asked me to achieve and left.

So when I saw this jail down here I had some sense of conditions that were unsatisfactory and I saw that and thought about the prisoners in there and that many of them were going to end up at Cummins. And this was going to be bad. Not only that, but many of these were very young prisoners. Overwhelmingly these were young black men. In fact, I don’t particularly recall seeing a white person in the jail. Maybe I did. The combination of those conditions added to another condition—that is that there was a backlog of about eighteen months before anyone could go to trial. The reason they couldn’t get a sooner trial was largely because their defense attorneys insisted that they pay their fee before they go to trial since if they got convicted they have no way to pay the fee. So another problem with the criminal justice system was that there was no public defender program.

We did two things immediately with the [Pulaski] County judge—who was Frank Mackey at the time. Judge Mackey, I, and Judge [Garnett Thomas] Tom Eisele—who was the federal judge that had jurisdiction over the jail case—all agreed that we would build a new county jail. It ultimately got built out here, where it is now [in Little Rock]—which may have its own problems at this many, many decades later, date.

Secondly we had to get rid of the court backlog without waiting for it to go through the normal channels. So I petitioned the Supreme Court to appoint seven or so special justices to come into Pulaski County to try the backlog. We set up courtrooms throughout the Pulaski County Courthouse. We used both civil and criminal courtrooms and the requirement was that the judges that we asked to come in, we didn’t ask them to hear any motions other than those that were actually made during a trial. They were here to try cases and so we immediately began trying the cases. That brought us to the third issue.

The previous prosecutor at least had refused to make recommendations to the court on sentencing. So judges, being elected judges, wanted to be careful that they weren’t accused of being soft on crime. So I said I would be happy to make a recommendation. I can make recommendations and I can arrive at a plea agreement with the defense council in most instances. There is a danger to that. The guy may not be guilty, but may plea just to put an end to the uncertainty. Anyway, we did that, and the result is that we eliminated the case backlog in less than twelve months and had a current—by current I mean if you want to go to trial in 90 days if you want to go trial in 90 days, or less—jury trial. So those things were all heavy duty instruction.

I got a team of young prosecutors and that was fun. We did some other civil work. We got a group of high school students—this was early on in concerns about pollution—I had grown up on the banks of the Arkansas River shooting rats down at the city dump which was on the banks near Rebsamen Park Golf Course and Murry Lock and Dam. The garbage would fall in and it was full of rats. You could go down with your twenty-two and shoot rats. I had walked across the Arkansas River except for the last twenty yards, because it depended on where the deepest channel was. It was full of things you didn’t want to see.

The students went along the riverbanks to pipes that were dumping into the river. Every pipe that dumped into the river they took samples, put in a jar, labeled time, location, and did that all the way down the river. Then they took it to chemists, that we set up to do it, and they told us what was in it—which were horrible pollutants.

Under an old 1886 federal statute dumping pollutants into a navigable stream was illegal [laugh]. That long ago. So we sued in federal district court, but we didn’t know who the owners of pipes were. We just knew the pipes were there. So we did what is an *In rem* action—which is an action just against property.

We sued, in essence, the pipes themselves. We asked for very simple relief, and that was, “Here is the pipe. Here is what it is dumping. Here is the federal law. We ask simply that if not corrected in X amount of time, we’d simply be permitted to plug up the pipes.”

One of the worst pipes—I will not go through all of them—was from Missouri Pacific Hospital, which was then located right downtown across the little bridge that is at the end on Cantrell Road as you head out toward the Heights, before you get to Dillards, right next to where Dillards is now. They had flushed the toilets they were dumping stuff into so they could track the dye that came out. So they not only got the pollutants, but the source of the pollutants. And the pollutants you can imagine, it was a hospital with people with highly infectious diseases and everything else. I immediately had a telephone system that was very busy with telephone calls from businesses owners concerned. We reached a settlement and of course the construction was underway on the river system. But we did that. Then we had a lot of police corruption.

**GK-W:** OK.

**JGT:** The police were uncomfortable with this young new prosecutor who didn’t know any of the rules.

**GK-W:** Right.

**JGT:** The rules being, that some things you do not mess with. The pipes were an example of things that never crossed anybody’s mind on what to mess with, the jail was much the same, and public defenders. The prosecutor’s office was in the courthouse. I walked a few blocks one day in this area of town—where the [Arkansas] Studies Institute and the Center for Arkansas Culture and History [sic]—was an absolute war zone. It was abandoned. We had murders down here on a monthly basis—sometimes weekly. [We had] robberies. It was full of drunks. We did not have heavy, hard drug usage at that time—but drugs as well.

The Capital Hotel, which of course President [Ulysses S.] Grant had stood outside in front of that. Harry Truman had been there. Troops had marched in front of it both in the Civil War and World War II.

Clearly [it] had heavy traffic. It had a bar, pool hall, and check-in room. One day my chief deputy and I went in and asked to have a look at the books just out of curiosity and we noticed they were full almost all the time. But the same room got rented over, and over, and over again. So there was clearly a prostitution ring running out of the Capital Hotel, which was five blocks from the police station. There simply was no possible way that the police could not be involved in that.

So that became the first of a series of fights I had with the Little Rock Police Chief, which culminated in a case where a man was murdered and he had been flown in an airplane owned by some of the top police officers in the city to Louisiana, in connection with—and they said it was just an innocent flight renting out their plane. But at any rate there were clearly criminals being dealt with.

We had the same problem with the chief of North Little Rock detectives. Somebody brought me in a—somebody had a grudge against him. He had been a great detective. He was wonderful in court—a very, very precise detective. And said that this was his book. It had all these customers of his prostitutes in it. I didn’t believe it. I mean, I believed what they said it was, but not who it belonged to. So I asked him to come over to the Prosecutor’s Office. He brought an attorney and would not testify. I had to take him to court. He was convicted and sentenced.

So I had real tensions with the police departments on both sides of the river. I won’t go on beyond that, but it was serious. By the time I had spent a year-and-a-half in office it was pretty tough. A friend named Roger Glasglow was running for Prosecutor at the time. He has since written a book about his experiences in that race, where he got arrested down in Mexico and there were Little Rock police officers present down there for some reason.

Roger was a lot like me. We shared a lot of similarities. At any rate, he ended up practicing with a big law firm and was acquitted of charges. At any rate, that was my experience with the prosecutors. That was my experience with prosecutors. We had the Sandbar Rape Case, which was a very, very notorious case, that I inherited. A couple young white women had been allegedly raped by a group of young black men. The defendants argued that it was all false and so forth. John Walker represented some of the black defendants. So we got to know each other at that time and ultimately managed to negotiate a settlement to that case. Who knew who was telling the truth? It made a lot of people unhappy too.

I refused to ask for the death penalty for cases that involved anything other than first degree murder. Even a rape could result in the death penalty. I say even a rape—rapes can be horribly brutal and unacceptable in any case. But the death penalty was something that was not acceptable in my judgement. I only asked for one death penalty case while I was in that two years. Then the Supreme Court overturned the death penalty because of the way that it was written. And so later when I became attorney general we wrote a new death penalty law.

All of those were part of my inaugural experiences in elected political office. So it involved very, very, substantive issues for community and for the public. They were not knee jerk things. You need to study all the complications. It effected the business community and the political community. A North Little Rock alderman I had to try for running an abortion clinic—he was a mechanic on the railroad. Abortions were illegal, so if a woman needed an abortion she ended up going to a railroad mechanic to get an abortion. So that was the time it was.

**GK-W:** Yes, well thank you very much. During your [time as] prosecuting attorney, in 1972, you were elected as our state’s attorney general, replacing Ray Thornton. Am I correct?

**JGT:** Yes, you are correct.

**GK-W:** During those two terms there were a number of significant issues that you dealt with—consumer protection, pollution—as you mentioned in prosecuting attorney—and then the codification of the criminal law. Can you speak to some or maybe all of those?

**JGT:** Yes, I’ll try to briefly deal with those. Ray Thornton had been a wonderful Attorney General—always easy to get along with. He was the nephew of Whitt and Jack Stephens, so he was well-connected. But he was a very pleasant, nice guy, good lawyer. He just served one term as attorney general because a congressional seat opened up in the fourth district. He was from Sheridan [Arkansas], and he ran and was elected.

He had begun a consumer protection division. He gets total credit for starting that, however I did expand it pretty dramatically. We officially began challenging utility rate increases. We had a huge fight over the way rate increases were awarded. This upset the utilities and members of their boards and directors. One of whom, who was a bank president, came to see me in my office at the AG’s [Attorney General’s Office] one day, just red in the face he was so angry. I didn’t mean to be that offensive [laugh]. When money is at stake people get offended.

Perhaps one of the more serious problems we had with the utilities was not the rate. It was the time we had the nuclear plant which was running fine, but coal was coming down. There was a fight between the anthracite coal producers in the east and the soft coal producers in Wyoming. This was going to be a softer coal that had a pretty high sulfur content that was going to produce noxious emissions.

I had been to California in those years and gotten up in the morning and not be able to see twenty yards. And I had been in Asia, and I watched China many years later going through the same routine. You were coughing in ten minutes. We wanted to put scrubbers on the plant. We went through a terrific fight on that. The state Public Service Commission, which was wonderful, did agree to require them to build the smoke emission towers so that they could hold the scrubbers. Because scrubber technology was still brand new, they argued that they shouldn’t be required to do that. We did get an order requiring that. Unfortunately it was subsequently agreed by some of my successors to retreat from that and they were never required to put scrubbers on. Today it would be impossible to put scrubbers on that plant and they are going to shut that plant down pretty soon because finally, all these years later, the regulations have come along.

The criminal code revision, having served albeit briefly as a prosecutor, I was really ready to go. I was chairman of the Substantive Code Revision. The Chief Justice of the state Supreme Court was head of the procedural commission—made to handle the procedural revisions. We handled the revisions to the substantive revisions. Scott Stafford was head of that division of my office. He and I later practiced law together. He was up from Carrol County [Arkansas], taught at the University law school for a long time. I tried to get him to take an appointment to the Supreme Court, but he wouldn’t do it [laugh].

Anyway, we went through long hearings on how to revise it, and this was the first codification of the state’s criminal laws. What we were dealing with was a hundred and thirty-odd years of statutes accreting one at a time. Many in conflict with each other, written in a language that was not even used in current day. So a complete recodification of all of them. We eliminated huge numbers of them. Went through lots of legal fights over what you could and couldn’t do. Rape and its penalty was an issue. How to write a new death penalty code where after the finding of guilt—perhaps the defendant was unwilling to testify in the guilt phase for fear that it would result in the death penalty, but did have mitigating circumstances if he was guilty. So we wrote a statute that require first the substantive finding of guilt or innocence and then the same jury was reconvened to decide on the death penalty. The state could put in evidence to aggravating circumstances and the defendant could put in evidence as to mitigating. That’s pretty common in the United States today, but ours was one of the brand new ones.

It was a great experience and I barely won that office. My opponent was a guy named Bill Thomson, a lawyer in Fort Smith. Bill and I still see each other occasionally. I encouraged him to run for Governor two years later. I really liked Bill. His father was a legislator and his wife’s father was strong in politics down in Union County [Arkansas]. Anyway, I won by one percent of the vote. Maybe not even a full one percent.

Then in the fall, Ed Bethune ran against me. I defeated Ed. He’d been an ex-FBI agent. His TV commercials had him throwing people up against a car and putting them in a hammer lock. I told folks that attorney generals did not do that very often [laugh].

But in any event, the experience in that office also gave me a first glimpse at state-wide politics in terms as the way our elections were ran. I will give quick two quick examples because I think it is important part of the cultural history of the state and it’s not unique to Arkansas.

I was told to go see a—I won’t use his name—but a planter up in Mississippi County [Arkansas], who owned a whole lot of land. He had a double name like so many did. I went to see him, but he was clearly going to support my opponent, but I was told to go see him and ask him to do the best he could on how many votes I could get up there. So I went in to see him and he put his Godfrey’s up on his desk, and tilted his Stetson back on his hat [sic], looked at the fan overhead, took out his riding crop and slapped it against his thigh a couple times. He said “Tucker, you a good looking young man. We gonna give you about—” he poked his hat back with his riding crop and said, “We gonna give you about nineteen percent of the vote.” I said, “Mr. So-and-so, sir, I sure do appreciate it,” and I left. I got precisely nineteen percent of the vote from his precinct up there.

That same race I was up in Madison County [Arkansas], also another county known for a lot of shenanigans with voting, and I’d been told to go see a guy I had treated well when I was prosecutor. By treated well—he had been an alcoholic, he had written a bunch of bad checks, and my American Legion post and the folks that were in it had come to see me with him. They said he was an alcoholic, that they would look after him, but could I go easy on him? I said, “Well typically for hot checks, if someone makes good on them, we don’t put them in the penitentiary. We don’t have enough room for that.”

So here I am running for attorney general and they came to see me and asked me to go see him so I did. I walked in his door up in Huntsville and he just went white and started sweating when he saw me. He turned around and said “I know what you’re doing here and I can’t do a thing to help you. This is Orville Faubus’s county and he’s for your opponent. We just can’t do it. I’m so sorry. I wish I could.” I said, “Anything you can do would really help. If I could get a split vote up here it would make a huge difference.” He stopped in his tracks with his back to me, straightened up a little bit, turned around, and said, “A split? Is that all you want? A split?” I said, “I would be absolutely thrilled with a split.” I got 49.5 of the vote. The opponent got 50.5, and [Orval] Faubus stood up in the counting and asked “Who’s helping Tucker?” [laugh]

Those aren’t the only two locations but that was just the fabric of politics at that time, many decades ago. Today it done mostly by Gerrymandering votes, and so forth. We didn’t have voting machines and so forth. Anyway, that was instructive to me on state politics. I did spend two terms as attorney general. Had a republican opponent the second time around, but not in the primary. Absolutely loved the office, but it paid $6,000 a year. That was my salary. It was good that I was a bachelor, but even [for] a bachelor $6,000 a year was tough. I did get some kind of allowance—$12,000, maybe it was—to pay your car expenses and stuff while you were traveling around. People just used it as pocket money. But I did not practice law. Ray [Thornton] hadn’t needed to. But other attorney generals had also had private law practices. I said, “Enough of that. I’ve stopped it in the prosecutor’s office. It needs to be stopped here.” By the time [Bill] Clinton became attorney general—he followed me—they did pass a Constitutional Amendment that paid a regular and reasonable salary to the attorney general. So that was one of the changes there as well.

**BW:** Alright, I will ask a few questions now. In 1976 you were elected to represent Arkansas’s Second Congressional district and served on number committees including the Ways and Means, Social Security, and Welfare Reform. Tell us about the work you were able to accomplish with each.

**JGT:** In those days vacancies in Congressional—either House or Senate—offices were rare to put it mildly. My predecessor in that office had been Wilbur Mills, who was hugely powerful. One of the most powerful men to serve in Congress and he was from right here, in Arkansas. [At the] same time we had John McClelland, Chairman of the Judiciary, Bill Fulbright, chairman of Foreign Relations, Warren Harris, Chairman of Commerce, I’ve forgotten his name from East Arkansas, Chairman of Agriculture. Arkansas was an enormously powerful state, but these legislators were also getting older.

This was the first vacant House seat since the 1930s—early 1940s. Wilbur Mills had actually originally beaten my grandfather F.O. White for county judge of White County [Arkansas]. He came home from Harvard Law School and ran against my father who was county judge of White County, and beat him. Then he turned around and gave him a job. That was back during the great depression. He had always been very kind to me and my family. My mother was from Bald Knob, Arkansas—that was White County—where Wilbur lived also.

So I ran for it because I wanted to go to a federal office. I was appointed to the Ways and Means Committee because Wilbur Mills wanted me put there to take his seat. But they enlarged the committee immensely. The small committee that it had represented before Wilbur retired did not have the same power. I was on the Social Security subcommittee. My father had been manager of the Social Security System in Arkansas. He had also been a state auditor here right after World War I when he came home. They had brought in a bunch of state auditors to help write the Social Security legislation and the financial aspects of it. So I grew up hearing about Social Security and my mom had paid Social Security to her employees at her Merle Norman cosmetic studio. I heard about it from her too.

The opportunity to serve on the Social Security subcommittee gave me opportunity to participate in one of the Social Security reform bills that was passed. When the President signed it I was on the conference committee for it and I got to stand with the president and about six other guys when the legislation was signed. The time with Social Security gave me a real education just how significant the problem was and how important the program was to people in the country. I proposed one amendment on the floor. I’d gotten some things done in the committee and what I couldn’t get done in committee they allowed me take to the floor of the House, which was a real concession. It got thirty-five votes [laugh].

To this day I think it is a very common sense and logical thing to do—although it would be very unpopular with people who want to argue that deficits are not deficits. My argument is this: “Much of the deficit—and it’s still true today—in the Social Security system—what we call the deficit, arises from policies adopted by the federal government or just other things that happen in the world—like high oil prices. When unemployment goes up people are not working and paying Social Security taxes. When they aren’t paying Social Security taxes the Social Security deficit goes up. Not because it’s a bad program. Not because the payments on Social Security are too much. It’s because the nation has failed them in looking over an economy to let people work and grow.

My bill was very simple it said, “when unemployment goes above x-level then the federal treasury shall put money in Social Security System to maintain income levels at the same level it would be if Social Security had remained at—I think it was five percent or above. [For] anything greater than five percent, the Government would put in money there. That would have taken care of a huge amount of the stabilization of Social Security. I knew it didn’t have a chance at passing but as I say to this day I still think it is one of the things that should be done. Especially as we look at the change in workforce makeup all these many years later. But Congress was great. I met people from all over the country and really enjoyed my service there.

The welfare reform committee was a special committee of ways and means that I was appointed to serve on by Tip Oneill, the Speaker of the House. I went to some hearings around the country on it. It is just such an incredibly complex subject. All I will say is that it still needs a lot of work. A lot of people have tried. We don’t know exactly what to do. I think the major problem in welfare goes back to education. I had a chance to work on that a bit while I was governor.

BW: Ok. Thank you. When Senator John McClelland died you decided to run for his open senate seat in 1978. What led you to run for this office?

JGT: It was the first Senate vacancy in my lifetime. That’s why Ray Thornton ran, and our Governor David Pryor, was finishing his second term as governor—in those days that was a two year term. He had been in office three years at that point. He appointed Kaneaster Hodges from Newport [Arkansas] to serve out the remainder of McClelland’s term. So David Pryor, Ray Thornton, and I all three ran for the seat.

I really hated to give up Ways and Means and go from a pretty secure, safe seat as Congressman, and I had just been elected and I felt bad about running for another office, but on the other hand a Senate seat came up so seldom and it was so important in terms of how the state was represented and whose interests were looked after the best. That I decided to run. It was a very tight race. There was a fourth candidate as well—everybody forgets this. David Pryor and I were in the runoff together.

Probably the only reason I was in the runoff is Buddy Benefield, who was a friend of mine, about fifteen-twenty years older than I am. I went to his birthday the other night. [He] went out to Conway County [Arkansas] where Marlin Hawkins was the sheriff and newspapers always alleged high levels of corruption in traffic tickets and stuff out there. Voting corruption was awful. That was where Win Rockefeller lived also. I had been chairman of young democrats for Rockefeller back in 1964, as I made mention, so I knew the county pretty well. I was not being supported by Sherriff Hawkins.

So Buddy went out there and he sat in the counting room. Buddy told me he made a point of going to the bathroom before he went in there because he knew he could not leave once he went in. He got there around one A.M., while they were still counting and they kept adjourning and kept recessing and not counting, and not counting. Finally around four o’clock they figured he had made it clear, he was there until the votes were all counted. And so they did not count me out there. The end result was I was in the runoff by less than half a point. The entire race, between David, Ray, and I, only one percentage point separated us. We each had about a third of the vote. But there was a fourth candidate, a guy from down around South Arkansas, who nobody knew, and he was kind of an entertaining guy. He got a fraction of a percent. If he had not been in the race, that vote might have gone to somebody else so that there would not have been a runoff. As it was, we did have a runoff. David [Pryor] and I were in the runoff by a very, very close margin. David beat me in the runoff pretty easily actually. It was a good lesson needed. I thought David [Pryor] was a great U.S. Senator and I think Ray Thornton would have been.

BW: Can you tell us about the significance of this race on your political career?

JGT: The Senate race?

BW: The Senate race.

JGT: Well, it was very significant. I ended up not being in Congress for multiple terms—or for at least one more. I also ended up being appointed Chairman of the White House Conference on Families. This was a part-time job. I came home to Little Rock, bought a house downtown in the Quapaw Quarter. My wife and I became very involved, and were for twenty years in renovation in the Quapaw Quarter, so that today it is—

BW: A nice area?

JGT: I worked on a lot of the stuff down there. Including buying the old porno [pornography] theater and other stuff to shut them down and try and put other businesses. As Chairman of the Whitehouse Conference on Families I got another education. Because now we are talking about the whole country. We were dealing with all kinds of issues.

The first issue we had to fight over was the name of the conference, because the Evangelicals and a group of other folks objected deeply to the term ‘families.’ It should be the White House Conference on the Family, and of course they had a precise definition on what a family was. And to the extent that any of them are alive today, I am sure they are horrified of the changes that have occurred over the decades. My staff took the position, and I took the position, that family was not homogeneous in every part of our country or even in part of our state. Cultures, races, [and] religions were different everywhere.

Homosexuality was still a low-level issue at that point, but it was coming. The AIDs hit within a few years after that, but it was beginning to be public. In theory they argued that would apply even to homosexuals. They were no divorce, one man, one woman, two children, and so forth. That was a family. Anything else was not a family. That simply did not match the reality in the country and I already knew that. We had a terrific fight over it, and the news media gave it great attention.

I was married to a divorced woman. My wife Betty had been married to the great football star Lance Allworth, who played for the University of Arkansas, the Dallas Cowboys, the San Diego Chargers, [and] was all pro. But they’d been divorced. She went to the University of Arkansas when she was fifteen and started school there. She and Lance got divorced shortly after he left to go to the Chargers back in the early 1960s. She had two children. I didn’t adopt them, but I did raise them and then we had two children of our own.

We were exactly one of the types of families that didn’t fall into ‘the family’ category that the opponents wanted. This was very bitter. Jerry Falwell was a leader of the factions, as [well as] some of the women who are still outspoken today—although mostly they’ve gotten past the point, age-wise. This was part of the huge split that, to this day, exists between those who in my view still see the all-white America the theoretical, typical, family in California in the early 1950s. It was just detached from social reality and policy reality. We held hearings all over the country in neighborhoods. You could go to three different hearings in three different neighborhoods of Chicago, and see totally different family and neighborhood life. The same is true in New York and Seattle—and in Arkansas. This was a hugely diverse country.

When I’d been in High School for the integration crisis, I spent a few months in Tampa, Florida, at Hillsborough High School. Adjacent to it was Ybor City— Y B O R City—which was a highly human settlement. I used to go down there and try to smoke cigars and drink beer—underage. I wasn’t very good at the cigars, [but] the beer didn’t taste bad. I began to see these different family and cultural styles. When I’d been prosecutor I had gone to black churches. Every Sunday I went to a black church here in town, because that’s where most of my customers came from—the black community. They saw the police and the prosecutors as the enemy. I wanted them to see us as potentially their friend. We were protecting their community in many cases.

The Conference on the Families—we were dealing with the reality of the diversity and complexity of economic, racial, cultural, [and] religious life in the United States. It was just a tremendous experience. We tried to avoid some of the controversy by dividing the country into three districts, North and South—instead of having one national conference. We divided them north and south so we didn’t end up having a southern conference, New England conference, and a California conference. By putting areas of the state together on north and south basis we did assure a fight because of the differentials that we were mixing at each of these. It also prevented the adoption of a bunch of outrageous positions by some of the regional conferences. By dividing it into three conferences, I thought, *Well, we will avoid a disaster at a national conference.*

I expect it could have been a mistake to divide it in three [because] it prolonged it. It certainly didn’t help Jimmy Carter in his election because it was a constant issue. We did a final report which is out there on a Congressional library shelf someplace. Since that time a great many of the recommendations we made have been adopted and a few of them are still in dispute.

BW: Ok. What led you to run for Lieutenant Governor, and why that particular office?

JGT: Well, I had a wonderful time practicing law. I went to work for the Mitchell law firm, which became the Mitchell, Williams, Sealy, Jackson, and Tucker. Maurice Mitchell was the senior partner in the firm. I did almost exclusively corporate work I was a member of the tax bar, but virtually all of my work ended up being in very complex cases. For example, I litigated the Baldwin United bankruptcy in Indiana and here, because it was part of Baldwin United, which used to be up in Conway—Baldwin Piano.

They had three billion dollars in what are called single premium deferred annuities that were part of their assets. So we had every insurance commissioner in the country and a whole bunch of other interested parties who wanted to have a say-so in how those fund were handled because people had invested that money.

There was a company from out in California that competed with my client. My client was Metropolitan Life Insurance Company. We got that client because Bill Woodard, who was a formal Arkansas insurance commissioner, was one of my law partners. So here I was all of a sudden representing from Little Rock three billion dollars at stake by a major national company. My opponent was primarily Web Hubble from over at the Rose law firm who represented a company from out of California. We went through hearings.

I represented the Arkansas Louisiana Gas Company [ARKLA], then headed by Sheffield Nelson—who was later a bitter political opponent. He hired me over something he was very wise to do. The United States had a policy of leasing land for mineral exploration. If it was federal land for a dollar an acre unless it was on a known geological structure, or KGS, so there was no competition. Whoever asked for it first got it for a buck an acre. What he told me is that they were leasing land that ought to go for thousands of dollars an acre for a dollar an acre. [He] wanted it stopped, so he hired me.

I was also a partner in a Washington D.C. law firm at that time—Lobel, Novins, and Lamont. We represented ARKLA in challenging this law and we were successful in this challenge, but this [Arkla Exploration Co. v. Watt] was a highly complex case. I spent weeks sitting in the basement of the U.S. Geological Survey in Washington, D.C., reading handwritten notes from the 1870s on how KGSs were defined. My argument to the court was that the USGS had departed from the legal definition of KGS and that it was a requirement that these lands be competitively bid.

Franklin Waters heard the case in Fort Smith, a federal judge who had been a professor at the University law school. Then it went to the eighth circuit. We won, and the bottom line was that land got leased for four thousand dollars per acre in competitive bids when it had gone for one dollar per acre. So this was a great contribution that Sheffield and ARKLA made in doing that, and I’m glad and proud to have played a small part of it.

I won’t go into others but the point was that I tended to get very complex cases that were a lot of fun and I made a lot of money doing it. In the meantime, my wife and I, right after I got beat in that Senate race one of the complexities of that—and I got beat again later running for Governor against Bill Clinton. When he got defeated I didn’t think he could possibly get reelected.

I got my head kicked in—but I had a client who worked for another client out in Maumelle where he was helping build the cable system. He told me that I ought to build some cable television systems which were brand new at the time—since the early 1980s. He qualified—I did too, technically—for a MESBIC loan—it’s a type of small business investment company. If you were a Vietnam Veteran and so forth you could get money from it. It was his idea so we started building that.

We went off on vacation, came back to our mail box down at the post office, and it was empty, except there was a note in it that said “see post master.” So we went to the postmaster and he handed me a sack and I opened it up with my wife and we stuck our heads inside and it was full of checks. She had sat at a card table at a filling station outside of Maumelle selling this stuff. We didn’t serve Maumelle. We served the rural areas of the state, but we built right up to the edge of the city. It was just full of checks.

We looked at each other and went to town. We ended up trying to build everything in rural Pulaski County. Right up to the borderline. South and North, we built Wrightsville, we built the area where Jim McDougal later had some of his problems with Madison Guaranty that resulted in part of the Whitewater stuff. It was not Whitewater, but one of the spin-offs from Whitewater.

We did that, and then I was trying a case down in Dallas, Texas—actually an area of South Lake over water distribution rights down there. As I was down there examining it, one of the city aldermen was from Benton, Arkansas. He had gone to Camp Quapaw while I was counselor at Camp Quapaw back in 1957. I said, “Do ya’ll have cable?” He said, “No, we don’t have a water distribution system here yet so the population is pretty thin.” I said, “We’ll build it.” So we started building South Lake. We built almost everything north of DFW, which was largely empty and sparse at the time.

We did the same thing down in Plantation, Florida, when a guy named Bill Marks said it was for sale from a big national company that wanted to get rid of it. I didn’t realize that what they wanted to do was get rid of Marks [laugh]. We ended up selling those for a lot of money.

At the same time I got cancer. I had a disease that was first discovered when I was in college. It’s an autoimmune disease where your body attacks itself. It later led to my liver transplant. Then I had colon cancer in 1989. I took leave from the law firm to have that surgery. As I was recovering from it we had money in the bank. I loved practicing law, but I really loved public service.

Crazily, I wasn’t sure how long I would live—but I said “Let’s run for Governor.” I was pretty sure cancer didn’t pose a threat because they tracked that very carefully, but the liver, it was just going to be a matter of time. That’s why I ended up deciding to get back into it. I was going to run for Governor because I was sure Clinton would resign if he was going to run for President because he would be out of the state all the time, and under our state constitution anytime the Governor—this goes all the way back to the 1830s—when the Governor is outside the borders of the state of Arkansas, the moment you crossed—the moment I crossed the border when I was Governor—the next in line became governor. The elected governor, the sitting governor, lost all powers as governor. So if his name was signed to a document when he was on the other side of the state—and a presidential candidate you always knew he or she was. They were being tracked constantly. I just didn’t think he would run. But he did—and probably did the right thing. Skip Rutherford called and suggested I run for Lieutenant Governor, and I was offended, and then I thought about it and said, “That may be a good idea.” Because I thought Bill Clinton would win. So I said, “Ok, I will run for Lieutenant governor.”

[It was] complex with my law firm because when I did get elected, and was Governor much of the time, we had conflicts all over the place. We had to write every file in the firm so that I couldn’t see. And you couldn’t discuss it around me. In any event, that’s why I ran for Lieutenant Governor. Because Clinton was out of the state so much I routinely was having to serve as Governor. I did not try to intrude on that except in some selected circumstances. We did pass for example, while I was Lieutenant Governor—I was a health insurance advocate having had such health expenses myself over my lifetime. I understood where I would have been without insurance.

I was also as Lieutenant Governor the presiding officer of the state senate, so I knew every senator very, very well. They were in my office all the time and we visited a lot. I had been a reading clerk in the House of Representatives way back when I was in college and law school. I knew a lot of the people who were still there.

What that health law did was set up a special pool for people who could pay for it if it was available, but it mandated that it be made available. Blue Cross grumpily, but nonetheless did it. And it didn’t have a large number of people who signed up for it—maybe two or three thousand—but it was critical to those people and it became part of the movement we seen nation-wide to do something with healthcare.

Clinton and I had some disagreements. Some of his staff was trying to hide the fact that we were running a deficit and you cannot do deficit financing in Arkansas. As a result the day he resigned from office in early December in 1995 [sic: 1992]. I immediately called a special session of the legislature to deal with some of the problems that I had been dealing with as Governor, particularly on funding our state Medicaid program.

**GK-W:** How are we doing over there?

**BW:** We have about 30 minutes.

**GK-W:** Are you good yet? We are actually almost done.

When I listened to the interview for the Pryor Center you provided a great deal of detail that you accomplished as Governor, when you did become Governor in 1992. Of these accomplishments what do you think were the greatest to you as Governor? How would you guide researchers through the papers you have here at the Center?

**JGT:** I almost need refreshing on some of it.

**GK-W:** It’s a lot of stuff.

**JGT:** Clearly one of the things that we did was come to grips with the cost of Medicaid funding. The legislation we passed in the special session in December of 1996 took three days. I may have gone through the wonderful story on that. This was our soft drink tax.

**GK-W:** Yes.

**JGT:** That tax is still in place even though we have appealed all the other taxes that are collected on the retail level on groceries. The soft drink tax is still in place. It has been adopted in one other state, and it had been adopted in one state at that time. It was a tax on a grocery item, but it was not something I considered essential to one’s health. It is quite the contrary. So I didn’t mind at all the idea of a wholesale level tax on things that were not helpful, especially toward poor families that tend to gravitate to those kinds of things. If it’s possible to put that pricing outside of their reach I would have been delighted to do it. But that is still a part of the state law. We had a special election on it and the soft drink companies tried to repeal at a special election and we beat them handily.

That is in a trust fund that the state still has. I also wanted to put funds from swimming pool cleaning tax and other, sort of luxury items that go untaxed into that fund. The fund still exists and is a critical point a part are being able to make the state match for healthcare funding that we have to put up. So I think that is important.

One of the things I failed at that I’m sorry I failed at was the effort to convert the state’s bookkeeping to what amounts to Generally Accepted Accounting Principles, or GAP accounting principles. It’s called Generally Accepted Government Accounting Practices, technically, which seems like a misnomer because the generally accepted government accounting practices are awful. For example, we do not keep depreciating on state assets. What kind of management system for all the assets we have fails to maintain a list of depreciation so you have some idea of what you are missing and how much money you are going to need to keep up with it. And there are all kinds of other items. We had a study done and began the implementation of that. Interestingly enough, a Republican governor who preaches about the importance of fiscal integrity repealed it. I’m sorry we didn’t get that passed. We also lost on trying to revise the state’s constitution. I thought that was an important loss.

On the other hand, we did see the economy begin to recover. We established a more aggressive economic development commission that went after industry and Mike Beebe later, and I think our Governor now, [Asa] Hutchinson is doing a good job in trying to be more aggressive in competing with other states.

You are going to have to refresh my memory on some of the other items.

GK-W: I know the highway bill was a big thing that you attempted.

JGT: The highway bill, even though I got beat on it, I did not count it as a defeat. But only for this reason: it made it possible for Huckabee to pass something. The bill I actually passed was one that allowed us to have three elections. Had I got beat on the first one I wanted the right to bring it up two more times with slight modifications. It did get beat handily the first time. Huckabee opposed it. He ran—I don’t know if they were paid or not—but ran ads opposing the highway bill.

Fortunately he did come along later and support a sizeable program. Northwest Arkansas was clearly desperately growing and needed it. And this slowed it down. Some of the highways that are up there now would have already been built had we have been able to do it. It was a big increase, of course filling station operators and truck owners didn’t like the taxes particularly on trucks. If you know anything about depreciation or highways—and highway commissioners all admit, “They’re tearing our roads up.” We love to have them here as corporate citizens and I was great friends with them, but you got to pay the freight. They properly pointed out that surrounding states did not do it. It would drive down a lot of tax collections so that was legitimate.

In any event, Huckabee did end up coming around and supporting it. The difference was, I wanted to tie all of Arkansas together. I didn’t like the idea that South Arkansas was essentially surrendered to Louisiana and Northeast Texas. I wanted something that tied them to Little Rock tightly enough. That didn’t happen.

Fort Smith was tied to Oklahoma but it couldn’t communicate with Texarkana. It was hard still to get up to Fayetteville, while they were working on it. I wanted a road that tied all the borders of this state, the key cities in borders of the state, together and to Little Rock. Now, that didn’t give you as many rural roads, as folks wanted, but it allowed major commerce to be stronger among all the cities. I thought that would be great for us. To the extent that it did help pass Huckabee’s program, I’m glad for it. I’m sorry we haven’t gone further with it.

**GK-W:** There was some school funding. I don’t know if you wanted to discuss that.

**JGT:** One of the most fascinating things that I dealt with—it was a nightmare—was the school funding formula. I asked them to do the school funding formula. I said, “I want to see the school funding formula. I can read it, but I want to see it. I want to see the equation. Show me the equation.” I said, “Just put it on the board over there. You know it well.” He said, “We don’t know it that well.” I said “Well, put what you know on the board.” He said, “The wall is not big enough.” I said, “What!?” [laugh]

And we are looking at a wall here that is twenty feet long. It took a little bit more than that. They had to skip to the next line a couple of times. It was an incredibly complex formula. It had been dotted with special exceptions for school districts all over the state. I think as I recall we had 425 school districts at that time. That sticks in my mind, but I think that was about the number. This is crazy. For example, school buses were bid in every single school district. Why wouldn’t you do a state-wide bid. They said, “Well, we’ve got Delta counties and Mountain counties.” I said, “Fine, a certain amount of your bid is for Mountain county buses, a certain amount for Delta county buses—or city buses. But you buy them on a state-wide basis. If you want to be sure that more than one provider provides, you can divvy up the bids so that different providers are able to bid on different buses. But there ought to be a low bid state-wide on it. And it would save us a lot of money on it.” Well, [I] ever got that through the legislature. I tried hard, but it should have been a part of it.

The number of schools was unacceptable, so I tried several ways to change school districts in the state, so that we had fewer of them and to consolidate administrative costs from those districts. Why would you have a bookkeeper in every single district, even if it only had 150 students in the darn district? It just made no sense at all. Let it be consolidated and there were so many ways to save money on it. It didn’t lay a lot of people off from jobs or anything, it just made sense.

But the biggest concern I had on schools was the failure to provide mandatory summer school. My belief was and remains to this day is that if you do not deal with children—ideally you deal pre-kindergarten—but our state constitution only covers kindergarten up right now. Still did then. Regardless of whether you dealt with it—if it wasn’t dealt with before they got to the first grade. Stop me if you need—

**GK-W:** Yeah.

**JGT:** The major thing I was concerned with is that if it was not dealt with before they got into the first grade, that immediately the differential—particularly among low income verses high income, but even among some higher income students—would grow worse every year once they got to school. And the least equipped students would hold back all the other students. And that would grow geometrically each year as the number of students in that category grew. You end up slowing down the entire class in order to deal with the slower members of the class.

There was certainly no magic cure all, but we did pass legislation that mandated that all students falling below grade level in their accomplishment had a mandatory summer school with no more than twelve students in the mandatory summer school with a student to teacher ratio in those classes—if I recall of three-to-one. The idea was to have intense attention. I wanted it for the entire summer.

The reason I wanted it for the entire summer is because the lower income students’ parents were either on welfare, or they were working—for sure. Both of them. Which meant that it was highly unlikely that they were getting any intellectual stimulation in the summer. So the goal was to let those students have huge attention from some of the very best teachers in the state during the summer, so that when they came back fall they were at least closer than they were.

We all know from our own experience that when we went back in the fall sometimes we didn’t remember the algebra we learned in the spring. It took a little while to refresh our memory.

But I believed that if we did not start that at the—ideally prekindergarten—but certainly as we did to this summer school that we would never be able to fix the education problem. To this day it remains unfixed. I still believe the primary reason is the failure to put enough money into prekindergarten or kindergarten. Realistically—and I faced it when I was governor—if you’re going to do that and do it properly funded, you either have to increase some taxes to do it or you have to take some money from someplace else. But if you don’t do it the ultimate cost you pass on—not just to those children, but to the whole society is this enormous number of undereducated children. Even when I was governor twenty years ago the complexity of the kind of work available was increasing dramatically. And clearly going to put these people totally out of the workforce and that has happened.

**GK-W:** We’ve got just a couple more questions. Is there anything else you would like to add regarding your time or service to the citizens of Arkansas?

**JGT:** Well, it was a magnificent opportunity and I made a speech to the legislature back about 2006—if I recall. I was home for a visit and we were saying farewell to Jodie Mahony and another legislator and this was ten years after I left office and there were all these folks that were so nice to me and I enjoyed working with them. Most of the legislators I worked with overwhelmingly were really concerned about the people in their district. They tried hard.

I’m glad we got the airport in Northwest Arkansas started. That became one of my lasts acts as governor. I think I gave them twenty million dollars from the emergency fund to do that. In fairness—and I can’t disclose the amount of money put in—but what Sam Walton left for the state. He didn’t move to Texas where he didn’t have to pay taxes. He stayed in Arkansas. He put an awful lot of money into the state’s treasury and one could argue that amount was paltry compared to what could have been put up there. But it’s helped give us the airport that is there today and is so important.

It was a wonderful thing. My wife loved her opportunities. She was a teacher—teaching when we married—though she later became a lawyer and ran our cable company. She loved the experience and our children did.

Of course what they call the Whitewater investigation and the special council that was out to impeach President Clinton made it a terrible, terrible ending for us. But the wonderful experience we had still outweighs it all. I just wish I could have served a bit longer.

**GK-W:** Yes. One final question, would you be willing to do a follow-up interview with us?

**JGT:** Certainly.

**GK-W:** If we have any other questions for you?

**JGT:** Yes, absolutely. And probably at some point I’d be happy to do a discussion on the independent council.

**GK-W:** Sure. We would like that as well. That is all of our questions for today. We appreciate you coming and spending a couple hours of your time. I think we will sign off for now.