

**Oral History Interview of
Selden Hale**

**Interviewed by: David Marshall
January 12, 2012
Lubbock, Texas**

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Transcript Overview:

This interview is part one of a series featuring Selden Hale, former chairman of the Texas Board of Criminal Justice. In this interview Selden discusses his family background, his law career, and his time spent on the prison board. Selden reflects on landmark cases that changed the Texas Prison system, and predicts what will change in the future.

Length of Interview: 01:53:07

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David Marshall (DM):

The date is January 12, 2012, and this is David Marshall interviewing Selden Hale at the Southwest Collection, Texas Tech, Lubbock, Texas, and if we could let's start with your date and place of birth.

Selden Hale (SH):

Okay, I was born December 7, 1937 in Shattuck, Oklahoma. My family was from Hansford County, and that was the town Spearman. That was the closest place that had a doctor and a hospital that met my mother's and father's requirements to take care of her first child. My father's family was there at the beginning of the settlement of the Northern Panhandle. My great-grandmother, Mel and Atarah Wright, came to the Panhandle in the spring of 1867.

DM:

I want to spell this in here too because someone might want to transcribe this later, so it's Mel and Atarah, A-t-a-r-a-h?

SH:

Correct.

DM:

Is that correct? Okay.

SH:

They came from Missouri, and they got to Dodge, and I'm not sure whether the train brought them to Dodge or not, but anyway in Dodge, which was old Fort Dodge, they got a wagon and some animals and headed south into the Texas Panhandle. They started, actually, in 1876, but that was a bad winter and before they got into the Panhandle they had huge snowstorms, and so they actually spent up until the spring snowed in in Kansas. When they got to Texas, one of the stories that my grandmother told me was that from the time she left Dodge City, what's now Dodge City, to the time she got to Canadian River near the present town of Stinnett, she didn't see a single tree, not a single tree.

They came out in a covered wagon, and they had some teams. Granddad Wright, my great-grandfather, went to work for the Bugbees down there. The Bugbees had sort of established a ranch on the south side of the Canadian River, and so Granddad and Grandma went to work there, and at first they lived in a dugout. My grandmother had some stories, and in fact there's a long article that was taken about her early day experiences in the Panhandle that's in the library in Canyon, and there was a Works Progress Administration writer named Margaret Kirk, I think was her name, and so she interviewed Grandma, and had a story about her and about her early days.

DM:

Oh, that's really got to be interesting. Do you have a copy of that?

SH:

I do, I do, and I'll be glad to get you a copy of it.

DM:

Okay, okay.

SH:

I want to tell you a couple of little stories about them that I think are important. You kind of understand my attitude. Grandma said one morning Granddad Wright got up, and he had to go to work, so he took his horses and rode off early in the morning after she'd served him breakfast right before daylight. About nine or ten o'clock—and I believe, as I recall, she said they had a little baby, one of their first born, and it was an infant. And they were living in a dugout near a rise where you could see from the front door of the dugout down a long draw. About nine o'clock, Grandma looked down the draw and saw two or three Indians riding toward her, towards the dugout. There were some corrals there at the dugout and little sheds where they had feed and stuff, and so, naturally, Grandma was alarmed because she said that the Indians were riding ponies but they were leading extra ponies, and it looked like they were kind of a raiding party or something.

So she shut the dugout door, it had a wooden door, and barred it, and then she took a short-barrel shotgun, it was—Grandma called it a Greener, I think it was made in England by the shotgun company over there. And so she got the shotgun and stood behind the door ready to protect herself, and she heard the ponies ride up and stop, and then she would bend over, even in her eighties and nineties and she would show how—she took her hand and wiggled her fingers under the door, that she saw this brown hand wiggling his fingers under the door. So she took a cold, tin pie pan full of cold biscuits, and she slid the plate under the door, and she said she heard, "Chomp, chomp, chomp," and in a few minutes the pie pan came sliding back into the dugout, and the Indians rode off.

I bet I asked her that when I was a little kid, I went to elementary school in Spearman, and we lived out on the Palo Duro Creek between Gruver and Spearman and I would go over there. They had a little money, which was unusual in those times, my grandmother did, so she had a nice house right on the corner across the street from the school, and I would go over there. And they had ice cream; she had a little freezer in her ice box, and she would have ice cream for me. And so anyway it was very pleasant. But I bet she told me that story twenty times, and I always liked to hear it. Now let me tell you a little bit more and then you can decide what kind of questions you want to ask me.

DM:

Okay.

SH:

The Wrights, Atarah and Mel—Mel had a brother, and his name was Huff, Huff Wright, and he was kind of a promoter, but he figured out that there was no county seat in Hansford County even though the county had been measured out and designated, they hadn't organized the county. So he figured out that he could go to gather some money up, and he went to New York and somehow borrowed some money and bought, he and some other people there in the county borrowed some money and started the town site in old Hansford, and there's a lot of in the history books about it, but he drew the deed up to this courthouse square. They wanted to get the courthouse in the center of the county in the valley between Gruver and Spearman, and it's right there on my present-day land. And so to get the county organized they had to deed the courthouse square to the county. So I have the original deed where my uncle, my grandfather's uncle signed the deed in New York City, and sent the deed to be registered in Austin at the land office, and then the land office mailed it to Hansford County to the county clerk, and it's there. I've got it hanging up in my library.

So they started Hansford County, and then some time after that, in the twenties, they started the courthouse battle when the railroads started coming through, and David Murrah has written a story about that that's really very good. So I grew up in that county, down there just two hundred yards north of the old courthouse foundations in a little house that was originally a meeting house for the town of Hansford. Hansford was organized, I believe that deed is '98, I believe, and so they organized the county and they built the courthouses.

And my grandfather, my actual grandfather, S.B. Hale, Sr., he came to Guymon in 1900, a little bit after 1900. He met and married my grandmother, Grace Melville Wright, in Guymon, and then they moved, they got married, and he moved down to Hansford, which was by then, kind of a thriving place, and opened a drug store, and he had a pharmacy certificate from the east—Indiana and I believe some other state there. And so they lived out there and he was a county judge later on, and my father was, I can't remember where my father was born, I think he was born there, and then he was raised there, and he went off to—I think he had a little schooling in Indiana, maybe at the University of Indiana, but he went to Denver to the Denver School of Pharmacy.

They were just starting pharmacy schools, and he got his pharmacy degree there, and then, kind of in the Depression in the middle of 1935 or so, of course he was living then in Spearman because they had moved the town to Spearman. And my mother came to town and went to work for the Farm Home Administration. She came from a pioneer family in Roger Mills County in Oklahoma, and she was raised down on the Washita River, and when she got to—she went to Sayre and graduated from high school, and then she went to Amarillo to Draughon's Business School and learned secretarial skills. So when she graduated from there then they got her a job—this Farm Home Administration, feeding the hungry farmers. And she went to Spearman and

that's where she and Daddy got married. My family ran a drugstore there and they ran a little newspaper for a while.

DM:

At Spearman?

SH:

At Spearman. And Daddy, for some reason—family is English, the Hale family is English, and so right before World War II started they had a civilian training program where young men would volunteer to go and receive military training. And Daddy, S.B. Hale Jr., went into that and got that training, and he was in artillery, a second lieutenant in artillery in this civilian reserve component. When the war broke out, they kind of called him to active duty and I think he was sent to Mineral Wells, and when he got there, and they did some physical examination on him, they found that he had two—two, not one, but two inguinal hernias.

DM:

Good grief!

SH:

And they wanted him, if he stayed in, they wanted him to go to a private surgeon and have a hernia operation. Well, that was before sulfanilamide or penicillin, and it was a pretty dangerous operation. It's kind of like brain surgery, and so he said well, you know, he wanted to serve and he wanted to stay in, but he didn't think he could—wanted to do that. So he got out, and then my family moved around a little bit. We moved from Throckmorton where we lived for a while to Pampa, and then he worked there—Daddy was a pharmacist too so he worked there, and then he and my mother moved to Perryton, and he worked there, and then at the end of the war, after the war was over, he moved back to Hansford County and we lived in that old house that was the town meeting place there at old Hansford.

DM:

Oh, really?

SH:

They fixed it up. When we moved in, I think it was 1948, the date, or maybe it might've been the year before that. When we moved in, it didn't have any indoor plumbing or water. It didn't have any electricity, and it didn't have any phone, and so not long after we'd moved in well my mother threw such a fit, They had a wind mill there, so they put a pressure pump, by then they'd developed pressure pumps, and so we got water, and indoor plumbing, and we got electricity, and we got—later on we had to heat the place with coal, so I grew up there in that little house till I was in the eighth grade. We owned the movie theater in Spearman, and then we moved in the

middle of the eighth grade, which was about, let's see, 1950, about 1952. We moved to Gruver. My family did, and built a house there, and we also started the movie theater in Gruver. I went to high school at Gruver, and graduated in 1956. I never took a book home. I read omnivorously. I read the library books in the school library two times by the time I got out. My family always had a book fetish. We had an old aunt called Aunt Mona, her name was Desdemona, who still lived in Indiana where my father, S.B. Hale Sr. was from, and so she would send us books. But in 1956 I graduated, and I probably was in the top rank of this little Gruver school, but I went off to the University of Texas. It was so far down that the first time my family took me, we drove down there. The second time I had to take the train. I took the train from Amarillo to Dallas, and then down to Austin, but I was a hick from the sticks. When I got down there they had us take a little admissions test or something, and they put me in an accelerated program called Plan II, where I had to take German, advanced English, advanced biology, and something else.

DM:

Well they skipped you over the basic courses then? That's good.

SH:

Yeah, yeah, and so I had a wonderful little English teacher names Dr. Lois Trice, and the first semester I flunked every course I took because I didn't know how to study, so of course I was terribly upset, but the old English teacher got me by the arm and took me up to the Registrar's Office, or no I guess it was the College of Arts and Sciences to, I think, a man called Dr. Harry Ransom.

DM:

Oh, really?

SH:

Yeah, I think he was the Dean then of the College of Arts and Sciences. She took me in his office, and she sat me on a bench, and she went into his office, and then she came out and she said, "We're going to keep you in. We're not going to kick you out of school, but you've got to get your grades up." (laughter) Which, by then I'd figured out I needed to study, so I did that, and I went to school another year or so, and then I got kind of—I didn't exactly know what I wanted to do. I worked part-time at Brackenridge Hospital in the lab as an autopsy assistant, and I think the next year, or maybe at the end of the next year I went to Texas Tech, here, for a year, and had a good time. By then I had kind of learned how to study. I didn't like the dorm, so I went down—I needed a job anyway cause I needed a little money coming in, so I went downtown to—there was a movie chain that owned all the theaters here in town. There were four or five of them. One was on the street out here that parallels the university, and then there were two or three downtown, and then there was one—so I got a part-time job as a bouncer.

DM:

Were these Preston Smith's?

SH:

He owned them and then he had either sold them or leased them to a corporation called Video Theaters.

DM:

Oh, okay, so you were a bouncer?

SH:

I was a bouncer. They had another old man that I worked with that had been a deputy sheriff in Lubbock County, and his claim to fame was that one time years ago when he was a younger man, he came up on a car, and the car had been driven and abandoned by Bonnie and Clyde. (laughter) And he didn't see them, but of course he was pretty old and senile then, but about every week he'd tell me that story, and he'd put his hand up and said, "And I know I just nearly caught them because the hood of the car was still warm." (DM laughs) But actually he kind of told me what to do, and I was the muscle, so, and I did that for quite a while and I lived off campus over here which I kind of liked.

DM:

Well how often did you have to take some action in the theater?

SH:

Every, I worked mainly in the video theater, and the video theater was playing gang movies, Mexican language movies, and motorcycle gangs, and that kind of stuff. We had trouble every Saturday night. I mean and I would drag people out of there. I'd been punched. The cops would come, and they had some motorcycle cops, three wheelers, we called them every weekend. And of course I would do the work, and then he'd kind of take the glory, but he could smooth it with the cops because it got pretty bad. One time I went down there and there was a little boy that was about fourteen. He was behind the screen, and he had paper popcorn sacks piled up, and he was trying to start a fire. Well I planted a number ten boot in place where it worked, and stopped that, but it was pretty active, you know.

And then when I got through doing that, I forget exactly the year, I had a girlfriend that I was sweet on here, and she was staying here, and then we kind of had a falling out. So I decided—I went back to Spearman and Gruver, and worked in the first part of the summer. And then I decided I wanted to go to the marine corps. My father had had a close friend that was in the Carlson's Raider Battalion, in Guadalcanal in World War II, and he later became dean of admissions for the veterinary medical school at Texas A&M, and he would come see Daddy

every year, and he always carried a cocked and locked Colt 45 pistol, in the small of his back. I thought that was pretty special.

DM:

Um-hm, did he tell you the stories?

SH:

He told me some stories, but during the war Daddy of course was a pharmacist, and when he got to Guadalcanal the stories were full that the marines were cut off, and they were only getting occasional supplies. So Daddy, my father started, S.B. Hale Jr. started making care packages, and he would hand-make—he'd take a big gelatin capsule, he'd put a Vitamin C tablet in it, and then he'd put other vitamins in there, and he would make like four hundred of them, and he would put them in two or three boxes, and mail them over there to, his name was, Hap McMurray [?].

DM:

He might've invented the multivitamin.

SH:

Well, he was a pretty good—in those days they compounded, you know they made stuff. And after the war Hap told me, and I heard him tell Daddy, every time he saw Daddy, that those horse pills, as he called them, kept him alive. He said they were eating pretty skimpily over there during that five or six months they were on that canal, and then he stayed in the marine corps even after that. I think he probably had his PhD in veterinary—he had a doctorate in veterinary medicine, and he was still in the marine corps reserve. But anyway because of that experience I ended up in the marine corps. I joined the reserve in Amarillo in 1960. I went to boot camp 20 July of 1960.

DM:

Parris Island or San Diego?

SH:

San Diego. Texas was pretty racist then. Lyndon hadn't signed the civil rights bill, and I want to talk more about racism in Texas when we talk about the prison, but I got off the bus at the receiving barracks in San Diego about—it must have been about two o'clock in the morning. And we were standing there in four long lines ready to go in, and for two or three days they just harassed us unmercifully, running, do this do that, thumping on us, hitting us, pushing us, shoving us, kicking us, and so by the end of the third day I was pretty—I was doing everything they told me to do instantly. And so they were going to turn us over to our drill instructors, and they had us form up. They had 130 of us form up in four lines with footprints on it, and so we

were standing there kind of shell shocked, and this guy came in the room and he was about 6'1" and his name was Gunnery Sergeant William E. McDowell [?], and he had a smoky bear hat on. And he was a black man, and he was the toughest son of a bitch I had ever seen in my life. He would run us every day, and while we were running he would run alongside yelling at us, cross over behind us, and run up ahead of us and to the side. He would be circling us while we were running on the grinder there, so from that day on I was never prejudiced. After I got out of the marine corps I came back. I didn't exactly know what I wanted to do. I think I went back to school maybe part-time or something.

DM:

You were in the marine corps quite a while, as I recall, six years?

SH:

Well I was on active duty six months. That was back before Vietnam had heated up. It was in the early sixties. In fact they had special forces over in Vietnam but it wasn't a war, and so I was in active duty six months, and then they sent me back to Amarillo. Actually there was a unit here, in Texas Tech, and I think I made a drill or two here, I think. But anyway then I went to Amarillo, and I got a job working one summer for a little newspaper in Spearman called *Hansford Plainsman*. It didn't last very long, but my Daddy had newspaper experience, so I thought I might like that. I was still living at home, and I did that for three months, and then the guy named Burl McClellan that owned it said, "Son I think you got enough skill that you can get a better job," and so he called Amarillo, and I went to work, I guess it was about, maybe '61 by then. I went to work for the *Amarillo Globe-News* as a police reporter.

DM:

You were a police reporter right? Yeah, okay.

SH:

And so I, they put me in the police beat, and my first job was writing obituaries, but I learned a lot, you know, every newsman starts on the obituaries. And I did that for three—two or three years. At some point I decided that I needed to do something else with my life, and I went back to Texas Tech and finished up. I think my last semester I took twenty semester hours to get through. I went maybe a year, year and a half, and graduated with a degree in government I guess. While I was working at the newspaper I met my first wife. She was an RN at St. Anthony's Hospital, but I would go out to St. Anthony's Hospital every night. I had a friend that was paralyzed out there, and I wanted to see him, and then I had to cover, you know, wrecks, stabbings, so I was checking the emergency room out, and I met a pretty Hispanic girl named Juanita Ramos who was a Hispanic nurse. She was raised in Dumas, couldn't speak Spanish, and we didn't date very long, but we got married.

And then I decided I needed to do something better, and I was still at WT, and I saw a story on the bulletin board of the government department that they were going to have the LSAT Test in Albuquerque, at the Albuquerque Law School. Well I had never been to Albuquerque, but I was getting out in the region writing stories, and so that that evening when I went to work I asked my boss, I said, "Do you all ever sell any newspapers in Albuquerque?" "Oh, yeah, well we got subscribers over there," and I said, "Well what about if I went over there and wrote a story about something," and they said, "Well, yeah that's good," so I got them to pay my way, in fact I took a company car over there and drove to Albuquerque, and I took that LSAT, and then came back, and I didn't know any law schools. I didn't know what—I knew the University of Texas had one, but my uncle, I had an uncle that had gone there one or two semesters.

DM:

You had a grandfather that was involved in the law, too.

SH:

Well he was a county judge.

DM:

Just a county judge, okay, he was a county judge.

SH:

That was Sr. S.B. Hale.

DM:

Where did that interest come from? Was it the police reporting? Did that give you an interest in that?

SH:

I don't know. It was mainly a lark. I wanted to go over there, and I thought, "Well that's an excuse to go to Albuquerque," and so I went over there and I didn't know any law schools that I wanted to go to, but there was an Italian family there in Amarillo named Tom and Toby Priola [?] that were lawyers I had seen at the police station, and they had always talked about they went to St. Mary's Law School. Well hell, I wasn't Catholic, I was an atheist. And so at the end of the test they said, "Where do you want us to send these test results to?" and I was kind of blank, I said, "St. Mary's Law School," so we went back, and I was living with an aunt about the time that I took—no I guess, I can't remember, for some reason, I didn't—oh, I know what it was, when I had made the application to take the test, I was living with an aunt, and then in the interim I had gotten married, and moved in with my wife's apartment on North Polk Street, so one day, one Saturday morning I get this piece of paper, a letter in the mail saying—it was from St. Mary's Law School, saying, "You've been accepted into St. Mary's Law School," but it had

been sent to my aunt's house first, and then she forwarded it to me at my wife's house. The only problem was that the last day for registration was the following Saturday, in other words I had seven days, so I was in a real dilemma. At first I didn't know whether I wanted to go or not. I didn't know whether I could afford it or not, and I didn't know what I ought to do, because I had a job and they were paying me pretty good money.

DM:

St. Mary's is private.

SH:

Yeah, yeah, so when in doubt I said, I told Jane, I said, "We've got to go to Gruver and see my mother and my daddy." So we went up there for Sunday dinner, and I showed them the deal, and we talked about it, and my Daddy at times could be pretty laconic, and he just kind of listened to all of this. Then mother, she didn't much think I could make it, she said, "Oh, I don't know. That's going to be hard and (mumbles)." Then finally Daddy said, "Oh hell, I think you ought to just go down there and try it. Let me give you some money," so he pulled his damn pants leg up from his old boot, and he pulled out a wad of money, and peeled off some of it, and he said, "You write or call and I'll send you some more." So then I came back and I told the managing editor, his name was Don Boyette that I needed to go to law school. So I left the following Thursday—yeah I guess it was Thursday when I left, we drove in a car to San Anton, and I enrolled in law school.

DM:

What did your wife think about that? That was kind of an uprooting.

SH:

Well, yeah it was. There's two things I need to tell you about her. She was a pretty girl. On the road down there we went through Paducah, and you know, I was not—I was kind of unaware of the strength of some people's prejudice. And I didn't speak any Spanish, but she couldn't speak any Spanish either so, but she knew a little bit of it. So down there we got to Paducah about nine o'clock, ten o'clock in the morning. We hadn't had any breakfast because we got up early and left from Amarillo, and I wanted to get some breakfast, so we stopped at a little café right on the edge headed south from Childress, and on the door was the words painted on the glass door, I never will forget it, it said "*No mas Blancos.*" Well I didn't know what the hell that meant, and I walked in there, and we sat at a booth, and there wasn't hardly anybody in there. There was a cook, and kind of an old fat ugly waitress. They were standing over there by the counter, and I was looking at this, and then I started looking around waiting to get waited on, looking at them, you know, and I couldn't figure out what's going on, and then I notice, my wife's name was Janie. She's, she really got nervous, you know, and I could see she was agitated, and I said, "What's going on?" She said, "You didn't read the door?" I said, "What about the door?" She

said, "*No mas blancos.*" I said, "What the hell does that mean?" She said, "That means only whites," so I looked at her, I thought a minute, and then I turned, and I pointed my finger at the cook, I said, "You son of a bitch, you better get over here with that menu or I'm coming after you!" (both laugh)

DM:

He didn't know you'd been a bouncer and in the marines, did he?

SH:

And the marine corps.

SH:

So he came over with a menu, and we ordered, and I left a generous tip, and walked out. But San Anton was wonderful. It was the most charming place. I spent twenty-seven months in law school. I worked, I met my best friend there who is where I'm headed there to see now who's sick. And then I liked law, I just went straight through, made acceptable grades, went and took the bar exam, passed, went to Amarillo, and started working for a Pioneer Gas Company. That's how I got my first job. I worked for them for a couple of years.

And then there was a guy, a lawyer in town, I met him in a bar, in a press club. They had a press club there in Amarillo, and we were drinking a beer one night, and he was a lawyer named Charlie Fairweather, and he needed some help on an appeal to the court of criminal appeals. So we had both a couple of beers, and so he said, "Well why don't you write it for me, and I'll pay you?" And I said, "Okay, I'll do it," so I wrote it, and the court, while they didn't rule for me, they were very—they put language in the brief to indicated that they'd liked my brief. They said, "In council's excellent brief he's brought these issues up," and so I kind of liked that. And Fairweather and I, after that, started practicing law together. We practiced law together for five or six years, bought a building together. He had a heart attack and died. I'm still in the same building. Practice law, mainly criminal defense stuff.

Still, after a number of years, I got active in the Republican Party, met my present wife while I was in the Republican Party. I had some children, by then I'd had some children. When Nixon was elected, he started—and my wife, as an aside, my present wife worked for Bob Bullock. I helped her get the job, and she worked for him as his deputy controller and chief staff, and really was his number one person for about twenty years. But she and I both were active in the Republican Party, and I was active and helping Richard Nixon get elected, and worked hard for him. But then he came out with what he called the Southern Strategy, and that was to bring all the segregation of South into the Republican Party. And Strom Thurmond, Orval Faubus, what is that governor that got shot in the—paralyzed him. He was the governor of Mississippi, stood in the doorway when they're trying to integrate Old Miss? He brought guys like that.

DM:

Wallace?

SH:

Wallace, George Wallace. He brought, he started that theory, and so what had been the Republican Party of liberalism and responsibility and intelligentsia became a southern controlled, industrialist, capitalist party, and so both my wife and I were disenchanted and left. She was a feminist, Claudia Stravato, my present wife, was a feminist, and we kind of got involved with the liberals in Austin because I was a lawyer, and I started doing stuff for the Civil Liberties Union, death penalty stuff, and criminal law stuff. She got involved with the feminists, Ann Richards—what was that girl's name that was a famous writer that died, passed away.

DM:

Maybe it'll circle back around in a while.

SH:

Yeah, anyway I'll think in a minute, but she met all those women, and she was active in trying to get the equal—the women's rights amendment passed, and couldn't get it done. But she was a strong feminist, so that's how we met those, that coterie of Jan Reid, a writer for the *Texas Monthly*, and I met a lot of those kind of people. Ann Richards, the first time that she came to Amarillo, I think she was running for the legislature or something, or maybe she'd been on the commissioner's court there in Travis County, maybe she was running for treasurer or something. I don't remember what she was doing, but she came to Amarillo and made a speech, and she was drunk. And so I had sobered up, I'd gone to AA sometime before that, and so all those women asked me if I would talk to her about it. I said well yeah I would, and I did.

DM:

About what year was this?

SH:

Well let's see, it was a long time before she ran for governor, so I think it was maybe, I'm not sure she was running, I think she had her eye on running for treasurer's office, but she hadn't done it. I think she was running for the commissioner's court in Travis County, but I got to meet her, and met all those people, and I really liked her. She was married then. I really liked Dave Richards because I thought he was a wonderful lawyer. So then I got involved, when I met Dave, that was about the time of single member districts. And before that I'd defended every single bad criminal case that they asked me, and during the Vietnam War there were some children up there that one day wore a black arm band to school, and the school kicked them out. Well I and my law partner represented the kids, and there had just been a recent case in the supreme court that said that that was the First Amendment expression of freedom, you couldn't do that. So we filed

a lawsuit, and forced the district judge there to let them back into school, and I had kind of a reputation of being a fire horse, you know.

DM:

Um-hm, did you help her dry out a little bit, by the way?

SH:

Well I talked to her, and then later on she did.

DM:

Yeah, so maybe.

SH:

I think there were a lot of people talking to her, but she was in Amarillo, and it was clear that she was intoxicated that night, so I talked to her, and said, "Look if I can sober up you can sober up." But anyway that's where I met all those Austin people, and I think that Jan Reid had even written a story about me being a troglodyte. I was a shooter and a weapons expert, and liked mules and went hunting, and all that kind of stuff, but yet I was interested in liberal stuff. And my wife was interested in the same kind of stuff, in the liberal stuff, you know, politics.

So I helped Ann Richards run her first campaign in the Panhandle when she ran for governor, and really supported her. And of course Claudia, my wife, did the same thing. Claudia was working for Bob Bullock at the time, and she would commute back and forth from Amarillo to Austin on a weekly basis. She had two children that were older. They were in high school or junior high. I stayed in Amarillo and took care of her two kids and my three kids, and—

DM:

And were in the law practice.

SH:

Yeah, in the law practice and doing everything else. But then after she got elected, Claudia and I went down to the party, and the election night party, and of course Claudia had been running Bob Bullock's campaign. And I'd met Bullock, and I'd done some legal advice, criminal law legal advice to Bullock for years while Claudia worked for him. So then one day they asked me, and I don't remember how, because it didn't make an impression on me, they asked me if she appointed me to something, would I help her? And this was kind of during the campaign. I said, "Oh, yeah, sure, I'd do that. Whatever she wants," I said, "You got to win the election first." (laughs) So then she won the election, we went to the election night party, and it was wonderful, and of course I was thrilled. We finally had someone who wasn't a segregationist running the state, and some days later, a few days later, they called me, one of her staff called me, and said, "Ann wants to put you in the inaugural committee." I said, "Okay, that's alright with me. What

does it do?" "They organize and run the inauguration." So I called my wife, and told her, and she said, "Well that's going to piss Bullock off because he wants to put you on that." See they were real competitors, and so there we were between—what's that Greek phrase, "Between Charybdis and Scylla," or something.

DM:

(laughs) Charybdis and Scylla, yeah.

SH:

Yeah, and I said, "Well, what can I do? I'm just a cowboy from Gruver," so he put me on there, too, so I went to the meeting of the inaugural committee, and it was pretty sad. I mean it was being run—they had the Austin Police Department, they had the DPS there, and they had a bunch of politicians, and they said, "Well we understand you're going to be in charge of security." They look at me and I said, "A criminal defense to lawyer to security?" (DM laughs) And they said, "Yes, because Bullock thought you knew more guns than anybody on the committee," so I said, "Alright. I'll do that."

So anyway that was my title, I was in charge of security. And I had a good time talking to the DPS and the Austin cops because that was just about the time that public violence was becoming—and they were starting to worry about political people being protected, so I remember one of the things I did, they said they were going to have lots of policemen there, and I said, "Well what about some nut like Whitman in the tower starts shooting at them?" And they said, "We hadn't thought of that," and so the guy from the DPS, I said, "Well why don't you have an unmarked car—" He was telling they were going to have some SWAT guys ready. I said, "Well why don't you have a car, and unmarked car, trailing along behind the governor where if something happens those body guards can stuff her in the car and get the hell out of there," so they decided to do that. I thought that was kind of original.

But anyway, a few weeks after that I got a call from somebody. I think it was Mary Beth Rogers. She was the governor's chief of staff. She said, "Selden, you've got to be in the governor's office, after the inauguration, you got to be in the governor's office at nine o'clock in the morning for an announcement." I said, "What kind of announcement?" She says, "She's putting you on the prison board." I said, "Oh, okay." She said, "And wear a tie." (both laugh) I said, "Okay," so I flew down that afternoon, and then I had to go buy a tie, I forgot a tie or something, I had to stop.

Claudia had an apartment on South Congress, and she went up to work. She was going to the controller's office. She was in that downtown office building that they had then, and so I went up and got a tie and walked up to the capitol and she announced I was going to be a chairman in the prison board, and a black man from Beaumont and a lady from Austin, she announced, were here three appointments. I did that for about a year and a half or two years.

I, as an old marine, I believed that if I was going to be the chairman I wanted to know what the hell was going on, so the day that I was appointed, the TDC had an office building there and I

think I had to come back later on—no, I think that was before I actually was confirmed by the Senate. So I went down the street to the TDC building, and they had a secretary there, and they didn't have anybody, any big shots there, so I just walked in and started talking to the secretary, and of course she was overwhelmed by the chairman. I was asking her questions. "I need a copy of this, I need a copy of that," and it was kind of funny.

And then when I was confirmed I had to go before the, I guess it was the, I don't know which committee in the Senate to be approved, and Bullock went with me. He was lieutenant governor, but he went down and appeared with me at the committee hearing to approve me, and he went down and vouched for me. They said that was the first time in history that the lieutenant governor had appeared on behalf (laughs) of—

DM:

Well, I'll be. Well that's nice of him.

SH:

But anyway I think he was doing that to show I was his man too. He was kind of like a wolf staking out his territory. So then I was on the prison board, and there were some really nice people on there. Jim Lynaugh was an excellent executive director, and he had another young man named Wayne Scott that was deputy director. But the prison system was small. It was under Ruiz. They had like forty-eight thousand inmates, and it was overcrowded. Of course, the district attorneys, they wanted a growth business, so they were stacking up convicts in county jails all over Texas, and that caused terrible pressure on state officials to do something about it.

DM:

Right, when did you step into that position? When did you become chair?

SH:

Well it would have been in, I guess the first part of 2001.

DM:

Yeah, yeah Ruiz was coming to an end at that point?

SH:

No, Ruiz had been settled, and if you look at this book that I brought, the one that I gave you right here, it'll give you the dates when Ruiz went into effect. I knew—

DM:

Seventy-two or?

SH:

Yeah, I knew a lot about Ruiz cause I'd read it because I had always been kind of interested in the prison system. I had a book by one of the first wardens called the *Assignment Huntsville*, and I'd read that book, and always kind of paid attention to it, and since some of my clients were going there I paid attention to it. So I knew a lot about Ruiz, and I'd read about this black, Eroy Brown that the prison people had tried to kill, and I'd read on William Wayne Justice. In fact I'll tell you another story about him one time. But even before I was approved—the civil liberties union gave him an award one time, and he was going to come to Austin and talk about—of course, Ruiz was in affect then, and I've got a picture of my wife and I—he didn't have any protection, and there was a lot of people that didn't like him.

And so my wife and I were coming from Amarillo because we were active in the civil liberties union and there was a banquet here, and everybody here was nervous about it, and the people in Austin had talked to me about it, and I said, "Look I'll pay for some protection." So my wife had a—Bob Bullock had an internal affairs man, and he was a bodyguard type investigator that had worked as an intelligence officer for the DPS. So she called him and got the name of a duty officer for the DPS that would assign officers—he knew somebody that wanted to work off duty, and so I paid him a bunch of money to come to the meeting that night. I said, "Hell I'll pay for it."

And then when he got there, and he kind of knew about me, and knew I'd been in the marine corps, and he said, "Well this is a big crowd for the two of us to handle," talking about me, and I said, "Well look, I'll tell you what I'll do. I'll go up there and get right in front of the podium, and I'll be up there, and you stay at the back in case you get some nut coming in the front door," and so that's what we did. But I've got a picture [where] y wife's sitting there looking adoringly at William Wayne Justice, and I was turned away from her looking at the crowd, like that, (laughter) and everybody's like, "Well what the hell were you looking at?" I said, "The nut. That didn't show up."

DM:

(laughs) I'm glad he didn't show up.

SH:

I'm glad he didn't show up, yeah, but anyway, so I was a hand on chairman, and I wanted to know stuff. I'd catch a plane in Amarillo and then fly to Dallas, and then fly to Austin, and after a while they just kept a car stationed at the airport, and I'd say, "Pick me up at the airport," and they'd have somebody to pick me up, and I said, Let's go to Darrington or let's go to Eastham, and I went out and looked at nearly all—in fact I did look at all the big prisons and walked through them. And I'd show up, and I wouldn't tell anybody I was coming, and I'd flash my credentials, and I'd go in, and I'd say, Take me to administrative segregation, and, Take me to the craft shop, and go around.

DM:

How would the wardens react?

SH:

Oh, well at first it just terrorized them, but then after a while they had, from time to time, they had some examples of political—they had two or three guys that the Republicans on the board—somebody would tell them a story, and they'd say, Well this warden is bad. He did something bad, and then I'd say, Well let's find out. And then after a while I would take up for them. I did that for two or three of them. There was an instance in Amarillo where a guy got beaten up by another convict, but a captain refused to go in and stop the beating because he was alone. And we had a DA up there named Danny Hill that was a drunk and a politician, and he was talking about indicting the captain and everything. I hadn't been chairman of the board but three or four weeks, so I went in and got involved in that, and took the warden before the grand jury, and took up for the officers.

And then they had a warden down at the Hughes unit that was an ex-marine that was a tough son of a bitch. And I forget, they got mad at him, there was two or three of those little deals that I would take up for the wardens if I thought they were right, but then, if there was a case of clear abuse on an inmate by a boss, I'd say I want that son of a bitch fired now, and walk him off the unit, and take it to the district attorney. And so I kind of knew what I was doing, so after I'd been on the board not long I got to looking—Ruiz had forced them to shut down a whole section of TDC because the cells were overcrowded and everything, so—

DM:

About how many beds did they have to shut down?

SH:

Well they had about thirteen hundred, and they couldn't use them, and so the crowding was awful in the county jails, and Harris County just gave us fits all the time. They wanted to stack those inmates in there. "Ah, we don't care just get them out of our jail." And so in my mind I realized the prison people liked the Ruiz decision because it took the heat off them. They didn't have to brutalize them. They could hire adequate staff. They could have procedures in writing and followed. They could have internal affairs guys that would prevent prisoner abuse, and so they liked it.

After three or four months the wardens told me, they said, Look Mr. Hale we don't want to get rid of Ruiz. We like it. It helps us. It helps us run a modern penal institution. So I, and I don't know where I got the idea, but I thought, Well you know, this is an ongoing lawsuit. It'd been going on ten or twelve years then. And there's still no final order entered. It was an interim decree, and an interlocutory order. I thought, You know, if we ended this case, and institutionalized the improvements in the system, then the state would be better off, and maybe we can get some of that capacity back. So it was something for the state, and the state was

having to pay for this oversight of the federal court system and the monitors, and that was an expensive operation. So I talked to the staff first, and I said, Why don't we do this? And they said, Well we don't think it'll work because the attorney general office—what's that, the one that was a crook? He was a Hispanic crook.

DM:

What year?

SH:

Well, it was during Ann Richard's administration, anyway he was a crook. I'm telling you he was a crook and he later went to prison. But he was really a rabble rouser, and so I said, Well you know why don't we start negotiations with the monitors, and see if we can't get this thing over with, and maybe we can get something out of it, and we can get this thing over with. So I went to Ann Richards. She was going to Gatesville to institute a new drug treatment program she and I had started, so I called down there and I told one of her staff that I wanted to try to get out of the Ruiz monitor, and get those lawsuits settled. And they said, Fine, and then they called me back and they said, Well she's going to fly down there next weekend to open up that drug and alcohol treatment program, and why don't you fly to Austin and then get in the plane with her, and fly down there, and you can talk about this.

So Ms. Ann, she did not have a lot of practical knowledge about the prison system, and she had other things that were going on, but she did understand the drug and alcohol treatment. By then she'd sobered up. So I got on the plane at Austin. It was a state plane, and we flew to Gatesville, and on the way up there I told her what I wanted to do, and I said, "Now Judge this is a controversial deal. Maybe, it may cause some heave," and I said, but she said, "Well Selden just go on and get started," and she said, you know, "It's kind of your deal. You kind of see what you can do." So I said, "Okay."

So then I started doing it, and first we talked about it at the board and there were only two or three Democrats on the board. And so I told them in the board I said, Look I will, this is what I want to do. I want to end Ruiz, and start the process to get out of Ruiz, but I think it's got to be a collegial effort by everybody on the Board. And I said, So I'm going to appoint two of the board members on the committee with me to work on this, and I appointed at Jerry Hodge, who was appointed by Clements, and he was an Amarillo guy that I knew real well, and then the second guy I appointed was from San Anton. He's chairman of the DPS committee now. I forget his name. He was a lawyer. They were both Republicans.

And so we started talking about it, and they thought it was a good idea, so we started the process. We did a bunch of work here in Austin, in Texas, and then we went out to San Francisco for a week, and had a formal meeting out there and negotiated with the prisoner's monitors, and they had a federal monitor there. And we brought people from the attorney general's office with us to try to get it done, and we got it agreed to. It was a win-win situation for Texas. We got it agreed to and took it to the board, and the board minutes will have—there will be some notations on it,

and I got a bunch of stuff in my records on that, the process. And in that board meeting the whole board approved it, the process of getting out.

And the then attorney general's office wanted to make hay with it, so he started opposing it, and fighting it, and caused problems. But we actually got it started and got it done. I left the board, I got in a political fracas, and Ms. Ann got mad at me, and I said, Well Governor, I realize that my term is fixed and I can stay if I want to, but it's going to cause you political problems. I'm going to leave, so I quit. I wrote in my letter of resignation, but I had dealt with the federal people. I dealt with Judge Justice, we'd had a meeting, so even after I left there was a lot of communication and letters in my file from the federal people and from the monitors, the oversight people wanting me to hang on. And Judge Justice instructed me to show up even though I was off the board when they entered the final order. And he recognized me, and asked me to come up and sit at the table, which was an honor, I thought. But anyway it was an important deal.

Now, one of the other things that I left out that I think is important for you all to know—and all of this is in the files. We decided, the legislature decided to spend something like eight hundred million dollars on expansion of the prison systems, so they passed the bond issue and the board was given the chore of having to decide where you build prisons. And I think it was twenty-eight thousand new beds, so that was almost tripling the size of the prison system. And so the board—but I really did it. I was really in charge of it, and I had a lot of board input, and there was a lot of politicking going on, but we decided that—and the staff and I really decided this—that we would build two kinds of prisons. We'd build 2250 bed prisons, maximum security prisons, and then we'd build thousand bed prisons that were medium security prisons, and then we had to build some prison hospitals to comply with Ruiz. And so I decided, essentially, where those prisons went. Now the board voted on it, and there was some haggling and deal making.

But while that was going on my baby brother is a PhD in pharmacology, and he was a professor at the medical school in Amarillo, and my wife was still Bob Bullock's chief of staff. So Jerry Hodge, who was my friend and board member, and I were talking about, Well dammit, we got all these prisons that we're going to give out, and all these politicians are wanting them, and we were talking about that, and then—he said, We sure need to get some prisons in the Panhandle, West Texas, and I said, Well we can do that. And this was all kind of going on. I don't remember the exact sequence, but I asked my brother, Dr. Hale, about what was it that Amarillo needed.

What would be lasting besides a damn prison, and he said, Well, Texas Tech has the authority to have a pharmacy school, but they haven't ever been able to get that done. And so my light went on in my mind, and so I got Hodge, Jerry Hodge, and there was this—it seems like I brought something that explains that, but so I got Hodge and I said, "Hodge, what about if we tried to get a pharmacy school for Amarillo?" He said, "You know, that might work." He said, "Texas Tech has got the authority for it." Because I wanted Tech—I guess ever since I flunked out of University of Texas I didn't like them. (both laugh) And so I said, "Well why don't we kind of think about that?" and he said, "Yeah, let's do that."

So Senator Montford called me a few days later, and said he wanted a prison. Well I think he called me first. He was lobbying for a prison, I mean a prison hospital out here east of town, and he wanted it for the medical school here. And when he told me that, and I thought, Well, you know, maybe that's alright. And then it was kind of a conversation that was kind of ongoing for about a month, we were talking about stuff. So finally Hodge and I said, Well why in the hell don't we swap a prison hospital for the pharmacy school? And so that's what we did, and I called Lynaugh, and I said, "Lynaugh, this is the deal. We're not giving Lubbock a damn thing unless we get something for it." (DM laughs) He laughed, and he said, "Well you know, Montford wants us to come down there." I said, "Well let's go down there," to Lubbock. Coming from Amarillo, Lubbock is like coming to Indian territory. (David laughs) And so he said, "Well I'll have the state plane pick you and Hodge up, and I'll be on the plane and then we'll fly down to Lubbock." And I met with the chamber people here or something, and Montford was going to be there, and I said, "Well why don't you tell Montford what we want, so it's not a surprise to him." And then he called back, and he said, "Montford's responsive to that. He thinks he'll do that." And so we got on the plane, and we were talking about it down there, and of course we had, I forget who was on the plane. It was some of the prison people, and somebody said, Well how in the hell with the economics of the thing, how would we ever get the money to build the school a building?

And I talked to my wife. She said, "Oh, I don't know." She said, "The state doesn't have a lot of money to spend for infrastructure." And so as clear as a bell I remember Jerry Hodge sitting there, and he was always chewing a cigar. He couldn't smoke it in the plane, but he was chewing it and he finally took it out, he said, "Oh hell, we'll just pay for it," meaning the City of Amarillo. He said we've got the SEDC, that economic development, and they had money, and they hadn't spent any of it, and then there were some other fat cats that he knew about that he could get money from. He said, "We'll just buy the building, build it, and lease it to the state for a dollar a year or something." And so we came down here, and we put that deal on with Montford. He said, "Hell yeah, that'll work."

And so the first thing that happened was, he said, "Now I'm working on the budget right now. I'll put two hundred thousand dollars in to do a study for Tech," and so within a few weeks Tech had a study, but they didn't get the political word. They had these experts, and they said that the building ought to be located in Lubbock, and so I called Montford. I said, "That's not going to work, Montford." (laughs) He said, "I know. I've already changed that," and then he had me come and peer with him at the senate appropriations committee to explain what we were doing. He said, "And I may need to put you on his witness, but you sit behind me here, and if something comes up, well you can be the witness." So I really felt awkward there in that senate, and I was sitting right behind the senators, right behind Montford. Of course he was the head man, and he was the chair of the senate appropriations committee.

But finally, and it took a while to get it all done, but then we had to get the mayor involved, Kel Seliger, and he's senator now. And we had the mayor, and Hodge, and I, and then there was the senator, and I forget who else. It was a kid whose name I never remembered. He was the city

commissioner, and he'd been a television guy there and he worked for BSA now. But they called it the gang of five, and in fact I, I don't know whether I brought that magazine or not. Oh it's out in the car, that's where it is, but it's a story about the gang of five that got the pharmacy school in Amarillo, and there's a bunch of files in my paperwork about the gang of five. And I even wrote a—when they had the dedication of it, they had it downtown in the community arts auditorium. It's a real nice auditorium. They had that new president there. So they wanted me to tell how it happened because it's a West Texas story. And so I wrote a little speech up and it's in there, and I tell about how it happened, and I tried to be witty and talked about it.

But the one thing that I hadn't told you about [is that] before all of this could happen—Montford and Seliger and Hodge and me and this other young man that was involved, we knew that we had to get Bullock to sign off on this deal. I mean it was a political deal. I had the authority to put the hospital here. They had the authority to build the new deal, but we had to get the blessing of the Don Corleone. (DM laughs) And Montford said, "I don't want to talk to him about it." He says, "Selden, you've got to do it," and Hodge says, "I'm a Republican. I can't talk to him," and nobody wanted to talk to him, so finally it fell by me by default. They said, "You've got to talk to Montford." and so I said, Well hell I know what I'll do. I'll just type him a letter and give it to my wife, (laughs) and let her give it to him.

DM:

You mean Bullock?

SH:

Yeah, Bullock. I misspoke.

DM:

That's alright.

SH:

So I, roughly, in the letters in there in the file I said, "Lieutenant Governor, Dear Sir, we'd like to have your blessing on the project. Amarillo will pay for the building, and we'll lease it to the state with city funds. There will be other people contributing. We'd like to have your blessing."

And so not long after that he went up to my wife, and said, "Well I'm going to give your husband his goddamn medical school," (both laugh) or pharmacy school. Of course he was griping, grumbling at her and of course she called me and told me, but anyway I thought that was funny. That's how—you know you never want to see how sausage is made, but that's how sausage was made.

DM:

(laughing) That's a great story.

[break in tape]

DM:

Now, so go right ahead.

SH:

I think that after you kind of look at this stuff then maybe you can ask some questions and I can clarify, but I think that Texas, and I mentioned earlier about Nixon's Southern strategy, as a legacy of the Civil War, Texas created what we call the Black Codes, and they institutionalized, they re-slaved the blacks, and that had a spillover not only on the blacks but the Hispanics. And so to understand Southern Texas history, you have to understand slavery and the Black Codes to understand our dysfunctional state government now and our dysfunctional prison system and our dysfunctional legal system, you have to understand the slavery and the Black Codes and where our ancestors came from and their prejudices.

And so my involvement in the law and in the prison system and the Ruiz case was all impacted by that. And right now I teach junior college classes in Amarillo occasionally, and I teach criminal law and corrections law. And one of the things I start off with is saying, Folks you can't understand your history today or the way the prison system works today without knowing that it was a concerted effort on your predecessors to re-enslave black people, and to prevent Hispanics from coming into Texas and to being part of the Texas governance. And the entire history of the University of Texas and the entire state government is one based on segregation.

The Littlefield Fountain—Littlefield was a confederate, he wanted Jefferson Davis statued on the mall at the University of Texas, and Marshall Roberts, Robert E. Lee on the campus. And that's where the textbook committee commission in Texas, you know the school picks the state textbooks. They started that because they wanted to control the propaganda about slavery after the war. And when I got to the prison system it was clear—and there are good things about the prison system. Now there are more good things about it, but we treated black people and convicts in an inhumane way for generations. And a lot of it was caused by the economics, and we're in one of those stages now where we're starting to only feed the convicts two meals a day and we're making them try to make them pay for their medical expenses.

DM:

So we're slipping backward again?

SH:

Yeah, we're slipping backward again, and I tell all the prison guys if I live long enough there will be a new Ruiz, and maybe I can be an expert witness for them. (both laugh) So ask me questions.

DM:

Okay, well let's talk a little bit about William Wayne Justice. Can you just tell me his personality? Tell me what he stood for, everything you can, paint a picture for me.

SH:

He has the finest legal mind and personal integrity and personal fearlessness of any judge that I've ever known. When you look at his legal record, not only in the prison system, but the civil rights and the juvenile rights and Hispanic rights, he's really been a remarkable man. And what he did with that prison system, he knew how awful it was, and he knew how it was worse than slavery. And I think there is a new book out now called *The Trials of Eroy Brown*, and I forget the dates of the Eroy Brown case, but if you read that book you'll understand that the prison system was corrupt, vicious, brutal, and they killed inmates any time they wanted to. And so he took that old southern slavery system, and just with bureaucratic control changed it. And it took a number of years, and it made the Texas Democrat politicians shriek and scream, and it made the first Republican governor, Clements—in the modern age—scream, but he finally got it cleaned up.

And what I tried to do was to institutionalize that model in TDC for later generations, and I succeeded in part, and it's still there in part, and it's not near as bad as it was, but what I'm fearful of is that the Republicans, who still have that segregations mindset in some ways, and their view of state money in no taxes and low taxes will, I'm afraid that they will, under the guise of, We don't have the money and the budget and that kind of stuff. I think they are already slowly eroding the Ruiz thing under the rule of, Well we can't feed them more, and we can't pay for medical care, we can't feed them, but we can't turn them out, and we want to have law and order and a lot more and more people up.

California, at one time, just a short period ago, had a larger prison system than Texas; they had about 170,000, Texas has got about 160,000. But we can't keep sustaining that large of a prison system, and California has already been forced to cut back by the federal courts, and I anticipate that we're headed that way very shortly because one of the things that causes problems in Texas is that we have, because of the political contributions made by the large private prison companies—CCA, GO, and other for-profit prison systems—they operate about, I think about twelve prisons in Texas now. Texas has over 120 or 30 prisons now, and they've got some of them farmed out. Well, those private companies made political contributions to the senators and the legislators and the prosecutors, and it's to their benefit that we have full prisons, so that's kind of what I think about that.

DM:

Is there anyone standing up and saying, If you begin to backslide on this there is going to be another Ruiz, and that's going to cost a lot of money? (laughs)

SH:

No, not yet.

DM:

No one's really making—

SH:

But it will happen that way. You'll have some bad deal happen, or it will get really bad. I think what will happen is you will start seeing a huge increase in prison violence—riots, they'll burn a prison down or something. Because here's what's happening right now: they amenities, the food, the recreations ability, it's dwindling. They're taking money. Used to, the inmates sort of lived off their commissary counts. Their family would send them a little money, and they'd buy food at the commissary. Well now the state's seizing some of those funds because they don't want to raise taxes. They seize those funds that pay for court cost and that manner of thing, and they're making them pay a hundred dollars a year on their medical bills. Well a guy in prison doesn't have any money to pay for his medical bills, and so they're cutting back on the medical care. I've heard that University of Texas is going to quit running the hospital at Galveston, and they're already cutting out the food. The food is becoming substandard. They had the great VitaPro scandal not long after I left, and that's becoming a problem. And the staffing rate has dropped. First of all they've monkeyed with the staffing rate. It used to be Ruiz required more, and they keep cutting it back, trying to cut it back, cut it back, but they're only 85 percent of staffing now, so they're now short-handed and it looks like it's trending downward. The system's too big, it has too many people, and they don't spend money on it wisely.

DM:

Um-hm, okay, a little bit more on William Wayne Justice. Did you spend enough time with him that you can give me a personality sketch? Was he—

SH:

I was never alone with him, except I heard his speeches. I read everything he wrote. I read everything about Ruiz. There's a whole culture of books about him, prison books about him. He was kind of a liberal Democrat, you know, but he was smart, he understood human nature. He understood that the Texas prison system would not change for the right reasons you had to club them. You had to shut them down, hold them in contempt, threaten to put them in jail if they didn't make changes.

DM:

Um-hm, and he held them in contempt.

SH:

And he did.

DM:

In 1987 or so? Somewhere in there.

SH:

Yeah, and the other thing that he did, that when he tried that case, because he was a southerner, he understood the Black Codes and how the prison system grew up, and how the Capitol building was built with prison labor that some company made the profit off of. And he, being an educated southerner, he knew—what's the name of that movie that Gregory Peck—?

DM:

To Kill a Mockingbird?

SH:

To Kill a Mockingbird, William Wayne Justice was like that character, Atticus Finch.

DM:

Atticus Finch, yeah.

SH:

He was an Atticus Finch. He knew prejudice and history and that's what he was, and that's what he did, only Atticus Finch, instead of being a lawyer, in the Ruiz case was the Judge, and that's my take on William Wayne Justice.

DM:

I think it was an interesting story that you told about providing some protection and having to pull something together. Do you know of any attempts on his life or anything like that?

SH:

Well I don't know, but you know every newspaper cussed him, the Republican Party, and the conservative Democrats made a cottage industry out of cussing William Wayne Justice.

DM:

Um-hm, so you would think there would be some real threat.

SH:

Now I think that probably when he was in court, in his home town, that all the federal people took care of him. But when he showed up to make the speech that night the civil liberties union

named him man of the year or something for some of the stuff that he'd done, and he just showed up by himself.

DM:

Yeah, that's pretty scary.

SH:

But I know the civil liberties people—and this banquet was in Austin, and it's kind of liberal, but there was sure a bunch of nervous people, and I was nervous.

DM:

I'll bet, I'll bet. I saw some of the courses that you offer at Amarillo College, the names of them. It's pretty interesting, Criminal Law of course, Prison Tactical Weapons.

SH:

Alright.

DM:

What is that about?

SH:

Let me tell you about that. I was in the marine corps, and I grew up hunting. And when I got on the prison board—and when I worked for the newspaper I'd taken an FBI pistol course. And then when I was in the marine corps I did a lot of shooting and I always liked weapons. When I was in the prison system one time I went down to Ramsey I and II, and Jester I. It was an old southern prison down there, and they were having a training program for the officers—all the training that they got was just a few, maybe fifty rounds through a pistol once a year. And you know they were having prison breaks, and they'd had prison breaks, and that's the history of prison, and they'd shot at people and missed.

They had a lady killed a few years ago down at the wind farm. Was it the wind farm? Yeah, I believe so, just outside Huntsville. Convicts ran off and killed a guard, ran over, shot him, of did something to him, and then they had the Texas Seven broke out of the Connally. And they had trouble in courthouses, hauling prisoners to courthouses. So I saw their training. It was atrocious, and down at these prisons that I was down at they were having these training programs, and they had this little girl, she was a correctional officer, female, weighed maybe 115 pounds, and they wanted her to take this shotgun that didn't fit her, that had buckshot in her, and shoot it, and she'd never shot it before, and they were shooting full power loads into the dirt. I mean no way of know what you were hitting, what it was doing, and so she shot the first one, first shot, she had to shoot five shots a buckshot, [and] it drove her back two or three feet, and she went back up, and by then her shoulder was—

DM:

Ooh.

SH:

So she shot it again, and turned her head like this and stumbled and almost went down, and I think either the third or fourth time that she shot it she just put the shotgun down and said, "I'm not shooting it," and turned around and walked off and quit. Well I saw a whole bunch of that stuff, and I saw these guys shooting at escape attempts out of Ellis, and that kind of stuff. So when I left the prison I still liked those prison guys, the staff and the wardens, and I thought, What could I do to help them? Because they were always complaining about no money for training, and not enough money for training, and not training in the right kind of stuff.

And then after I left they had some kind of an audit. The state government wanted to audit the prison system, and Bob Bullock appointed me as his special representative to go with the auditors and look at it, so I saw the whole system again a year or so later. and I thought, You know, maybe I could help train them, so I went to Amarillo College, and I said, "If I can get some money, can you put on some training courses for the prison people—for the officers, and not charge them or just charge them ten or fifteen dollars." "Oh, yeah, yeah, we'd like to do it because we get the classroom hours, and we'll handle the administrative part of it, and we'll sign the releases, and it'll be wonderful for Amarillo College." They said, "Where are you going to get the money?" I said, "I don't know. I'll think about that now that I've got this." So then I went to the National Rifle Association, and they have money allocated to every area of the country called Friends of the NRA, if they want to spend it on the 4H.

So I started getting three and four thousand dollars a year from the NRA, and I'd give it to Amarillo College. Amarillo College would buy the ammo at a discount, but then I did the training and I didn't get paid for it, so I had to quickly go back and get some—I'd been to a lot of gun schools, and I was a shooter, so I had to get me some official credentials. So I went out to the police department, and made them let me take their firearms instructor's course, and then a regular instructor's course at the Amarillo College, and then I got certified, and then I started teaching these classes. And I had a big old horse trailer. I'd take all the ammo, and the guns—I provided a lot of the guns—and I'd go to some prison, and I'd train. I'd tell the warden, "Look warden I'm going to be there Saturday. If you got twenty people for me I'll show them how to shoot shotguns."

DM:

Oh that's great, and this was all Amarillo College credit?

SH:

Yeah, yeah, and it worked real good, and then the little junior college started complaining because they didn't want Amarillo—it was regional jealousy. And then when they got short-handed it got harder to train. But I bet I've trained probably two or three thousand prison people,

and I had a bunch of cops coming, and then I had some game wardens show up a time or two, and then the state guard would show up, and so I've done a lot of training,. And I tried to figure out a way to be instructive, and I had some people that helped me that would want to go with me and shoot bubbas, you know. But like with the shotguns, I bought my own shotguns. I bought ten or fifteen of them. I could train ten or fifteen on a line. And I'd shorten the stock pens where it would fit short people, short arms. I put lead in the stock where it wouldn't kick them. I bought ammo that was like birdshot, lightweight birdshot to shoot for familiarization, and then I figured out there was an ammo called buckshot that was low recoil, so I bought a few cases of that for every deal.

And then it really got rolling good, so up in the Panhandle they decided they wanted to train some SWAT teams. So in 2001 and 2002 I bought a commercial reloading machine for pistol, .38 special pistol ammo, and I gave it to Amarillo College, and then we took a prison armor out there and he operated it, and in two years we loaded commercially seventy thousand rounds of pistol ammo. And in 2001 and 2002 we trained thirty officers into a response team, a SWAT team, and then we sent them back to their units to try to train and do some stuff. It worked fine, but then the Republicans started cutting the staffing, which means they couldn't get off and go train. Then they cut the amount of ammo that they could get to thirty a year, and then they wonder why people get killed or escape.

DM:

Thirty rounds? Thirty rounds a year?

SH:

Thirty rounds of pistol bullets a year, and I don't think that they shoot one shotgun round. I mean it's criminal, it's criminal.

DM:

What would a regular police department have?

SH:

Oh they shoot probably a hundred rounds a months, fifty or a hundred rounds a month.

DM:

Yeah.

SH:

And, but see the prison people, they just don't understand, and of course nobody on the prison board now understands what goes on, they're just political appointees. They don't go out to the units and see really what's going on.

DM:

Yeah. Well in the course of this—

SH:

So, that's where the weapon stuff came from. And then I've also taught criminal law for Amarillo College. A time or two I'd go and lecture on the Mexican Revolution. I'm interested in the Mexican Revolution.

DM:

I've got that down here. That is interesting.

SH:

But I've taught criminal law, corrections—I forget what else I've taught.

DM:

Well I've got down here, corrections—yeah, that's all I wrote down.

SH:

But the last two years I've been a nut on the Black Codes. I've gone back and gotten everything there is. I've got a whole library of books on the Black Codes and I can really see now better, or more clearly, how it impacts state policy, not only in prisons, but in law enforcement and segregation. Not only were they racist, but they were sexist. Texas voted against the Equal Rights Amendment for women, and all that comes from that old plantation aristocracy.

DM:

Oh yeah, you know that would make a great book. You have time to write a book?

SH:

Well they made a book. There's two or three books that have come and talked about the Black Codes, in fact there's a guy who wrote—I forget his name, but he's wrote a new book about the re-slaving of the south. I've got the book. I'll send you a copy of, but I've got a whole collection of stuff on that.

DM:

Interesting stuff.

SH:

If somebody was a real historian you could—but there's a whole bunch of that stuff. And right now in the history community there's a whole bunch of younger historians who are going back and opening up the scabs of the Civil War, and saying, Well, you know our governors did this.

Our governors did that. And they're changing; they're having to scrape away that old southern plantation code of honor, and the, "south shall rise again," and kind of exposing it.

DM:

Interesting subject then that you're involved in.

SH:

Yeah, yeah, see I love knowledge, my God I love it, and history, I'm just intrigued by it.

DM:

And what about the Mexican Revolution? Is this just generally every aspect of the revolution or just legal constitutional aspects.

SH:

Yeah, let me tell you how I got started on that. One time my daddy told me a story when he was growing up in Hansford, that they would get the newspaper from the *El Paso Times* I think it was. He would come to the railroad station in Guymon. They'd put it on the mail coach. It was a horse drawn vehicle, and send it down to Hansford. And he talked about reading about the pictures of the Mexican Revolution in 1910 and 1920 because the town was still there till the twenties. And then one day he showed up with a book written by an old colonel of the cavalry named Slocum who wrote a book about the punitive expedition against Poncho when they sent the cavalry down during an intervention into Mexico. And so I read that book when I was probably in the eighth grade, and I got intrigued about that revolution.

And so when I worked at the newspaper, they opened a bookstore up in Amarillo called Brown's House of Books. I worked late; I went to work at four and got off at two. And for supper I'd go over to the bookstore. They kept it open kind of late. I'd go there and look around you know, and bought lots of books over there, so I started buying books on the Mexican History. And then when I got to law school I had a Mexican wife, my best friend was Mexican, and I started going to Mexico a lot, and that's kind of where I got hooked up on the Mexican Revolution. I spent a lot of time down there. And Mexico had a profound impact on Texas, both when it started and now, and right now up to today it's having a profound impact on it, and to understand Texas you have to understand Mexico I think.

DM:

I think so. I think that's right.

SH:

I'm just boring you down.

DM:

Oh you haven't worn me down, but I've got a lot more questions. I think I better come up there and take up some more of your time sometime if you'll let me do that.

SH:

Hell yeah!

DM:

Okay, is there anything you want to add today?

SH:

Um—

DM:

Because the next thing I want to jump into is a lot more background on Hansford, because I want some of that old history, too, but that's going to take a while.

SH:

Have you read Murrah's—that thing that he wrote?

DM:

I haven't read it yet. I'm aware of it.

SH:

Well you need to get it and read it. I'll send you a copy of it.

DM:

I've got a copy right over there.

SH:

Okay, because that kind of explains a lot about the Northern Panhandle. Am I supposed to sign this?

DM:

Let me turn this off. Was there anything you wanted to add today?

SH:

No.

DM:

Okay. (laughs)

SH:

So, that's my story and I'm sticking to it.

End of Interview



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