

**Oral History Interview of
Charles Dunn**

**Interviewed by: Daniel Sanchez
August 19, 2015
Lubbock, Texas**

Part of the:
General Southwest Collection Interviews

© Southwest Collection/
Special Collections Library



TEXAS TECH UNIVERSITY

**Southwest Collection/
Special Collections Library**

15th and Detroit | 806.742.3749 | <http://swco.ttu.edu>

Copyright and Usage Information:

An oral history release form was signed by Charles Dunn on August 19, 2015. This transfers all rights of this interview to the Southwest Collection/Special Collections Library, Texas Tech University.

This oral history transcript is protected by U.S. copyright law. By viewing this document, the researcher agrees to abide by the fair use standards of U.S. Copyright Law (1976) and its amendments. This interview may be used for educational and other non-commercial purposes only. Any reproduction or transmission of this protected item beyond fair use requires the written and explicit permission of the Southwest Collection. Please contact Southwest Collection Reference staff for further information.

Preferred Citation for this Document:

Dunn, Charles Oral History Interview, August 19, 2015. Interview by Daniel Sanchez, Online Transcription, Southwest Collection/Special Collections Library. URL of PDF, date accessed.

The Southwest Collection/Special Collections Library houses almost 6000 oral history interviews dating back to the late 1940s. The historians who conduct these interviews seek to uncover the personal narratives of individuals living on the South Plains and beyond. These interviews should be considered a primary source document that does not implicate the final verified narrative of any event. These are recollections dependent upon an individual's memory and experiences. The views expressed in these interviews are those only of the people speaking and do not reflect the views of the Southwest Collection or Texas Tech University.

Technical Processing Information:

The Audio/Visual Department of the Southwest Collection is the curator of this ever-growing oral history collection and is in the process of digitizing all interviews. While all of our interviews will have an abbreviated abstract available online, we are continually transcribing and adding information for each interview. Audio recordings of these interviews can be listened to in the Reading Room of the Southwest Collection. Please contact our Reference Staff for policies and procedures. Family members may request digitized copies directly from Reference Staff.

Consult the Southwest Collection website for more information.

<http://swco.ttu.edu/Reference/policies.php>

Recording Notes:

Original Format: Born Digital Audio

Digitization Details: N/A

Audio Metadata: 96kHz/ 24bit WAV file

Further Access Restrictions: N/A

Related Interviews:

Transcription Notes:

Interviewer: Daniel Sanchez

Audio Editor: N/A

Transcription: Emilie Meadors

Editor(s): Katelin Dixon

Transcript Overview:

This interview features Lubbock attorney Charles Dunn. Dunn discusses growing up in Brownsville, Texas, and his decision to attend law school. Dunn talks about transferring from Pepperdine to Texas Tech to finish his JD. Dunn discusses cases that have made an impact on him during his career, particularly cases involving civil rights. Dunn also discusses his involvement with LP&L, his involvement with the Democratic Party, and his interest in Quarter Horses and horse racing.

Length of Interview: 01:27:14

Subject	Transcript Page	Time Stamp
Background and family	5	00:00:00
Moving from Abilene to Brownsville	7	00:08:45
Law school	8	00:11:24
Specialization	10	00:22:21
Interesting cases	12	00:27:24
Interesting cases continued	14	00:34:33
Civil rights cases	17	00:49:30
Involvement in LP&L	19	00:57:30
Involvement with Democratic Party in Lubbock	22	01:15:39
Quarter Horses	24	01:19:46

Keywords

Democratic Party, horse racing, Lubbock, Texas, Texas Tech University

Daniel Sanchez (DS):

My name is Daniel Urbina Sanchez, we're in Lubbock, Texas, on August 19, 2015. I'm in the office of Charles Dunn, an attorney here in Lubbock, Texas. Charles, thank you for sitting down with us.

Charles Dunn (CD):

You're welcome, thank you for having me.

DS:

Would you please start off with your complete legal name?

CD:

Charles Steven Dunn.

DS:

And your date of birth?

CD:

February 18, 1955.

DS:

And place of birth?

CD:

Abilene, Texas.

DS:

Okay, and can you provide the same information on your parents?

CD:

Yes, my dad was born in Paris, Texas, in 1924. At an early age he moved to Abilene, his father was a carpenter. He had a younger sister, and they were the two oldest. When my dad was nine, his father, my grandfather, his name was Sylvester Dunn. He got into some trouble. He and some of his brothers got into a fight with some other men and he ended up killing one of them, went to prison for about nine years right during the Depression. And so he has two younger brothers, my uncles, who were born after he got out of prison. So there's like ten years in between. He died when I was about two years old so I didn't know him very well. My mother was born in Brownfield, Texas. Her mother was Irene Duke. Her maiden name was Ditto [?]. Her father ran a hotel in Brownfield on the square, he and my great grandmother. He died at an early age at about forty. My grandmother told me that she thought it was brain cancer, but nobody really knew. My

grandmother was nine months pregnant with my mother who is an only child and her husband left and said he was going to go find work in the oilfields and she never heard—this was in 1929, and she never heard from him again until 1973. He abandoned her and divorced her. So my mother was raised by her grandmother, her great aunt, and my grandmother, her mother, until she became of age. My grandmother moved when my mother was six or seven to Lubbock and worked for the superintendent of schools as is his—right here behind me in the green building. It was called the Meyer [?] Building then. Then the war broke out, and she heard that they had good jobs in Washington, D.C. for women that would pay and have benefits. You can imagine in the late thirties what it was like for a woman to find a job. So she went to Washington, D.C. and worked for the navy department, left my mother here with her mother, my great grandmother, until she finished school. And then they got on a train and went to Washington, D.C., and my mother lived in Washington D.C. until she graduated from high school. My grandmother worked for the navy department during that period of time. Once my mother graduated from high school, she moved back to Abilene to go to college at Abilene Christian University, and she met my father who was a meter reader in the water department at the city of Abilene. They got married and had my older brother, John Randall Dunn, who was a police officer in Brownsville, Texas, and rose to the ranks of assistant police chief there for many years. He died in February of Parkinson's disease, and he was only sixty-two. Then I'm the middle son, and then my younger brother who is a lawyer in San Antonio, Texas. At the age of forty my father decided that he would go to college. And he had dropped out of high school in the eleventh grade and never completed high school. My mother had a couple years of college but had dropped out and married my dad and started having kids. And after her last son was born, she worked for the Internal Revenue Service there in Abilene. So my dad enrolled in Abilene Christian as a freshman at forty years old, and he had three little kids. I was in kindergarten. I was five years old when he started school. And so he would go to school during the mornings, and in the afternoon, he would go and stock baby food at Dyess Air Force Base and all the other places around Abilene. He worked for Gerber, and then he would come home and eat supper and then at seven, he would go to the Timex watch factory, which was—they still had factories in America back then. He was the janitor. He would clean up after the day shift, and he would get home about one o'clock in the morning and study and get up, and he did that for four years. So he was a pretty good guy. So once he graduated, he was an elementary education major. He wanted to be a school teacher. Well, nobody wanted to hire him because he was forty-four years old and he was elementary education. So he finally found a job in the Rio Grande Valley in Brownsville. So when I was in the fourth grade, we moved down to Brownsville, and that's basically where I was raised, in the Rio Grande Valley. And I graduated from high school there in 1977. Oh, 1973, sorry. And then moved to go to Abilene Christian and graduated from there with a Bachelor of Arts in political science in 1977. I got accepted to law school in California, went to Pepperdine University my first year. That's a very expensive private school. I didn't have any scholarships. My dad died, he had a heart attack my first year there, and so I ran out of money and didn't have the ability to continue going to Pepperdine because they wouldn't give me any scholarships. I

couldn't get any bank loans. So I called up my college roommate who had just finished his first year at Texas Tech. And I said, "You think you'd get me into Tech? The tuition's only 250 bucks a semester, I can do that." And he said, "Yeah, I'll try." And so he called up the dean, and she gave me what I needed to do, send in my transcripts and everything, and she said, "Yeah, come on. We've got a place for you." So I transferred here my second year of law school, and I've been in Lubbock ever since, since August of 1978. And I graduated from law school in 1980 and went to work—well, of course I had to take the bar in July and didn't get licensed until the results came out in November and have been practicing law since November 22 of 1980 here in Lubbock. I'll be starting my thirty-six year anniversary.

DS:

You know, you mentioned early on that your family had moved from Abilene to Brownsville when you were fairly young. What is it about that move and the change in the climate that you remember?

CD:

Well, it was mainly a culture shock. I don't really remember as much about the culture shock moving down there as it was moving back to West Texas. When I moved down to the Rio Grande Valley, it was 90 percent Hispanic, and Spanish was the predominant language spoken. It was very different as you can imagine from West Texas. It was a sleepy border town. This was in the late 1960s, and you didn't have the tremendous growth that you have now. If you go back to Abilene—I was just there for my brother's funeral in February because they had a memorial service at the police department for him, and he's on their hall of fame and everything. I get too emotional, you know, thinking about it, but anyway, it was more of a culture shock because I was just raised in the valley and everything was—it's a different country in the Rio Grande Valley, and I thought that was normal. And I came back to West Texas and that's real—I've never seen a cowboy, you know, I've never seen an Anglo pump gas at a gas station or mow a lawn or be a waiter or a waitress, you know, blue collar jobs in the Rio Grande Valley were all Hispanics. The Anglos that had been there for years and years and years in the Rio Grande Valley owned all the businesses. And then you had wealthy Hispanics and their families, the land grant families had been there for years and year and years and they owned all the other businesses, and then 90 percent of the people were just blue collar workers. Then you get to West Texas, and it's a much more diverse society. So it was a real culture shock for a long time. And I probably would have never stayed in West Texas except that a local lawyer that I was clerking for gave me a job. His name is John Collier. And he said, "If you want to come work for me, I'll pay you fourteen hundred dollars a month." And that was like a fortune to me in the 1980s. I was just a poor kid. And so I did and I've been here ever since.

DS:

Wow, and you mentioned that culture shock, but in between you had that one year when you went to Pepperdine. What was that like?

CD:

California, I loved California. I would be there today, I guess, if I had been able to stay and still have friends from law school that I keep in touch with. I adapted very quickly to Los Angeles. I liked it out there, the weather was great. The law school was very, very good. My professors were from Columbia and they were from Brown, they were just top notch. They would retire and they were working at that law school after long careers at these Ivy League schools. It was just top notch and the student competition at Pepperdine was really good. But, you know, things worked out for me. I'm so happy that I came back to Lubbock, I love this town.

DS:

So what was it that made you choose a career in law and go to law school?

CD:

It's a funny story. When I was I think a freshman in high school, I went to see that movie *Love Story* about—the main character goes to law school, goes to Harvard Law School, and I thought to myself, “You know, it would be fun to be a lawyer. That guy, he does a lot of interesting things.” And so I didn't put a whole lot of thought into it until after my second year of college I decided I needed to figure out what I wanted to do. I only had two years left. And so I went to the library and I started looking up occupations. I said, “I wonder what it'll take to get to be a lawyer if I applied to law school.” And I didn't realize it's three more years after college. And I shut the book, and I thought it was like one year, like a master's degree. I shut the book, and I said, “Well, I'm not doing that.” I didn't think of it again for about six or seven months. The more I thought about it the more I realized that my skill set in communications and personality fit being a lawyer. And so I said, “Well, I'll give it a shot.” And so I did.

DS:

So when you continued a career at Tech, what were the changes between Pepperdine and Tech that you noticed?

CD:

The laws in Texas are different from most other states procedurally. We have our Texas Rules of Civil Procedure that are just basically completely different than anybody else's—the rules of civil procedure are the rules that you go by when lawsuits are filed. And so you use it every day. Every other state, including California uses the state version of the federal rules of civil procedure. And so they're pretty standardized all over. That was one big change. Another big change was in California it was much more business-like in the law school, whereas at Texas

Tech it was much more hands on, laid back, West Texas feel, friendly, the professors were far more accessible. It was just a whole different atmosphere. It took me about a year to get adjusted to the law school. And then, of course, I met so many people and had so many friends and enjoyed the great professors that I had at the law school. I wouldn't have changed anything, really.

DS:

And about what size was the law school when you came back to Tech?

CD:

My class was 168, approximately. And so now the classes are anywhere from two to 250, I believe. I haven't really kept up with it.

DS:

Okay, so it's only grown by about fifty percent.

CD:

Yeah, well it's much larger because of course the Lanier addition and then before that they had the library addition. It was a much smaller law school when I was there. And legal education has changed a lot. The demand for attorneys is way down. The legal—the cost of going to law school—I paid \$500 a year, \$250 a semester plus the books. Now, it's about \$25,000 for a year to go to law school. So for three years you pay \$75,000, most of which is paid for by student loans. And the guys get out and the girls get out of law school, and they have huge student loan debt. Their jobs when they can find one, don't pay enough for them to be able to reduce that loan debt very quickly. So it's a big problem. And I think eventually the law school education model is going to have to change, but that's for people that are much smarter than me to figure out.

DS:

You know, and then back to your career, as you mentioned you finished law school and stayed here with a local lawyer. Can you talk about that, carving out a niche and getting involved in the law practice here in Lubbock?

CD:

The lawyer I went to work for, his name is John Collier and he had gone to law school a little bit later. He didn't go straight through like me. When I was twenty-five years old I was a licensed lawyer. He was about ten years older than me, and he had what I called a street lawyer practice. Anybody that walked in off the street, he was next to a bail bond company so at least 60 percent of our business was criminal. And then he had a big workers' compensation practice. People get hurt on the job and were covered by the Workers' Compensation Act. He did a lot of that, and then the rest was family law and personal injury. And so I worked for him for about almost four

years and cut my teeth on trying criminal cases and trying worker's comp cases and just representing people, then I decided that I wanted to be my own boss, set my own rates, and be my own person. You know, when you work for somebody else, that person tells you what your worth, they set your market. When you work for yourself, you set your market. Some days you may be worth zero, other days you may be worth ten thousand dollars or a hundred thousand dollars. You're worth what the market tells you you're worth. That's what I wanted to be. I'm a risk taker and an entrepreneur. I've just had that in my blood. So I opened my own shingle, and I was only practicing law by myself for six months. And the former district attorney, Alton Griffin and his partner, Mike Borland, with whom I had gone to law school with, and Dennis Reeves who is now in the public defender's office here in Lubbock called me and said, "We're putting together a law firm and we want you to join us." And I thought about that for a good while. This is in about 1984, maybe? I said, "Okay." So I did that with those guys for two or three years. Mike Borland got an opportunity to move to Austin and so he moved. Alton got an opportunity to work for a big corporate lawyer at a law firm. So that left Dennis and I and we brought in a third person, Jonette Walker. We practiced until the early nineties, that group, the three of us. And then Dennis left because he wanted to start a law firm with his brother-in-law who had gotten out of law school, very amicable, no issues there whatsoever. Jonette Walker and I were partners for about fourteen years until 2001, and she had gone to law school older, as an older attorney and so she wanted to slow down and retire. And so we broke up our partnership in 2001. She did mainly family law, and I did mainly personal injury. After the late eighties, the law practice started to become specialized, and I saw the handwriting on the wall that I couldn't do street law anymore. A divorce went I got licensed in 1980 was maybe three pages long. By the mid-nineties it was sixty pages long, and they had a family code and far more complicated that you had to have a specialized family law attorney. You would have to have a specialized personal injury law attorney, and the criminal laws were the same way. So I decided that I wanted—what I really loved to do was personal injury law. And so that's what I've specialized in since about 1995. And I'm board certified by the State Bar of Texas and the Board of Legal Specialization in personal injury trial law, and I have been since 1999. Only about 5 percent of the people in Texas have a specialization. I'm also a Texas super lawyer since 2003, whatever that means. I haven't really figured out what that means. But that's a limited number of people. And mainly what I do for a living is I try lawsuits, mainly medical malpractice lawsuits, but I've tried a lot of different law suits since I became specialized other than just personal injury lawsuits.

DS:

You know, you talk about that specialization and all that, did you have to take workshops and things like that to continue your education?

CD:

Yes, in about the mid-eighties, the lawyers began to have to go to so much continuing legal education every year to keep their law license current. I think that came in in about 1986. We voted it in on ourselves, and I think it's fifteen hours a year that you go to seminars. If you're specialized and have a board certification, you have to get recertified every four years and you have to have a hundred hours of CLE, so we have to have about twenty-five hours a year of continuing legal education. The non-certified attorneys, I think it's fifteen hours. I'm not certain.

DS:

And what role did going to the computers play?

CD:

Oh, can you imagine?

DS:

Because they were really forefront when you came out—

CD:

When I got out of law school the biggest technology was an IBM Selectric with a memory card. There were no printers, very few people had copiers. Mostly what they used was carbon paper, and so they would type up your pleadings and then have a carbon copy of the pleadings. About the mid to late eighties is when I got my first computer, very expensive. I got it from the Baker Company. I think it cost forty-five hundred dollars, a computer and a dot matrix printer. And it used a DOS system, there was no windows, it was Microsoft's first operating system. And Word Perfect was the software. Microsoft Word had not come out yet. And it just revolutionized everything. At that time, we still dictated. We had dictaphones and we would dictate our letters and dictate our pleadings. The secretary would sit at her desk with her headphones on and type. Of course, as the computers became more sophisticated, everybody got one on their desk and starting drafting their own things. But e-mail, really when you think about it, e-mail and faxes—of course, faxes now are old technology. But e-mail changed more, really, than computers did, the internet, because once the internet came into being, that allowed us to connect with everybody else. And we didn't need a law library anymore. So, instead of having a whole room in your office full of books that you would have to continually update, you'd just go get online, and you knew what ever case was there was automatically or whatever statute you were looking at was automatically updated. As an older attorney, as a baby boomer, it was a learning curve for us. These young lawyers, they take classes in computer searching and they're up to date. They were raised on computers, but it took me, I guess, until probably the late nineties before I was really comfortable around a computer. And really not until about 2003 or 4 until I was comfortable navigating the internet, only about the last ten or eleven years. I didn't carry a cell

phone until probably 2005. And now I don't know what I'd do without it. It's not a cell phone, it's a computer.

DS:

Yeah, and I guess the other way, you know, it's really revolutionized, especially the internet, is it's like not only access to information, but access to people.

CD:

That's the e-mail end of it, then of course the social networking. Bill Gates graduated from, I mean, was a freshman in college at Harvard the same year I was a freshman. And he dropped out, and now he's worth eighty billion dollars. I stayed in school and went another six years after that and I'm not worth eighty billion dollars. Steve Jobs was born ten days after I was, and he went to Santa Clara College and he dropped out. He had pancreatic cancer and died very young, but he was the same age as I am, or would be, if he was still alive. And he was worth about fifty million when he died. So there's something to be said about dropping out of college if you're a genius. If you're not a genius, you'd better stay in college.

DS:

I was going to say, they were the exceptions, though.

CD:

Absolutely.

DS:

You know, when we were talking about your career path, did you have any interesting cases or things that you remember along the way that really stayed with you?

CD:

Yeah, most of them are civil rights cases, to be honest with you. I've had a few personal injury cases that were unique, but personal injury cases don't really have that change the world factor or do the right thing factor that stick with you. There's enormous gratification for me or when I help an injured person get enough money that they don't have to worry, and they can feed their family, even though they can't work, but there's not that sense that you've changed anything. You've changed their life, and it makes you feel good that you've done that, but the civil rights cases are the ones I remember because I feel like they made a difference. The first big one that I remember handling was I got a call from a local attorney who said that Johnny Cochran and Royce West need local counsel on a case in which some basketball coaches from Hampton University were arrested in the parking lot of Walmart by the Lubbock Police Department. One of them was pregnant, and it was a big embarrassment to the police department and also to the athletic department and to the city. Of course, all the charges were dismissed. They were just—it

was a misunderstanding all around, some over-aggressive police behavior. The president of Hampton University sued on behalf of those coaches for violation of their constitutional rights for Fourth Amendment and Fourteenth Amendment, illegal arrest, and excessive force. It was all over the news, very high profile case. It was just a couple years after Johnny Cochran had become a superstar in his own right from the OJ Simpson trial. I ended up doing all of their local pleadings and everything because Royce West was in Dallas, Johnny Cochran was in New York City at that time. He was on Court TV. He had his own show. And so it was up to me to basically coordinate everything here. And the sad thing about that case was the city filed a motion for summary judgement which means there are no facts or legal issues that really merit this case going to trial. And the issue is what they call qualified immunity, which means that police officers, if they violate your constitutional rights, but they really aren't aware that that's a protected right, then they have an immunity from suit, so that was what they said. They said, "It was just a mistake, we didn't intentionally try to violate anybody's rights, and therefore we should be immune from you suing me." The purpose of that statute is to allow police officers to do their job and exercise discretion because if a police officer pulls you over and they think that, you know, if this guy, Charlie Dunn, that I've got a warrant for his arrest here, is really the wrong Charlie Dunn and I take him in, am I going to get sued for that for making a mistake? The police officers have to have their right and ability to make that mistake without being scared they're going to get sued whereas private citizens, we don't have that luxury. And so that's the purpose of qualified immunity is to allow a police officer to make a mistake without getting sued. I disagree that there was qualified immunity in this case. I felt like it was obvious that the officers had jumped to conclusions, and they could have resolved the situation much quicker than they did. And I felt like it was race based. The Hampton coaches were black, and I felt like they stereotyped, and you cannot do that under the constitution. The judge disagreed with me, Judge Sam Cummings, he granted the motion for summary judgement. The case was dismissed, we never had one deposition, never had a hearing, never did anything. We appealed it to the Fifth circuit. The Fifth Circuit affirmed the decision, and we appealed it with the Supreme Court and they refused to hear it. So that case went away, but it stuck in my mind for, number one, all the times we had conference calls with Johnny Cochran, and he sounded just like—over the phone—just like Johnny Cochran would sound. And he would always have this poodle sitting on his lap that would bark into the phone when we'd have these conference calls, and he was really funny. And Royce West didn't really have a whole lot of participation in it other than he was very politically connected with a lot of the power brokers. I think he helped kind of mediate an understanding between the city of Lubbock and the Hampton University. The city mayor, and I think one of the city council persons and the city manager, and I think the police chief all went to Hampton University, had a news conference, did an apology. So that was a really good thing. The bad thing is they sent the wrong message, I think the city did, to the African American community and the Hispanic community as well in fighting that case and not attempting to work out a settlement to compensate those coaches for the humiliation and being arrested and having a police record and that sort of thing. If I had it to do over again, I think I would have put more

pressure on a public standpoint on the city of Lubbock to do the right thing, keep it out of court, pay them a monetary settlement, apologize, and move on. But that didn't happen and I regret that. Let's take a break for a second.

DS:

Sure.

CD:

Another civil rights case that really stands out in my mind is probably the most significant case that I've ever been involved in and ever tried was a guy named Mohammad Sharif Najee [?]. He was a student from Gambia that had come to Lubbock on a track scholarship. Unfortunately Sharif had bipolar disorder and probably didn't tell the athletic department about a situation, and he obviously couldn't function very well once he went into his manic or depressive stages, and so he lost his scholarship and dropped out of school. He didn't return home, he was just sort of living on streets around Tech, and one day he wandered into Bash Riprock's there off Main Street and was creating a disturbance because he was in one of his manic modes. They called the police, they told him to leave. He told them no, and of course they arrested him. From there the story diverges into different directions. Sharif told me that he was asking for a lawyer, asking for a bond, wanted to make a telephone call, and they wouldn't listen to him, they wouldn't talk to him. So he was making noise. The sheriff's department's story was that he was rattling the bars, disturbing the other inmates. They were afraid that they were going to jump on him and hurt him. So they decided to move him into a violent cell, which is just basically a concrete cell with padded walls. There's a drain in the middle, there's a little bunk bed, so he's behind a steel door by himself. Sharif told me that they came in and grabbed him, handcuffed him behind his back because they were mad at him for making noise, and he wouldn't be quiet and it was in the middle of the night, and they were going to teach him a lesson. So they took him into the violent cell and they slammed him to the ground to teach him a lesson and to punch him around a little bit. They didn't punch him much, but the problem is when they had him handcuffed, he had no ability to protect himself. And when they slammed him into the ground, he fractured the C4 vertebrae in his neck. It's called a subluxation fracture. And the spinal cord was immediately severed. And so they un-hand cuffed him, they didn't understand what was going on. He was just lying there paralyzed. They shut the doors. When you're behind a steel door in jail, because you're alone, no one else is with you, you are a suicide risk. In other words, when you're in a jail with ten or twelve other people and you jump up on a chair and you try to hang yourself, they're going to be screaming and yelling, alerting the guards. So there's not a real duty for the jail to monitor when you're in a population. When you're by yourself, every fifteen minutes they have to come by and check on you and make sure you're okay because you are by yourself and you have no communication. There's no telephone, nothing. There's just a slot and they're supposed to open the slot, look in and check on you, then there's a place for your food. Well, the documentation of them checking on them was of course, every fifteen minutes, they claimed they

went by and checked on him. But that wasn't really possible because he didn't move for three days. He laid there. When they finally decided he hadn't eaten in three days and he hadn't moved that something was going on. They opened the cell door, went in, and realized that he was unconscious. At that point he had pneumonia because when you can't move around, it affects your lungs. They rushed him to UMC, and lo and behold he had a cervical spinal fracture and was a quadriplegic. They said he did it to himself, they said he was crazy, and he slammed his head into the walls and they didn't know it because he did it just right before they found him. Sharif, of course, tells a different story. He said that they broke his neck when they slammed him to the ground, and he laid there for three days trying to get them to come do something, and they wouldn't, very tragic story, a young man, twenty-two years old, so we sued for excessive force violation of his Eighth Amendment right to be free from excessive cruel and unusual punishment. The Fourteenth Amendment actually applies to pre-trial detainees, someone who has never been convicted of anything. And remember, he was in jail for disorderly conduct, a Class C misdemeanor, like a traffic ticket. And this is what happens to him when he was in the jail. But the Fifth circuit has said that the Fourteenth Amendment doesn't apply to pre-trial detainees in the Fifth circuit, the Eighth Amendment, which a little higher standard applies. So that's what we were up against. The case was defended by Dirk Murchison, a very fine trial attorney, Jim Hun, another very fine trial attorney, George Thompson. On my side it was just me and Jonette Walker, my partner. And we spent a year getting that case ready for trial. We had a neurosurgeon that came in and testified how the injury occurred. We had subpoenaed and got through discovery videotapes of jail violence in the booking area. And we showed all of those tapes. The judge let us get in related incidence. People would come in and they weren't doing exactly what the deputies wanted them to do, and so they would slam them to the floor. And that was a theory of our case that they slammed him to the floor because he didn't cooperate. So we showed tape after tape after tape of just random people that would come into the jail. Most of them were intoxicated. "Why do you want me to take my belt off?" They'd slam them to the floor, that kind of thing. And we tried that case for about a week. They had an excessive force expert who said, "Oh no, they never did anything wrong." We had a jail standards expert and an excessive force expert, and we had a neurosurgeon. That case took about two weeks to try, and if you know anything about Sam Cummings, he can try a case in two weeks that it would take another judge a month and a half to trial because he's so efficient and so fast, and he pushes everybody, and he works very hard. So really, that would have been a month long trial anywhere else. But it was a two week trial. The jury ended up finding almost no fault on anybody except for one jailer, and they awarded us, I think, fifty thousand dollars. And this is a guy who had a life care plan. A life care plan is a plan that, what's your future medical going to be over the next sixty years of your life? In that day in time, I believe this was in '95, maybe '96, of about four million dollars. This county had offered three hundred thousand to settle it, which in today's dollars is probably about seven hundred and fifty thousand. We turned it down because that didn't even cover his medical. The jury gave us fifty-four thousand dollars. The trial judge entered what's called a JNOV, which is a verdict, notwithstanding the judgement, which in

federal court the judge is allowed to basically just over rule the jury verdict of that we take nothing. And he ordered us to pay all the county's attorneys' fee, so instead of us getting a verdict and another, we would have gotten probably two to three hundred thousand in attorney's fees because we won the case, technically, we didn't win much money. He refused to enter that jury's verdict, overturned it, entered a judgement that we take nothing, and then ordered us, Sharif Najee, to pay all the county's attorneys' fees. We appealed that to the Fifth Circuit, and they affirmed it. That was the end of that except we got a call from a juror because in federal court, you can't walk up to the jurors after the trial and ask them, "Hey, what did I do wrong?" or "Hey, thank you for giving me money. What did I do right, what should I change?" In state court we do that all the time, there's nothing wrong with that. Once the jury reaches their verdict and they're released from their duties, anybody can talk to them, if they want to talk to you about the case. Federal court is you may not talk to a juror, even after the trial unless that juror contacts you and one of the jurors contacted us. She was a lady from Floydada, I believe. And she said, "There was serious jury misconduct." And she explained what it was, and to be honest with you, I cannot remember exactly what it was other than there were people on the jury who just would not consider giving him anything or believe anything he had to say because he was from Africa, and he wasn't a US citizen, and he was black. There were a lot of other issues she raised. So we filed a motion for a new trial based on jury misconduct. The judge interviewed the jurors, they all denied it except for her. He denied that motion, entered his JNOV, and that was the end of it. But that wasn't the end of Sharif Najee because now here you have a quadriplegic that needs constant care. They can't feed themselves, they can't change their diaper, they can't change their catheter. They have to have an air bed; they have to have constant expensive care. So who's going to take care of Sharif Najee? Well, all this time he had been living in UMC in a hospital room. Well, quads don't need tertiary care, which is the highest level. They don't need a doctor 24/7, what they need are vocational nurses, and just basically somebody to lift them, give them a shower, bathe them, make sure they don't have sores, decubitus ulcers, that sort of thing. They had no place to put him. So after the trial they called me up and they said, "What are you going to do with Sharif Najee?" I said, "It's not my problem, I'm not going to send him back to Africa." I said, "He's not eligible for benefits in the United States." In other words, if he were a U.S. Citizen, he would have gotten Medicaid and Medicaid would have paid to transfer him into a nursing home, and he would have lived out his days basically in a nursing home because remember, he had no family in the United States. And he didn't qualify for—you can't even buy medical insurance, even if he had it, if you're not a U.S. citizen. You certainly can't get social security or Medicaid. None of those benefits apply to non-U.S. citizens. And so it was the county paying for him, and I anticipated—and this is one of the things I'm most proud of, I'm not proud that I didn't win that lawsuit, but it was a real uphill battle—but I'm most proud of the fact that I anticipated the mean spiritedness and the vindictiveness of the administration at University Medical Center at that time. They contacted, through their attorney, the judge, and got the judge to send an order to me about, oh, three months after the trial had ended ordering me to surrender Sharif's passport to them. And the reason for that order was they couldn't get a plane for him to

send him back to Gambia without a passport. You can't travel to another country, even if you're a resident. For instance, if I go to Mexico and I don't have my passport, I can't get back to the United States even though I'm a U.S. citizen, without a passport. And so I anticipated—and I'd been in touch with a Gambian ambassador in Washington, D.C. because he had called me because he had heard about the case, the family in Africa had called him because they came from a fairly prominent family. He had called me and said, "What's happening?" I'd been keeping him informed on the case, and after the trial was over, I said, "I'm going to send you this passport because I'm afraid that if I don't send it to you, they're going to make me turn it over." And they can't make you turn it over because passports are owned by the government. They are not owned by you. They can be revoked at any time by the government. You just have a right to carry it. And so he goes, "Yeah, that's a good idea." So I sent that passport to him and that saved Sharif's life because when the judge sent that order to me as an officer of the court, if I had that passport in my possession, I had to comply with that order and turn it over. And he would immediately turn it over to UMC, and they would have sent him home where access to medical facilities in Western Africa is poor to say the least, especially if you're a quadriplegic, they just don't like very long. So I responded to that order with basically, obviously the truth. "Now I am not in possession of the passport. I mailed it to the Gambian Ambassador long before this order was ever entered. Here's the certified mail where it was sent. Here's the ambassador's name, you may contact him to get the passport." I never heard another word. The next thing I got was an order from the INS, they called it Immigration Nationalization Service back then, instead of, Homeland Security, ICE, whatever. "They're going to have a hearing in his hospital room with an administrative law judge to deport him." Okay, so we show up, the judge is on the telephone, UMC lawyer is there because he's the one who—remember, they're the ones desperate to send him back to Africa to die, not only was it Lubbock County unwilling to be responsible for making him a quadriplegic, their hospital, which is owned by Lubbock County, was unwilling to even take care of him and accept the consequences of their actions. Even if he did do it to himself, which I'm convinced he did not, he did it in their jail when they had a duty and a responsibility to pay for the medical bills of somebody who's injured in their jail. That's the decent thing to do, but not UMC. They were bound and determined to sentence this man to death, and they did. They got that deportation order. The problem is, INS wouldn't pay for the plane, and for the longest time, UMC wouldn't. You can imagine what it would cost for a jet. I'm sure they had to fly from here to London and then refuel and then fly to Africa, so probably an eighteen hour flight with a quadriplegic, so you had to have hospital staff. So I'm thinking minimum, back then, a hundred and fifty thousand dollars. And so for several years, they just transferred him to a nursing home and paid for his nursing home care, the very minimum. You can imagine the life that he had. And I would go see him every so often. I kept in touch, but he had absolutely nothing, no money, no toiletries, other than what the county would provide for him. No entertainment. They would wheel him outside every now and then so he could get some sunshine. He liked to smoke a cigarette, they'd give him some of those. And that was his day. And finally one day he called me up. They would put the receiver to his ears and said, "Charlie, I

want to go home. I can't live like this anymore." So I called up the attorney for University Medical Center and I said, "He's ready to go home. We won't fight you, get a plane." So they did. They sent him back. I have no idea what happened to him. I'm sure he died very soon after. He knew that, but he was not going to live like that. That case had a profound effect on me because it was so unjust, and I realized the problems that we have in our justice system. You're seeing even now in 2015, you know, twenty years later, that things haven't changed with police using excessive force in causing people's lives to change forever and not being responsible for it. But we didn't have cell phones back then. Cell phones have changed the entire dynamic of police interaction with citizens, before it was always a swear match like Sharif Najee versus that jailer, and who's going to win that battle? Not Sharif Najee. But now you've got cell phones, and you've got dash cam videos and you've got videos that police officers wear. And those are going to make a profound difference in how citizens are treated by the police.

DS:

It's interesting you mention that because just today during lunch when I was headed home, I had on the radio they were talking about how they're creating a group in Texas to study suicides in county jails, because of a recent, similar to—a misdemeanor, someone being arrested and then she committed suicide.

CD:

Right, she wouldn't put her cigarette out and it made the police officer mad. So he told her to get out of the car, and she didn't want to get out of the car. So he wrestled with her, took her into jail. She was in jail three days, and I don't understand who violated the law, but apparently they had cameras down the hall, and they're supposed to check on them every fifteen minutes.

Apparently nobody checked on her for like two hours. That was plenty of time for her to hang herself. Why did that have a plastic bag in there anyway? And she had told them when she went into the jail on her intake sheet that she had tried to commit suicide like six months earlier. So she had some issues, and they should have watched her very carefully. Well, why didn't she bond out? It was a misdemeanor, a five hundred dollar bond. They would never set her bond on her.

DS:

Yeah, when you started talking about this case, I'm going, "You know, things haven't changed a whole lot."

CD:

The more things change the more they don't change.

DS:

Yeah, well let's talk about some other things you've done in your career, you know, you've been involved in the city and involved in several different organizations. Can you talk about some of those things you've done?

CD:

Right, I'm currently on the Electric Utility Board of the city of Lubbock. We are the nine private citizens, who by city charter basically run the Lubbock Power and Light which provides the utilities here for Lubbock. It's kind of funny how I ended up on that board. It's appointed by the city council. It's a very powerful position because no other city board has control over our budget of two hundred and fifty million dollars and about three hundred employees. Everybody else in the city works for the city manager, and he works for the city council. LP&L was separated out by charter in 2004 because they were going broke because of mismanagement. The citizens of the city blamed it on the fact that the city council was stealing money from LP&L so they wouldn't have to raise taxes. So they said, "We're separating out LP&L. The city's no longer going to have control over it. We're going to have nine private business people, and they're going to control it." And so that's what they did. So they appointed W. R. Collier, who was a local banker, American State Bank, which is now I think Prosperity Bank, as the chairman of the electric utility board and then they appointed eight other people. At that time, Gary Zheng had just been appointed the director of electric utilities. He had been an assistant director under Carol McDonald who they brought back to LP&L, who had retired, he had been director of utilities when it was still under the management of the city. He retired. A guy named Paul Thompson came in and he was the director of electric utilities, but then they almost went bankrupt and they fired him and split the utility out. Gary Zheng became director of electric utilities. And W. R. Collier began as chairman of the board. At about that period of time, Southwestern Public Service who provides all the power for the City of Lubbock, we don't produce our own power. We buy it from Excel Energy. They came to us and said, "We're getting out of the wholesale power business. We're not going to be able to provide you wholesale power until 2019. So we want you to do two things. Number one, you're going to have to find somebody else to provide your power. Number two, we want you to buy us out." Because at that time, LP&L was competing with Excel Energy, you had a choice, go with Excel or you go to LP&L. If they served your area, and most of the city of Lubbock was served by both entities. And so LP&L entered into an agreement and bought out Excel. I think that was finalized in about 2006 for eighty million dollars. They bought all their lines, all their customers, everything. So LP&L since 2006 has had a complete monopoly on power, city of Lubbock. I tell you all of that because I knew nothing about the power business. I had no interest in it, except one day I'm reading the paper, and this is how my crazy mind works, and I see this lawsuit and a story written by an A-J reporter that the city is creating an entity called Diversified Energy. And they're going to partner with a company called Republic Power Partners which is basically a hedge fund down in Austin and also in Dallas. Those two entities are going to bring in power for

Lubbock for 2019. And they're going to partner with Texas Tech on wind power. I thought, That's odd, we're not going to just go in the market and buy it from established power people? We're not going to build our own power plant?" Diversified Energy was just a startup company created by the city of Lubbock, a municipal corporation, and Republic Power partners which is a hedge fund. This didn't make any sense. I got to reading further, and it said the president of Diversified Energy is a man named Scott Collier. I said, "Scott Collier, I wonder if he's related to W. R. Collier who is chairman of the board of LP&L." So all of a sudden this is not making a lot of sense to me. I'm getting very interested in this story, so I google Scott Collier. Sure enough, he's the son of W. R. Collier. No experience in running a utility. His experience was he worked for Tonic Construction as some sort of construction manager. So I'm thinking, This doesn't smell right. So I went over to the courthouse, and I pulled up the documents that they had filed to enter into this agreement, and it's called a declaratory judgement, and what that means is you get a judge to bless, kind of like a priest in the altar on communion, you get him to bless an agreement when you have a governmental entity involved and a private entity. So they've gone over to San Medina, and it wasn't really any sort of conflict between the two. And they presented him with this contract in which Diversified Energy was partnering with Republic Power Partners and they were going to bring power to Lubbock for 2019 when our power agreement with Excel Energy ran out. And I thought to myself, That is not good. That is just not good. So I started writing a blog called Lubbock Power Graph. I started digging into the relationships between Republic Power Partners, Diversified Energy, LP&L, Gary Zheng, Tom Martin. You can get online and read about it. And I did that for about a year and a half. During this period of time also was on the radio on the Wade Wilkes show in the mornings. I did a political talk show. I've been an active Democrat since I moved here to Lubbock. I told people about what was happening, and I told them it's a very complicated issue, the press is not covering it. Go online, get on my blog. And it started blowing up, getting a crazy amount of hits, and the pressure started building. The city didn't really get involved in doing a whole lot with it in the beginning. They just kind of stepped back because Tom Martin was on the board of West Texas Municipal Power Authority that had created Diversified Energy. Gary Zheng was on the board of West Texas Municipal Power Authority that had created Diversified Energy. W. R. Collier was the chairman of LP&L whose son was the chairman of Diversified Energy. So LP&L and W. R. Collier were very powerful entities in the city. W. R. Collier spent a lot of money advertising on the television stations and in the newspaper. LP&L spent a lot of money advertising on the television stations the newspaper. The mainstream media did not want to cover the story. One investor, Brad Moran, in Republic Power Partners owned Channel 34. So he wasn't about to run stories about what was getting ready to happen to the citizens. I was it. I was the lone blogger out there, and nobody paid any attention for the longest time. It wasn't until they filed a lawsuit for the judge to approve Diversified Energy and Republic Power Partners issuing tax free bonds. The way they were going to do that is, they were going to issue 750 million dollars' worth of tax free bonds backed by two power plants that they were going to buy in Odessa. Those were plants that were up for sale and they had gotten a pretty good price on them, they were gas fired plants.

Odessa's in the ERCOT [**Electric Reliability Council of Texas**] grid which is a different grid than our grid which is Southwest Power Pool, SPP grid. They would have had to spend about two hundred million dollars in getting the lines to us to provide that power. That wasn't really the big issue. The issue was those bonds that they were issuing weren't money that Republic Power Partners was going to be responsible for paying back. It wasn't money that Diversified Energy was going to be responsible for paying back. It was money that backed by the tax payers of the city of Lubbock. So in essence, we were funding the purchase of two power plants for the private profit of Diversified Energy and their shareholders and Republic Power Partner and their shareholders. The citizens of Lubbock were going to be hostage to that entity to provide us power for the rest of our days, I guess, and we were going to pay for that. And the deal got even worse. What would happen is once the bonds were issued and fully funded, there was no place to sell that power. So in order to pay the interest on those bonds, according to this agreement, what Republic Power Partners was going to do is they were going to use money that they had raised from the bond issue to pay the interest. That would be like me borrowing a hundred thousand dollars on a fifty thousand dollar house. And I take that fifty thousand dollars, and I pay my mortgage with that fifty thousand dollars. And so if you foreclose, you're going to lose half of your money because the house is only worth fifty thousand dollars, I borrowed a hundred on it. Well, that's what they were doing to these power plants. And so I was pulling what little hair I had left out, trying to figure out how do I get the citizens—the mainstream press and the city council have got to do something. I realized that the city of Odessa was prepared to get huge tax losses once these plants transferred from private hands to public. Public entities are not taxed. Any public building, there's no property tax. And I realized these power plants were paying a huge amount of property, schools, city, county, hospital taxes into Ector County. So I e-mail the mayor and the city attorney and the city manager of Ector County and I said, "Here's what's getting ready to happen. These power plants are getting ready to be sold to the city of Lubbock, basically, Diversified Energy. They're going to go off the tax rolls. You guys need to do something." And boy, my phone started lighting up. I talked to the mayor, I talked to the head of the Chamber of Commerce, I talked to the city attorney. I said, "File a lawsuit to intervene. Stop this sale of these bonds because you're a governmental entity, you can do it." A private person couldn't intervene in that lawsuit without posting a bond, that's what the law says. It prevents crack pots from just holding up any sort of deal. A public entity can intervene without posting any sort of bond. So Odessa contacted Lubbock and said, "We're intervening in this deal, we're stopping it." And so Lubbock finally had to get on board. And I said, "Yeah, we'll stop it, too." They intervened in the lawsuit, hired high dollar lawyers, high power lawyers. They had a hearing. The judge ruled Diversified Energy was illegally created and killed it." And after that, we went back to square one with trying to figure out where we were going to get our power in 2019. Well, you've been around the last couple years, you've figured out that Gary Zheng had real problems with management, and their request for proposal on building a power plant or whatever they were going to do, before I got on the board, went south, they had billing issues. They raised electric rates 10 percent in one year. The city council was totally fed up with it. So

they called me up and said, "Would you serve on this board? We're going to replace five of the nine." I said, "Yeah, I'll do that." So that's how I got into the power business, and I've been on it almost two years now. In October, it'll be two years, and it's two-year terms, you could get reappointed for up to three terms, so I'm up for reappointment in October. Of course, the council, if they choose to reappoint me I'll serve again. If they don't, well, it's been a wonderful experience. We've reached a pretty neat solution as to how we're going to have power for 2019. I can't talk about it, but I think everybody's going to be really happy. It's been one of the most fulfilling civic things I've done. I've been on Guadalupe Neighborhood Board, I've been on, you know, charitable organizations, Lion's Club for many years. As far as anything governmental, I've never held elected office. This is the closest thing that really I have done other than writing a blog. I've written many columns for *El Editor* about local politics. I've had a radio show on Thursday mornings with Wade Wilkes on AM 580 since 2007.

DS:

Well, we'll talk about those in a second, but I just wanted to ask you, you mentioned that energy wasn't on your radar at the time. What was that learning curve like to get up to speed on it now that you're on the board?

CD:

Good question, good question. It's very high. I'm not a guy that isn't able to read documents very quickly and analyze very quickly because that's what I do for a living, and I'm trained to do that. But it's a whole different world when you add to that a different language and the engineering aspect of it. The business aspect, the money end of it, the spreadsheets and that stuff, I run my own business, I do that every day. It's just more zeros. It's not that big a deal. The personnel issues are mainly handled by the CEO. We make the major decisions and set policy. In order to do that, we have to know how power is produced. We have to know the difference between distribution and transmission. We have to know the difference between a transformer and a capacitor. I mean, what switches do, what substations do, and the difference between a high power line and a low powerline. It has been absolutely fascinating, and I've loved every minute of it. I hope they reappoint me, but if I don't, I'll be happy that I had that two years of learning. But to be appointed to that board you better be ready to hit the ground running on learning the power business because it's not something that you can just step in. It's not the junk vehicle board. It's a very high knowledge board that you have to be on. We're making some very critical decisions.

DS:

You mentioned that you've been a Democrat and you've been in Lubbock since '78. What's that like being a Democrat in Lubbock?

CD:

Oh, you know I guess I wouldn't fit in very well in Austin being in the majority. I'm very an opinionated person, and I don't have a problem with speaking my mind and everyone knows that. They kind of give me my opportunity to say what I want to say. They say I'm just a liberal, I'm an Obama lover, you know, what they say. But the bottom line is I think there's a respect factor that I know the facts, I know the issues, and I'm able to debate with them about why I'm right and they're wrong. And they will tell you if they're able to debate with me and tell me why I'm wrong and they're right. And so that's what America's all about. And I don't have a problem living in Lubbock and being in the minority. I've done that all my life. I kind of enjoy it, really. And if I can change one person's mind from being a conservative republican than my job is done.

DS:

Let's talk about—you mentioned you had a radio talk show with Wade Wilkes. How did that come about?

CD:

I ran for a Democratic county chair against Pam Brink, she won, but while the campaign was going on, Wade always likes to have the candidates come and speak on the show. So he called me. He said, "Hey, will you can come on the show and tell us about running for Democratic county chair." I said, "Okay." So I came on, and we debated and he had just never seen anything like me in Lubbock, Texas, and never said that at the time, just was very polite and very nice. It was two hours we were on the show. And he had a co-host at that time, and he always likes to have a Democrat as his co-host, and him as a Republican, and it is kind of like a back and forth debate. It makes for interesting radio. All the other talk radio in the morning is just right wing conservatives. They're all just ditto heads, basically. Oh, yeah that's right. Oh yeah, there's no diversity of opinion. On our show, Wade's a tea party republican, very conservative. I'm a progressive democrat. And so we have it back and forth, and people like that. They get to hear both sides of the issue. Well, his talk show, the Democrat had taken a job in Pittsburgh, Pennsylvania, and was leaving. And Wade called me up and said, "Would you like to co-host the show with me?" I said, "Like how often?" He said, "Well every morning from seven till eight-thirty." I said, "Well I'll try." I said, "I don't know how it'll work out. I mean, I have a job to go to." He said, "I understand that." So we did it, we got along great. He's one of my best friends, and I did it every day for about two and a half years, and it got to the point where I just couldn't do my fulltime job and be there every day. So I told him, "Hey, I'm going to have to quit." He said, "Don't quit, don't quit. Come in on Thursday mornings, just one day a week." I said, "Okay, I can do that." So that's what I did. I've been doing that for about three or four years now, enjoy it and met a lot of good people, met a lot of politicians, had a lot of good debates. Hopefully I've learned from them and they've learned from me and we've made Lubbock a better place.

DS:

You've mentioned you've been in Lubbock since you've been in law school here in '78, and you just kind of hinted at it right now. Talk about some of the impact that you've made Lubbock.

CD:

Oh, I won't talk about myself like that. I don't feel comfortable doing that.

DS:

How about some of the impact that Lubbock's made on you?

CD:

I think Lubbock has changed me in that I met my wife here, a Lubbock native. She's a Coronado High School graduate and Texas Tech. So that obviously is the biggest change. She introduced me to Quarter Horse racing, which has been the love of my life. We don't have children, so we've raced Quarter Horses for thirty years at Ruidoso and everything else. I've got pictures all over this office of race horses. We live on a horse ranch across from Shadow Hills. Its fifteen acres, and we breed and race American Quarter Horses. So I would never have been able to do that anywhere else. So that's probably been the biggest impact that Lubbock's had on me.

DS:

Well you know, you can't just mention that and not talk about it. Talk about how y'all got into that and how it's evolved?

CD:

Well, as you know I was raised with very modest means, and so I'd never been around a horse in my life, much less a race horse. But my wife's family, and they're both deceased now, they had a cabin in Ruidoso, and that's where they loved to go. So we would always go up there with them when we were dating, and after we got married in March of 1986, we went to the races, and I fell in love with watching those horses race. And I told my wife, her name is Desiree, she goes by Des, I said, "You know what? We ought to buy a Quarter Horse." She said, "You're crazy. We're not going to buy a horse, where would we keep it?" And I just laughed, and we'd go to the horse sales. They have the All American Futurity Sale every year at Labor Day and they have the All American Futurity, the biggest Quarter Horse race in the world. And of course we never bought anything. There was a lawyer here in town, a young lawyer, and his brother was a Quarter Horse trainer in Oklahoma, and his name is Kelly Bickerstaff, he is now a lawyer in Dallas. This was in 1987. He said, "Charlie, you've been talking about wanting to buy a horse. My brother has got a horse that they bought back from the All American sale, a really nice colt. His name is Force of Habit. I think he's going to make you a good horse, he's a yearling." And I said, "Well what do they want for it?" They told me, and it was a lot of money to me. I said, "Okay, let's do it." So I bought that horse sight unseen and sent them the money, they paid for the

horse. It went to the trainer to start its training because horses go under training as yearlings and then they race their first race in the spring or their two year old year. And that was the first horse I ever bought. He was born in 1986, and I kept that horse after he retired on my ranch until he died two years ago. That's how old he was. Horses generally die at about age twenty. That horse was twenty-seven years old, and he was just like a family member. He got cancer and we had to put him down. Two years ago, the day that American Pharoah won the triple crown, that was the day two years earlier that we put him down. And his first race was in Canterbury Downs in Minnesota, and he didn't leave the gates at all because he was just a big gangly horse, but he just started running them down, and he almost won that race. The next race was a trial to a hundred thousand dollar futurity, a hundred thousand dollars in 1987, '88, this was the spring of 1988, was a lot of money. Well, he wins that race and qualifies for the final. But then I got a lesson in my Quarter Horse business because they had to scratch him out of the final because he had a shin problem, they call it shin buck. But basically it's just sore muscle in the shin. But you can't race them, if you do, it's not very fast and you don't want to injure a horse. So we laid him off, brought him back to New Mexico and he qualified for the consolation of the All American Futurity. This is my first horse and I thought, Man, this isn't that hard, this is easy. And I'll never forget this old man walking in the barn this late at night. I'd just go to the barn and just sit outside his stall and watch him. He'd just sit there, look at me like, What are you doing, white boy? And he's a big black colt. The old man walked in and says, "Is that your horse?" I go, yeah. I said, "He made the consolation of the All American. He says, "Is that your first horse?" Because I was young. I said, "Yeah." He said, "You're ruined now because you think they're all going to be that way, and they're not." And he was right. I've had a lot of horses since then. I've had some good ones; I've had a lot of bad ones.

DS:

There's quite a bit of horse culture here in Lubbock, is there racing?

CD:

No really, not what you would think, Amarillo, Abilene, more around Stephenville and all in New Mexico because they have slot machines that supplement the purses. We don't have casino gambling, as you know. Without casino gambling, horse racing can't sustain itself in Texas. We race at Los Alamitos in California and we race at Ruidoso. It's been wonderful, we've really enjoyed it. We're winding down now. Our last race horse will go to the track next year at this time. She's a yearling, and I'm sixty years old. We've been tied down, we can't, you know, a horse will eat on Thanksgiving, it'll eat on Christmas, and you're not going to find people to feed them on Christmas or Thanksgiving or July Fourth. And we want to travel and do some things, so we're down to only four horses now. After this fall, we'll be down to two, and those are pet horses that will never be sold. They'll die there and be buried on the ranch. Then we'll be out after thirty years. We've really enjoyed it, but there's a time for everything, and it's time to move on.

DS:

So you'll be traveling the world now?

CD:

That's my plan, a lot of beaches in my future I hope.

DS:

Well Charlie, I hope you get there. I've enjoyed this.

CD:

Thank you, I appreciate the conversation. I hoped I helped you guys out some.

DS:

I'm sure you did. Thank you, sir.

End of Recording

© Southwest Collection/
Special Collections Library