Judge Lee West

"Life should be fun." West's refreshing motto has been his guide for over 80 years.

Chapter 1 — 1:03
Introduction

Announcer: Lee Roy West has made several thousand friends in over 40 years of public service as a law teacher, state court judge, member of the civil aeronautics board, federal judge and breeder and trainer of national champion bird-dogs. Born in Clayton, Oklahoma, Judge West graduated from The University of Oklahoma with a Bachelor's degree and a law degree. He was a Marine Corps Lieutenant and earned his master of law degree from Harvard. Even though the West family was poor economically. They were wealthy in many important areas, including humor, wisdom and friendships. Lee West's major contribution to Oklahoma and the nation may be his teaching that life is supposed to be fun. It's not just okay to have fun—it's required. Many say West's most endearing trait is to teach those with whom he deals how to be a good friend. Judge West is a wonderful storyteller as you will hear in this oral history account of his life, made possible by our founding sponsors and listeners like you who believe in preserving our state's legacy one voice at a time on VoicesofOklahoma.com.

Chapter 2 — 8:53
Bootlegger's Son

John Erling: My name is John Erling. Today's date is April 27, 2011. Judge West will you state your full name please and your date of birth and your present age.

Lee West: My name is Lee Roy West. My birth certificate reflects it as Leroy, so there was a little bit of confusion but I signature is Lee R. West and I usually go by Lee. I am a senior judge on the western district of Oklahoma—I was appointed in 1979 by President Jimmy Carter. I now serve as a senior judge after retiring from an active role. I still have a full staff and I still carry a reduced workload, but I come to the office every day.

JE: Give us your birth date and your present age.

LW: November 26, 1929, which makes me 81 and I will be 82 in November.

JE: Where are we recording this interview?

LW: We are recording it in my chambers in the federal courthouse in Oklahoma City.

JE: Where were you born?

LW: I was born in a place called Bobtown in Pushmataha County, but it was really just a small part of Clayton, which is pretty small itself, in 1929.

JE: What part of the state is that?

LW: It's far southeast, in Little Dixie.

JE: We will get into why they call it Little Dixie in a bit. Tell us your mother's name and maiden name and where she was born and where she grew up.

LW: Her name was Nicey Hill and then when she married my father it became West. She was born in Arkansas near a small town called Blue Ball, Arkansas, which I have been to, but it barely exists at this time.

JE: She grew up there then?

LW: She grew up and married my father—I am not sure the year. My father was born in 1890. I guess they were married around 1910 or something like that. He had been married and been divorced.

JE: What was your mother like? What was her personality?

LW: You know, everybody thinks their mother was a great person, but my mother was truly a wonderful person. She could barely read or write. She went all the way to the third grade but I don't think she completed that. But she was the most protective and loving parent that anyone could have, certainly that I have ever been around. She was sort of the sole moral beacon that we had in our group. My father was a bit of a philanderer and all that sort of thing. He was a horse trader and a bootlegger, but she was solid. Very day of my life I grow just a little more respectful and fond of my mother.

JE: So she gave you the compass in life?

LW: Oh absolutely. She coped with the most rigorous conditions. We were very poor. They had a saying. We were too poor to paint and too proud to whitewash. I didn't even live in a home that had indoor plumbing until I went to The University of Oklahoma in 1948. We never had very much but she coped very well to provide. I don't feel deprived at all by coming from a very poor background. My father could neither read nor write, so there was never anything in excess but we survived amazingly well.

JE: Do you have brothers and sisters?

LW: I have two older sisters who are now deceased. They were wonderful. My older brother, who was two years older, was killed in an automobile accident shortly after I got out of law school, so he's been gone some time. Then I had two half-sisters. My mother and my father

had both been previously married, so I had two half-sisters and two half-brothers, all a good bit older than I.

JE: Weren't you the first one to be born in a house?

LW: I was. My three brothers and sisters were all three born in what we called a top wagon. It wasn't a schooner it was just a regular-sized wagon with hoops and a canvas over the top. My dad was an itinerate horse trader and we just sort of traveled a good part of the year trading or going to wheat harvest and all of my immediate brothers and sisters were born in that top wagon without the assistance of medical or a doctor or anything. So I was the privileged one because I was born in Bobtown. There was a doctor in attendance at my home, Dr. John Lawson, so I have always been accused of being the privileged member of that family. (Chuckle)

JE: It's hard to imagine. Only the strong survived back then. You think about these babies being born in a top wagon and now, today...

LW: It's almost unbelievable to me even. My siblings have given me a hard time about that down through the years.

JE: Tell us about your father. What was his full name and where did he grow up?

LW: He didn't have a middle name. His name was Calvin West. He was born in 1890 in Arkansas at or near the Petit Jean Mountain. His father was one of seven children who were descendants from Olin West who was the ole pioneer cabin you see on Petit Jean Mountain if you go to that state park over there. He never did attend school. He was an animal lover and a horse trader from the beginning. He never learned to read or write except he could barely draw his name. I have a document in which he used an "x" to mark his name. He was completely illiterate, but not unintelligent. He was a surprisingly bright fellow for someone who could neither read nor write.

JE: This is an aside because I knew people who lived in Petit Jean Mountain. It was the Davies family and Papa Ladd Davies as his name. He has since died and his children, David Davies and another son who is the director of tourism today in Arkansas. I don't know if that rings a bell with you at all.

LW: It doesn't particularly, but we have attended a few gatherings—in autumn they have a gathering at Petit Jean Mountain and my sister and my niece and my wife and I may have very well met them, but I don't recall.

JE: So your father was a horse trader and cattleman?

LW: He was a small-time cattleman with small herds of cattle from time to time. Then he evolved during the war into primarily a bootlegger selling whiskey in what we call honky-tonks and I am sure you are familiar with that, dance halls, etc. He did not sell moonshine—if at all very little because he was very concerned about the federal revenuers. If you bought a federal stamp you were not prosecuted by the federal government—even if you

sold bonded whiskey. But if you did sell moonshine, you could be prosecuted by the feds and he was very concerned about that because that meant real time. Of course what he did selling bonded and bond whiskey as we called it, he was in very constant violation of the state law, but they had a system, and in eastern Oklahoma as you know of forgiveness and so forth if certain political contributions and regular payments to relatives and so forth took place. So he sort of engaged In that from about the time WWII started until it was completed.

JE: So you and Barr Switzer have something in common.

LW: Barry and I have a great deal in common and he is a very good friend of mine.

JE: Barry Switzer of course wrote a book called Bootlegger's Boy and I have interviewed him on this website. He talked a lot about his father and he had tremendous respect for his daddy as he calls him, even though he was involved in all of this.

LW: Well I never quit craving my father's approval although we had some pretty serious disagreements particularly as I got older and supposedly a lot smarter. He was killed when I was a freshman at The University of Oklahoma in a tornado. I have often regretted that I didn't do a better job of communicating with him and forgiving him, as my mother was able to do—always. She did that a lot better than I did.

Chapter 3 — 5:46
Hoover Hogs

John Erling: Isn't it remarkable? You could have fallen in with the wrong crowd back then, and there was something upstairs here that said this was the wrong way and I just need to get out of here.

Lee West: I don't have any idea what it was. It was perhaps luck, but I attributed an awful lot of that to the fact that I wanted to get an education and to get a better life through education. I think that was the biggest motivation of any. Early on I developed a voracious reading habit. It enlightened me, as you know because you are a reader, it enlightened me to all sorts of possibilities that were never a part of the discussion of me or my friends even very much back then.

JE: Did your mother—I mean she had a short education—did she talk about high school and college and wanting you to move on?

LW: Never a doubt in her mind—they were both—even though my father could neither read nor write, they were both very encouraging about me attempting to improve myself through education. My dad used to say, "If you don't get an education, you'll wind up just like I am."

She on the other hand had no doubt. I had doubt, but she didn't. She said, "You are as bright and as smart or brighter and smarter than anyone else. You can do exactly what you want to as far as getting an education." That was very encouraging.

JE: Then there comes a point where your family moves from Clayton to Blanchard?

LW: Yes, very briefly right during the depths of the Depression. My dad had faltered as most everybody had on crops and on what few cattle we had, so we all loaded up in a bobtail truck. I got to ride in the front. My brothers and sisters had to kind of snuggle down in all the covers and bedding and everything. We drove to Blanchard for what reasons it was selected I will never know. Our fortunes did not improve in Blanchard. So I can remember to this day, my dad could not pay for the truck and they came and recovered it. He had a few horses that he was trading on and trying to make a living. As I know understand and then understood pretty well, he had all of the horses mortgaged. He traded on them and then sold them. Before very long, we weren't in Blanchard but about a year—the horses were all gone and the banks had not been paid, so he was in violation of the law for selling mortgaged property. So we headed back to southeastern Oklahoma in another top wagon with two horses because that's all we had. We got all the way to Talihina and we were camped beside a creek—it's surprising that I can remember some of this pretty well...but the Sheriff's Office from that county arrested my father and left my mother with four kids beside the creek out there with two horses and a top wagon and absolutely no income whatsoever. She was absolutely magnificent of course. She moved us into a little cabin on an adjoining piece of land there with permission from the landowners who furnished us the opportunity to get into the garden and he put us to work in a sorghum mill in exchange for food and stuff like that and hitchhiked all over southeastern Oklahoma to raise enough money to make bail for my father and this was among friends who didn't have anything either you know. She finally bailed him out and we moved on to Antlers. We attended school in Talihina, but only for a short period of time.

JE: This memory of your father being arrested, you had to be about 6 or 7 years old?

LW: I was in the second grade at Talihina when that happened but we moved on to Antlers so I was 7 years old.

JE: That had to be a frightening experience!

LW: It was. It was disturbing, but as I say my mother was so wonderful that she never did let us think of giving up. It was kind of a confusing time but she assured us that we were going to make it and sure enough we did.

JE: You are a hunting enthusiast and we will get into that, but back then for entertainment you were out shooting rabbits and squirrels?

LW: We hunted in the woods and gathered vegetables in neighboring gardens where they permitted us or we worked in the sorghum mill. I remember the little cabin we lived in had

no screens or doors of any kind. It was just a vacant cabin so we could get in out of the rain, But you know I had three siblings and we all enjoyed each other and my mother was a delight to be around. It wasn't all that bad believe it or not.

JE: Did your mother refer to these rabbits as—

LW: Hoover hogs. When we were in Blanchard primarily, there was just an abundance of jackrabbits there. They had just invaded the countryside. At night, before we lost the truck, they would drive out on the prairies and just shoot washtubs full of jackrabbits. We would bring them home and she would cook them and can them. She refereed to them as Hoover hogs because they were pretty critical of President Hoover along about that time as you might imagine. It was a pretty tough time.

JE: It was a tough time. The Depression was on and in a way you were lucky you were living close to the land and thereby—

LW: We were able to get along pretty well.

Chapter 4 — 6:00
WWII

John Erling: Tell us about the first school you attended.

Lee West: That was in Clayton for just a short period of time and then in Blanchard, which was a pretty unfortunate experience for me because there was a boy in there who regularly worked me over pretty good on the way home from school and I just was terrified. I remember I got some conflicting advice from my parents. My dad told me, "if you'll fight that guy, he'll quit jumping on you." My mother said, "make friends with him. Play with him and he'll quit beating you up." So I did both. I fought him and then we started playing marbles and being friends so he quit working on me. So I can't along in school much better. I wasn't as scared of the teacher as I was, so I got along all right, but I had a bad experience that first year in Blanchard.

JE: Did you shoot squirrel and eat squirrel?

LW: Oh we ate squirrels until they came out our ears when I was growing up, even through high school. My friend Joe (inaudible) who used to be president of Oscar Rose Junior College out here, he and I squirrel hunted all through high school. We ate squirrel and raccoon and possum. We hunted everything we could with an old .22 pistol and a dog or two always at home. So we really provided, surprisingly enough, a good bit of the meat that we had.

JE: As we like to say, did the squirrel and possum taste just like chicken?

LW: You know m mother was a wonderful cook of course and she could fix it. She could fix squirrel and dumplings that was still as good as any chicken and dumplings that I've ever eaten. As a matter of fact, most people usually haven't eaten possum and sweet potatoes (chuckle) but we regularly ate that. (Laughter) And on a few occasions we ate raccoon, which is...(chuckle) but on one occasion which as a matter of fact was on the day that the Japanese bombed Pearl Harbor, we were hunting with a friend of ours and we killed three squirrels and a chicken hawk and his mother cooked all of that for a late lunch. That's the only time I remember eating chicken hawk.

JE: You would have been 12 years old December 7, 1941. How did you first hear about that?

LW: Well, as I say, my brother and I got up and walked about five miles down the railroad track to where our friend lived who had these two dogs. I remember the dogs' names, Hitler and Mussolini, they were two blue tick hounds. We hunted all morning and his mother fixed what we killed for lunch and we walked back. When we got back that night, we listened to the radio. By then my mother had gone to work for the WPA and all of my relatives were listening intently to what had happened. I remember thinking the Japanese were very, very foolish to start a war with the United States because I just thought we would be absolutely invincible.

JE: So at 12 years old you felt that confident in your country. Some might have been afraid?

LW: Being afraid didn't occur to me too much although everybody was concerned about their relatives who were having to go into the war and who would become more concerned when the outcome, even to a 12-year- old boy, it became less clear that we were going to easily...because all of a sudden we were involved in the war in Europe as well. But I do remember even before the war started, being much more concerned about what was going on in Germany, Poland and Europe, Russia, Finland...even at 12 years old I was much more concerned about that. I had the normal, I guess superior feeling that the Asiatics were not anywhere nearly our equals you know. I learned as we all have that that's certainly not true. But Japan never did terrify me as ever being able to overrun us or beat us, but Germany certainly did.

JE: Germany and Hitler, did they talk about that in school?

LW: Yes in school and in my home where they listened to the radio long before the Germans invaded Poland in 1939. I would lie there and listen to my parents and they would talk in rather concerned and hushed tones about Germany and what Hitler was doing.

JE: Even at that time, did you hear anything about concentration camps?

LW: Not about the Holocaust—the first thing I remember about that was the taking of all the West Coast Japanese and putting them in camps. I remember thinking about that some, but no, I didn't really become aware to any great extent about the Holocaust until fairly late in the war. Our up-to-date news in Antlers was usually by movie time news and that

sort of thing. Then when we started finding all that then I became fairly fully aware of what they were doing.

JE: Do you recall people from the community joining the war and leaving?

LW: Everybody had a family member involved. One of my half-brothers went into the service almost immediately and so did everyone around town and we started losing some of those and everybody was pretty concerned and saddened about that and most of them were going to the Pacific Theater at that time...later on they got involved in the European combat.

JE: You mentioned movie time—you went to the theater?

LW: Yes. There were two theaters in Antlers, Oklahoma.

JE: Can you remember any of the movies or the stars that you my have seen?

LW: Everybody remembers *Gone With The Wind*, I saw that, but mostly though we were intrigued by any kind of a western movie. My family was always involved with horses, so we loved all the westerns. If we could drum up a dime we'd never miss one. We would usually sit through it twice if we could.

Chapter 5 — 6:04
Rainbow Inn

John Erling: About your father then, he owned bars? One of them was named the Rainbow Inn?

Lee West: Yes, the Rainbow Inn was probably the most notorious one. It was about two miles east of Antlers on the road to Rattan. It gained a good bit of notoriety because this was during the war and the servicemen from Camp Maxey, Texas, which was just right near Paris—they were only 40 miles away. Lamar County was dry where they were and they couldn't even buy beer there. So they came to Oklahoma to get illegal bootlegged whiskey and frequented this honky-tonk regularly. It had a good crowd.

JE: Fights would erupt I suppose?

LW: Very frequently—almost nightly. Most of them were minor and could be simply moved outside and could be played out, but occasionally they got pretty violent even inside. I remember on one occasion that I have recounted in the book. There were two fellas from Colgate, Oklahoma. They were huge guys, probably 6'1" or 6'2", but they were very athletic muscular men. They came in and there were low rafters in this Rainbow Inn and I remember being impressed that they could jump and get a hold of the rafter and kind of swing on it apelike you know? Well, they were sort or pursuing a local girl who was out there. She protested to my dad that they were coming on pretty strong. He went over to them and suggested that they ease off and leave her alone and boy,

a confrontation developed very quickly. My dad always had a big, old heavy pistol. He pulled that and the bigger of these two guys bull rushed him into a booth and had him down under him trying to take that gun away from him. He twisted it so hard that my dad holding onto the pistol grip actually twisted the pistil grips off. He was in pretty bad shape. He cut his finger pretty badly. He was in bad shape to lose the gun and lose the fight, but my oldest full sister grabbed what we called a slap stick...it's a blackjack. This guy was over on my father in that booth. She took about for or five roundhouse swings just hitting him—clubbing upside the head and ear. She sort of dazed him and knocked him off of my father, who when he came out from under there, he still had what was left of that pistol and he really worked that guy over pretty badly. I've forgotten but they had to put 70 or 80 stitches in him after that. In the meantime, there was an old gentleman who was a neighbor of ours who hung around up there all of the time. He was sort of an assistant bouncer even though he was pretty ancient. He had a 9mm Luger pistol. He engaged the smaller one of the two guys and hit him over the head with his pistil. When he did that, the pistol went off. Fortunately it didn't hit anybody, it just went into the floor. But he hit that guy so hard that he fell to the floor and was sort of twitching. Everybody thought he had shot him and killed him. As a matter of fact, my dad remarked, "damn John! Did you have to shoot him?" John Youngblood was the old man's name and he said, "I didn't mean to Cal!" and he hadn't, the guy recovered much to everyone's relief but now that was a fight. I was just an 8 or 9-year-old boy and that was a violent, violent fight that I will never forget.

JE: And you witnessed it?

LW: I witnessed it, yeah.

JE: Did you work in the bar?

LW: Well, we sort of sold pop, we didn't handle the whiskey or anything. Then later on my dad had another little gambling joint. My brother and I both were the houseman. The way that it worked—everybody anted and everybody played, but the houseman, whoever was putting on the game would be able to cut just a small portion of the purse every time. The houseman usually wound up with all of the money because he was getting a little bit every time. But anyway, my brother was much better at that than I was. We did that until about the time I got out of high school.

JE: Elementary through junior high, did you enjoy your work and were you a good student?

LW: I was a good student. At the time, I wasn't at all confident and sure of myself, but I was doing pretty well and as I say I was reading a great deal—voraciously as a matter of fact.

JE: The summer before you entered high school...you were always a worker weren't you?

LW: Yes, we had to work.

JE: You worked at the livestock auction?

LW: Almost all small towns had a livestock auction. We worked clearing the alleys and running the cattle in and out of the main area all summer long. Then we went to school and worked part time when we could.

JE: You got bucked off a horse too I think?

LW: I got bucked off many, many times—one time in full view of everyone at the sale barn, all of whom were ranchers and farmers and friends of mine. I always wanted to be a cowboy. I was a wannabe cowboy. The auctioneer who was a good friend and character, he invited me to bust him off down there and roll him over and show what kind of action he had, and I did. I got him a little too deep with the spurs and he bobbed his head and threw me the full length of the place and I don't think I've ever been as embarrassed at any time in my life since then more than I was at that time.

Chapter 6 — 6:40
High School

John Erling: You entered high school and that was a good experience?

Lee West: It was a great experience. I got a little bit better and a little more confident as I went along.

JE: You played football?

LW: I played football and I lettered three years in football, basketball and baseball. During my senior year I was captain of the high school football team, which was to be a really significant honor. I made all-district in football and even got an honorable mention for All-state.

JE: How big of a guy were you?

LW: I weighed 166 pounds and I was 5'10". I've shrunk a little bit, but not in weight. (Chuckle) I would love to weigh 166 pounds now.

JE: Bill Farr was an encourager to you?

LW: Bill Farr was my math teacher and really a wonderful man. He was the first one who really you tried to convince me that I had the intellectual capacity to go on to college. None of my family had gone to college and none of my brothers and sisters had gone to college. It just hadn't even occurred to me to tell you the truth. He was the one that first planted the idea in me. He said, "you write and you read and if you will apply yourself you can go to school just like any of these other people."

JE: You lived in Antlers and your parents lived elsewhere?

LW: They moved down to a small town called Soper when I was a junior in high school. I stayed simply because antlers had a high school football team and I was really enamored with

that. My brother transferred to Soper and graduated from there. But I moved in with a family and antlers whose son was a quarterback on the football team. He was a year or two years ahead of me in school. I was working out a service station and they offered, generously, to let me move in and I did. The father of the family was called "hot tamale Jim". He was part Mexican and part Portuguese. He butchered roosters and he pushed a little stand up and down the streets of Antlers and sold hot tamales. The mother, the wife, worked washing dishes and so forth in a small café and the sister did also, who had been in our class, mine and Marianne's class earlier, but she dropped out. Outside of my family, those were the kindest most generous people.

JE: What was that family's name?

LW: Jim Hernandez was the father and Roy Hernandez was the son who was a good friend of mine, and our classmate was Fanny Mary Hernandez and she is the mother of a guy who was the State Senator down there.

JE: Your coach at Antlers was George Strickland.

LW: George Strickland played basketball at Oklahoma A&M. He played for Mr. Iba. He never did play football. With a small school like Antlers, Strickland coached football, basketball and baseball. He was a wonderful man, a good fellow. We had some success in football and some success in basketball—but he was just a good teacher and a good man, good role model.

JE: In your junior year you started dating somebody?

LW: I started dating my bride of almost 59 years, Marianna. We had been in the same class since the second grade when I first moved there. I was of course, was enraptured almost immediately by her, and she didn't have any idea I even existed, you know. It was only after about 15 years of pursuing her that I got her to marry me, when we were 22 and had graduated from college but we started dating our junior year and then dated until we got married. She went to Stephens for two years and then graduated and then came back to OU. But that's been a lifelong love affair and as the saying goes, I married up.

JE: (Chuckle) Yes. Do remember back in those days listening to radio? Are there certain programs and singers that you might remember?

LW: I do remember that we had the one with the creaky door and Jack Benny of course.

JE: Would Amos and Andy have been on then?

LW: Yes, we listened to Amos and Andy.

JE: Was there a show called One Man's Family?

LW: Yes, we listened to One Man's Family regularly.

JE: Do you remember listening to news?

LW: Yes.

JE: Was there a Gabriel Heatter?

LW: Yes, we listened to Gabriel Heatter frequently, and movie town news, we saw those whenever we were at the movies.

JE: I don't know if Lowell Thomas was around back then?

LW: Lowell Thomas was on movie town news quite frequently.

JE: Between your junior and senior year, your family moves to California?

LW: They went to California—they really didn't move. My half-brother Jack lived in a small town in the San Joaquin Valley in California. We simply went out there to thin peaches and get summer work. The whole family in 1937 loaded up in a 1936 Ford, and all of us headed out to California—sleeping in the desert, you know—to thin peaches. We moved into a tent that we pitched and my brother's backyard. He had five children and there were four or five of us and we lived in that tent in his very modest house with one bathroom in it. So I know why the people in California were absolutely appalled at the Okies, and that had preceded us. Anyway, I can understand why they got the impression that this was just a deluge of bad, undesirable people. But we got through it. It didn't work out too well financially because we all made pretty good money during the summer, but the car broke down twice on the way back home and we had to spend almost all of our money in Needles and Nocona, Texas. The car broke down both times and required comprehensive work on it. I think I didn't even get to get a haircut all summer. I got to buy my two pair of overalls I guess before senior year started, and that was about all.

Chapter 7 — 9:50
Bud Wilkinson

John Erling: So you are thinking, I've got to get out of this. You loved your family though and it was family, but were you thinking beyond that?

Lee West: Well, I started to about that time, I really did. I didn't have any knowledge of any sort of academic scholarships. I didn't even think about it, although I made the state and national honor societies in high school and did well particularly in my junior and senior years. I was offered a small, partial athletic scholarship to Southeastern, but I always, first wanted to go to Oklahoma State University and then to the University of Oklahoma, which was closer. So I just elected to try to do that on my own nickel because we had no funds. I worked for the highway department. Frank Fodge, a division engineer out there gave us a job and I think I was able to save $240 during the summer. I hitchhiked to Norman and got two jobs and enrolled with a total of $240 as the funding of my endeavors.

JE: You graduated from high school in 1948, but we should mention there was a young lady by the name of Wilma Coffman who was in your class?

LW: She sits out there today as my receptionist, top sergeant and manager and has been a wonderful friend of mine and she has worked for me as my administrative assistant for the last 26 years I think it is.

JE: Her name is now Wilma House.

LW: Yes, she married another friend of ours from Antlers.

JE: You wanted to attend OU—was it because you liked their football program?

LW: Yes because I started out becoming an OSU fan because of Bob Fennimore and the wonderful success they were having during the war years. Then by the time I got out of high school, Tatum and Wilkinson had moved into the University of Oklahoma and they were enjoying much success. As I say, it was a little closer to home, so I switched loyalties and enrolled at OU.

JE: While at OU, you worked in college and also you joined the Navy then?

LW: Yes, I joined the Navy ROTC. I didn't know about that until after I got up there, but they had a program where if you could compete and win a scholarship, you would get books, tuition and $50 per month, which was pretty huge for me. So I took part in the competition and I got that scholarship. I was still working at the Kappa Alpha house, earning my meals and so forth. So I was having a better lifestyle than I had ever had in my life, living in a house with indoor plumbing—I was having the best time of my life.

JE: Somewhere in there, a tornado affected your life?

LW: When I was in high school, we had a terrible tornado. It was the day FDR died. It killed 83 people, in a small town of just 2,000 people. That was a terrific—it was just unbelievably bad.

JE: It leveled Antlers.

LW: It leveled it completely. My wife's home was blown down. She escaped injury almost—she stepped on a nail crawling out of the debris. Several of my friends and relatives of my friends were killed. It was a devastating tornado. That was in 1945, it was the same day Pres. Roosevelt died and the tornado didn't get quite as much publicity because it was the day that the president died. But that was a devastating, bad thing. Then when I was a freshman at OU, a tornado killed my father. We were living out on the County Line five miles South of Antlers. It was a bad tornado, but it was mostly in the rural area. I believe he was the only one killed. It blew our little old shotgun house out in the highway and a heavy, what we used to call an icebox, it was not a refrigerator because we didn't have electricity, but it blew that thing on him and killed him and injured my mother. That was a devastating thing too. We had to go home and make arrangements to bury my dad and we had to borrow the money to do that, of course.

JE: There's and name that comes up here—Fred LaRue?

LW: Fred LaRue was a fraternity brother of mine at OU. He was from Jackson, Mississippi. He loaned us the automobile, I didn't even have a driver's license, and a friend from Hugo, Bob Parsons, agreed to drive me down there when we found out late at night that my dad had been killed. Another inebriated friend of mine came back from a party and went with us driving to Antlers. It was during a terrible rainstorm. We had to wade the creeks and everything to be sure we could get through the road. It sobered him up rather quickly as you might imagine. But we got down there and they came on back and I stayed to bury my father. The same Fred LaRue was later involved in the Watergate scandal. He was the assistant to the President Nixon at the time and served with John Mitchell to arrange for payment of the Cubans and so forth. He lived in Jackson, Mississippi and had a very successful oil career after that. I never did get acquainted with him after that, except he did come to Grand National Quail Hunt and we got to hunt together. It was a long time ago. He was a good man, despite getting caught up in a bad situation. What he did was the national committee raised a lot of money to pay those people who broke in, and to make their bail and all that. He was the one that literally delivered the money to get that done and he later pled guilty to a felony and served some time. I never did see him or talk to him about it after that happened, but it was a long time ago.

JE: In your sophomore year you roomed with a gentleman named Robert Short?

LW: Robert Short was one of the cleverest, funniest people. I have a book that he wrote that sold 10 million copies in the first printing.

JE: Lee has just handed me the book called *The Gospel According to Peanuts*.

LW: Robert Short and Bob Barry Senior, who just retired as the announcer of the OU football and basketball games, formed a comedy team patterned after young Dr. Kildare. They were kind of the sensation of OU as a comedy team. Then, Robert Short went in to the ministry and he wrote this book called *The Gospel According to Peanuts*. He and Charles Schultz later became a good friend, and as I say that thing sold 10 million copies in the first printing and then they reprinted it again not very long ago. Unfortunately, he's dead now, but he led a very interesting life.

JE: Here he has inscribed the book to you and he finishes it off by writing "Boomer Sooner!"

LW: Yes. (Laughter) You meet some strange and wacky people and college don't you?

JE: Yes. It was an exciting time to be at OU because Bud Wilkinson wins the national championship in 1950—did you attend the game?

LW: We did. Then we went on down and Mann and I joined two of our friends and went to the Sugar Bowl game down in New Orleans. That was my first bowl game that I had ever attended. It was a wonderful experience and I had a lot of fun.

JE: Did you ever get close to Bud Wilkinson or were you around him? Can you describe him or his personality at all?

LW: We were never really close except I became a good friend of his when I taught back at OU in the law school. This was back later when I went back to the law school to teach I became even better acquainted with him. As a matter fact, through his and Eddie Crowder's efforts they admitted me as an honorary member of the O Club. I have an honorary membership in the O Club and I am very proud of that. He also asked me if I would head up his campaign when he ran for the Senate. I declined because although I supported him, I had strong democratic inclinations and didn't want to do that. Unfortunately for him he didn't win, but it wasn't because I wasn't his County representative.

JE: What was he like to be around?

LW: Of course he was very brilliant, educated and a very pleasant man, but I got the impression that he would have a difficult time saying "no." I got that impression somewhat from visiting with him and with his friends who dealt with him regularly. Dr. George Cross, whom I became very close to, who was the president of the University of Oklahoma, later confirmed that he had some difficulties really looking you in the eye and telling you things that you didn't want to hear. That was very difficult for him. From all outward appearances, he was just an outstanding man.

JE: He was a great athlete out of the University of Minnesota.

LW: Yes, he was an All-American. He had a wonderful family, and of course later he was divorced from his wife and remarried. One of his sons, Jay lives here now in Oklahoma City and his other son Pat is a doctor and I believe he's gone back to Baltimore if I'm not mistaken.

JE: A guest in your fraternity was George Nigh?

LW: George Nigh was a guest and a good friend of several of my fraternity brothers. George visited us frequently and stayed at the house on weekends. He was a teacher and legislator at the time, so we became good friends when I was in undergraduate school.

Chapter 8 — 9:40
The Law

John Erling: But even though you were in the Navy, you transferred to the Marines—what happened there?

Lee West: Well, I don't know. Bill Paul and Lee and I were in the NROPC and going on summer cruises. We became a little bit disenchanted with shipboard life. It was pretty confining and it just didn't work out. So we started talking about transferring over and taking our

commission in the Marine Corps, which you could do, but we waited until it was a little bit late to make the regular transfer, but after our third cruise we decided we wanted to go into the Marine Corps. We talked with our executive officer Lieutenant Colonel Jerry Russell. He wanted us to transfer primarily because of William Paul who was the kind of the head of the NROTC program...we debated and debated and agreed and then disagreed and decided we weren't going to go unless we all went. Then one day I just got tired of waiting and I went over and signed up to transfer over to the Marine Corps. Then I told Jenkins and William Paul that I had done so. They weren't sure that they believed me but they went on over and signed. They tried to get Colonel Russell to tell them and he wouldn't tell them because he didn't want them to sign up just because I had. They signed and (chuckle) when they came out there I had printed a big placard that said "Jenkins and Paul were fooled, West hasn't signed." They were really, really pretty disturbed. They attacked me verbally and physically and Colonel Russell had to come out and assure them that I had indeed signed. We've laughed about that often since then. As you know, Bill Paul later became President of the American Bar Association. He was an extremely successful lawyer and general counsel up in Bartlesville for Conoco and just had a very distinguished career in the law. Jenkins later became vice president of Schering-Plough Corporation in Memphis, so they've had great successful careers.

JE: You graduated and you were commissioned in the Marines and you were married August 29, 1952?

LW: That's right, while I was in Quantico.

JE: You head to Japan and then you asked to be transferred to Korea?

LW: Right.

JE: Then you got an early out and then you went back to law school?

LW: That's right in 1954.

JE: You had a summer internship at that time. Tell us about that.

LW: That was when I interned with Gulf Oil Corporation to see what it was like in the general counsel's office in Tulsa. I worked in Tulsa that summer. They provided me an office and treated me very well.

JE: And it had your name on the door?

LW: Yes, they had my name on the door and I was very, very impressed with it. It was the first office I ever had with my name on the door.

JE: You graduated in May 1956 and you joined a law firm in Ada?

LW: I joined the law firm of former Justice Orel Busby who had been on the Supreme Court and had ran for the U.S. Senate. Virgil Stanfield and Austin Deaton Junior, who was a couple or three years older than I was, and I replaced David Busby in the firm who had gone with Mike Monroney to Washington, D.C. who was then a senator.

JE: Then along about in here you have two children?

LW: Actually we had four children. Two of them were born prematurely and did not survive. Two twin sons. Now we have two daughters, Kimberly who is now a magistrate judge in Muskogee and Jennifer Lee who is in the collections business in Tulsa. She works on debts and persuading people to pay their debts and so forth. I have one granddaughter who is nearly a 25-year-old young woman in California now named Mary Ellis Passey.

JE: Back then you established a horse ranch?

LW: Yes.

JE: You met Ralph Evans?

LW: Ralph "Fireball" Evans is probably the most notorious character that I have ever become involved with. He did everything. He coached, he taught, he had a candy store and he had a lending agency. He taught Spanish and lived in Mexico for a while. He and I were just close friends and got involved in a number of absolutely outrageous practical jokes. We kidnapped a U.S. Marshal on one occasion, Bill Broderick. We took him to Raton New Mexico because we had a horse out there that we were going to bring back. So we drove by Bill Broderick's house. He was having a drink on the patio with his wife and we invited him to go with us. We let him call home when we got to Sayre and he attempted to call home and explain to Emma Jo that he had been kidnapped, which he did not believe at all. But anyway, we took him all the way to Raton and spent two days and brought him back, but he never did convince Emma Jo that we had actually kidnapped him, which we had.

JE: (Chuckle) You took on a criminal defense case and you took on a man by the name of Lonnie Painter.

LW: Lonnie Painter was a common crook. He and two other guys robbed a grocery store in Ada. They attempted to blow open the safe, which they did—but they burned the building down in getting that done. So I represented Painter. He agreed to testify against the other defendants in exchange for not being imprisoned himself, plea-bargaining, of course. First and they brought him back from Tulsa. They arrested all three of them in Tulsa. They brought him back and their forensic evidence showed that when he got back to Ada, he had shoes that had mud that the experts testified came from the alley behind that building that had burned. This was during preliminary hearing. I had to try to establish that he had gotten the mud on his feet from some other source. So our friend, Bill Broderick, the marshal that we had kidnapped, we had seen him on that day. The assistant district attorney was Jim Gassaway. He and I were driving to Oklahoma City, and we drove by Bill Broderick having a snowball fight out on the side of the road with the highway employees just that morning. Then later, they were at the preliminary hearing. They presented this evidence that Painter had mud on his shoes from Ada in Pontotoc County. Build Broderick had transported him back to Ada on that same day that we saw him out there. I cross-

examined the sheriff, who was a good friend of mine, at length about whether he had been anywhere where he could've gotten some mud on his shoes and then later transferred that mud into his car where Painter could have gotten it (on his shoes.) Of course he denied it vigorously and I'm sure in good faith. But after I got him to deny it a number of times, I asked him if he remembered having a snowball fight earlier that day out on the road with some people. I said, "if your memory has failed you, and I'm sure it has, I'll put the assistant District Attorney Jim Gassaway on the stand and I'm sure he'll help refresh your memory because he was with me when we drove by." And of course they very quickly offered us a plea bargain deal so that we pled guilty and he didn't have to go to prison. Bill was a little bit embarrassed about it, but he forgave me for it. Even guys that are honest and truthful, I've found out in law enforcement, they'll sometimes forget pretty significant things when they are on the stand.

JE: Selective forgetfulness?

LW: Selective memory, yes.

JE: When you defended the criminal, did you ever think you wanted to be a defense attorney?

LW: Well, I had had some experience in the Marine Corps as a defense counsel and court-martials. I did give it some pretty serious thought. And of course in Ada, when you are practicing law with a small firm, you take almost any kind of business you can get—I mean anything. I was a little bit more comfortable on the defense side, than I would've been on the prosecution side.

JE: Why?

LW: Well, I don't know. And I'm afraid that that has followed me throughout my judicial career. I have been very sensitive, for some reason, to the fact that the defendant who is usually overwhelmed by the state's resources and the federal government's resources in prosecuting its cases... They are often overwhelmed and outmatched. And you have to be especially vigilant to be sure that their rights have not been violated. And of course it hasn't gotten any better. There is the Brady Rule that says that the government is supposed to bribe them with any information that's hopeful or helpful to them as far as the defense and that's in my opinion frequently violated, so I've been a little bit more sensitive. Let me put it this way and I hope it's not being unfair. I have probably been a little more sensitive to the defense rights and defense's opportunities than have some of my colleagues. That's true on the state court and on the federal bench.

Chapter 9 — 11:15
Judge West

John Erling: But did you want to be a judge all of your college and law life? Where did this idea of becoming a judge get planted in you?

Lee West: As a junior in law school I had already had one year of law school before I went into the Marine Corps. Then I served on a court-martial or two when I was in the Marine Corps. When I came back to law school my junior year I formed a very firm impression that if I ever get an opportunity to be a federal judge, induced a lot by the fact that there's a lifetime of security to it, an appointment for life. If you can keep your nose clean you can't be removed in your salary can't be diminished by making unpopular decisions. You can be independent in other words. I determined at that time that that's what I would like to be, never thinking that there would be an opportunity for me to ever do that. But that was when I was a junior in law school.

JE: Was it the security of the job? Or was it the actual work of being a judge that attracted you?

LW: It's a little bit of both, but mostly it's for work. I really enjoy resolving disputes and helping people resolve disputes and whatever role that I can be. I think that's borne out by the fact that I do an enormous number of settlement conferences for the other judges since I've taken senior status. That's to help settle—I don't want to have any authority in the case other than to get the parties together and visit with them and reason with them and give them the benefit of my experience to help them resolve disputes. That's the part of this job that has always appealed to me and, of course, having grown up for, I've been somewhat security conscious and this provides certainly not a way to make the most money, but it provides reasonably good security and all of that added up to my wanting to do this very much.

JE: We should mention that when you were a special lecturer at OU, one of your students was a gentleman by the name of Andy Coats.

LW: He still is a friend of mine (laughter) despite exchanging insults and accolades through the years.

JE: Tell us about him a minute.

LW: Well, Andy is, as everybody knows, an outstanding person. I first met him when I was judging a moot court competition down there at OU. He immediately stands out. He was selected as the outstanding senior in his graduating class at OU and I recommend him strongly to the Crowe & Dunlevy firm to Bill Paul, who was my best friend in law school. They hired him and of course he had a successful career there. He ran for office unsuccessfully for U.S. Senate, but he became district attorney and then was a successful

mayor. Then for the last 14 years he has been the Dean of the OU law school and they named the building after him down there, justifiably so.

JE: You applied for a grant from the Ford Foundation and you went to Harvard?

LW: I went to Harvard. In 1962, I got a Ford Foundation Fellowship in law teaching to Harvard Law School. I spent a year there and completed a paper and lectureship for an LLM.

JE: You chose personal injury litigation as the topic of your graduate program?

LW: That's what I was really very much interested in. I taught damages down at OU and then I practiced some personal injury work in Ada, so that was the main subject. But I took some courses in estate planning and so forth as well, I was able to do that.

JE: You sat in on lectures by Henry Kissinger?

LW: I did. We could audit lectures. I didn't know anything about Henry Kissinger when I went up there, but I kept hearing this name that he was an outstanding guy. We went over and audited a couple of his classes on national security.

JE: Were you impressed by him?

LW: I was not terribly impressed because I had some difficulties with his language, but of course he almost immediately became a national figure in the government. He was in Washington all of the years that I was with the Civil Aeronautics Board.

JE: Your Harvard degree was very helpful to you as you came back here?

LW: I think so. I don't know how much it helps you, but it helped to do a lot for my confidence, you know. There's a quote, if you have a degree from Harvard Law School there is a presumption that at least you're not a damn fool. But Andy Coats goes around telling everyone, he says, "Down in Antlers, Oklahoma, where Lee grew up, it doesn't even change the burden of proof." (Laughter) He did that recently. I went with him recently to a speech out here a couple of two years ago and he's still using that line. (Chuckle)

JE: Meanwhile the firm of Deaton Gassaway & West is flourishing.

LW: It's doing well by small-town standards.

JE: You represented and old cowboy by the name of Don Wilkins?

LW: Don Wilkins was from Buckeye, Louisiana and he was a cowboy and horse trader and judged a lot of quarter horse shows, but he was injured in Oklahoma in an automobile accident so his ankle was pretty badly broken. We represented him. We called another cowboy, Don Wilcoxen who used to be a rider to testify at the trial. He testified that Don was an outstanding horse trainer and because of these injuries he had lost his ability to spur or to train horses and that it had cost him an enormous income and all that sort of thing. I was very doubtful about using Don, but it turned out that he was very persuasive. The jury gave us $35,000 in damages for a broken ankle, which was not only the largest in Pontotoc County, but that was a huge amount of money that long ago. So the word got out that we could do a personal injury case then fairly well when this vacancy for the court came up.

JE: That would be the Ada district judge John McKeel?

LW: Yes, John Boyce McKeel died of cancer.

JE: That would've been in 1965, so tell us why that would have been significant.

LW: John Boyce McKeel had been a long-time district judge there and was a good judge. He called me when I was at Harvard as a matter of fact. We had talked about the fact that I would like to be on the bench and I certainly never did intend to run against him. But he called me to tell me that if you want to try to get this job you had better get on back down here because he had been diagnosed with cancer and the prognosis was not good. So he said I'd better get on back, which I did instead of taking some teaching engagements that I could have gotten. So I rejoined Austin and Jim practicing law down there. When he died, Henry Bellmon was the governor. Although I did not know Bellmon at all, and he was in the Republican Party, I applied along with Calbert Cannon and Bob Macy who was a Democrat, but Bob when he heard about John becoming ill—he transferred to the Republican Party—thinking of course that that might assist him with the Republican governor. After we went through interviews and everything I was still pessimistic that a Democrat would be appointed down there because some of the senator's staff had told me very candidly that they were encouraging him to appoint nothing but Republicans, you know. But at any rate, he for whatever reason, selected me, and appointed me across party lines to be the District Judge in the 22nd Judicial District.

JE: Governor Bellmon did that?

LW: Governor Bellmon did that.

JE: At that time, he showed that he was his own judge and jury and made his own decisions and probably rarely listened to a whole lot of people.

LW: It was amazing to me, because when I went up to interview, one of the staff members told me, "Lee you have a lot of good friends and supporters, but I'm not one of them." I said, "Well, why is that?" He said, "Because we are trying to urge the governor to appoint Republicans." Sure enough, that conversation never came up and Henry Bellmon's office. So he made the judgment independent of at least some members of his staff to go ahead and cross party lines. It was only later that he and I became friends after he appointed me—I didn't think he was going to do it to tell you the truth.

JE: So, giving him credit and you credit, he decided that you were the most qualified. If you had been a Republican, he would have named to you, but he named you and you happened to be a Democrat.

LW: Despite being a Democrat, as he frequently and publicly said. (Chuckle) he deserves the credit.

JE: I believe he said that you were the least offensive Democrat from Little Dixie.

LW: (Chuckle) he said that many times as a matter of fact. (Laughter)

JE: So, for the next 8 years you enjoyed your work?

LW: Yes, very much. It was a thoroughly enjoyable position.

JE: Tell us about Uncle Elmer.

LW: Uncle Elmer West was not an uncle of mine, but they quickly nicknamed him Uncle Elmer because (if it was) some of my rulings or something had aggravated him because he would walk up and down the streets—he told Francis Mayhew, who was a lawyer friend of mine, he said "you know, they ought to give that Lee West a sanitary hearing." I said, "Francis did you defend me?" He said "Sort of, I told him he might pass a sanity hearing, but there ain't no way in the world that he would ever pass a sanitary hearing." (Laughter) Elmer was a character. I will tell one more anecdote about Elmer. He had a lot of enemies around town. One of them was Melvin Chilcoat, kind of a smallish guy. He walked up behind Melvin one day at Melvin's place of business, and he hit Melvin with the roundhouse hook in his right ear. Well, when Melvin turned around, he just happened to have a tire tool in his hand and he cracked old Elmer right between the horns and it knocked him out. No charges were brought. One other occasion, a guy was no admirer of Elmer's got into a confrontation with him and pulled a pistol. It went off. It didn't hit Elmer but Elmer fainted from fear. He was later complaining to Gordon Melson who was the district attorney at the time, he said, "Why didn't you file charges against him?" He said, "Elmer I had more complaining and wanting me to file charges against him for missing you!" Elmer was a character—that's the best you can say for him.

Chapter 10 — 12:00
Snake Stunt

John Erling: In 1967, you presided over a very publicized criminal case the State of Oklahoma versus Emmett Ray McCarthy.

Lee West: One of the most amazing characters I ever encountered. He was 6 foot 9 or 10. He was a con man and he had been all of his life, but very personable and very likable. He was being transported for medical attention from one facility to another and he managed to take the pistol away from his guard, confiscated the trooper's car and left him standing beside the road and headed down toward Stratford. Of course, he was getting communications all the time, and he knew he had to get rid of that trooper's car, so he stopped in Stratford, which is where Molly Shy is from incidentally to steal a car from the only law enforcement officer in Stratford, Oklahoma. He not only stole his car, but he took him and his wife and two girls in custody and they started on and

went to Ardmore. They were headed to Texas of course. He got to Ardmore and she wanted to change that vehicle because word had quickly gotten out. So, they stopped at a lady's house who had a Cadillac in the driveway. She was an elderly lady and very reluctant to cooperate in any way. The law enforcement guy had to help persuade her to turn over that Cadillac. As a matter of fact, she wouldn't do it until they all unloaded a bunch of flowers and so forth that were in her car and then turn the keys over to them. Fortunately they went on down and he was captured without serious incident. I appointed two great friends and lawyers, Vernon Roberts and Johnson to represent him. On the day of the trial, I found out that he had escaped the night before. He escaped in bad weather with a shirt. He hid out in the trees for a couple or 3 days—then he approached a house. They saw him and ran off and left him there. He was starving, so he went in to get something to eat. While he was there, a local highway patrolman named John Wayne Smith, believe it or not, showed up with Marvin Barnes, who was a celebrated horsemen from down there, and he had a 410 shotgun. Emmett Ray McCarthy hid behind a sofa. While they were attempting to assault the house, so to speak, the shotgun went off. Emmett Ray came out and he said, "Hey I'm giving up before somebody out there gets hurt!"(Laughter) Then before the next trial he escaped again by taking a toothpick and convincing the jailer that he had a knife. He gout out and he did a crazy thing. He spent all night talking a fellow into taking him to Texas. He let the guy load him up in the back of his car, locked the hood down. They had a bunch of roadblocks set up and they got to the first one and he said, "yes he's in the back, back there." When he finally put him to trial, he was convicted and given a 10-year sentence. One of Vernon's comments in the closing argument was, "Emmett Ray, I hate to say this about you because you are a pretty good friend of mine but you are a nut. You had about as much chance of escaping as an elephant in a snowstorm with a real bad nosebleed. (Chuckle) But in the meantime Vernon has served as a conduit of all sorts of community generosity and concerns. He became a very beloved character locally.

JE: He was kind of a celebrity wasn't he?

LW: That's exactly right.

JE: There are other criminals who have a charismatic nature to them and they are able to talk people in and out of things and that must have been him?

LW: He was. He was an expert at it.

JE: You presided over another slightly unusual murder trial in Pontotoc County—The State of Oklahoma v. Dub Jones. He was charged with shooting a man to death at the entrance of his beer joint west of Ada.

LW: That's right.

JE: What was that about?

LW: Dub was the operator of a beer joint. The young man that he shot and killed was part Indian, I presume Chickasaw, but I don't recall. Dub was charged with first-degree murder by Gordon Melson, who later was district judge but at that time he was a district attorney. Dub was defended by Bob Macy, later the district attorney here in Oklahoma County for a long period of time. Well, we had that trial go on for several days and we got it to the jury late one afternoon. While they were deliberating I went to dinner with Gordon Melson, the district attorney, Bob Macy, the defense counsel, and Dub Jones the defendant. We all went to a local restaurant there. We were all there and the case wasn't discussed, but I can't imagine how many headlines would be produced...we didn't think anything was wrong with it and in fact there wasn't anything wrong with it. That's another story that Andy Coats likes to bring up.

JE: And Jones was found to be innocent.

LW: Yes. He was found to be innocent. Macy did an excellent job of defending him. Of course Gordon was a good district attorney but the verdict was that he was acting in self-defense.

JE: When you were on the state bench and then obviously came on the federal bench, you can comment here on how difficult it is to be a judge in an area where you know all of the attorneys to the point that it was maybe more difficult being in state than federal.

LW: It is, particularly if you are on a court in a smaller city or town like Ada. All of the lawyers who are practicing before you are usually close friends, social friends and associates of some sort. They'll question your rulings, but they don't really complain about that too much. If you have to get into the area of telling them whether their conduct is professional or correct or not, they don't handle that too well and it's a difficult situation. I cite the example I had with my former partner Austin Deaton who was up until he died a close friend. I appointed him to represent a defendant in a criminal case. At the first hearing of some kind he sent over an associate to appear at the proceeding. We went through that, but I told his associate, "You tell Austin that he is appointed as counsel to the defendant and he has to be here for any subsequent hearing." It absolutely infuriated Austin because he thought I was telling him how to run his law office and I had been a former member of that. For some reason he perceived that as an attempt by me to tell him how to run that law firm after I had left. Boy, he became very upset and remained upset for some time, but we later on renewed our close friendship and relationship and I spoke at his funeral services.

JE: So it was uncomfortable telling these guys that you knew...did you just have to draw down from your...

LW: You do. You know, you've hunted with them and practiced with them and you've shared all of the secret thoughts and beliefs. Then to have to stand up there and say," Now this is not the way you are supposed to behave." And of course Barney Ward who was a

blind attorney and a great friend of mine, he was just terrible of getting to hearings on time. I had to attempt to sanction him for doing that. He became very upset with me. When I went to the Civil Aeronautics Board, he told Gordon Melson, he said, "You know when they called me about Lee, I told them he would be a great member of the Civil Aeronautics Board because I was afraid he wouldn't get that appointment and would stay down here." But he later forgave me too and we had a good relationship.

JE: You hunted, and you hunter snakes?

LW: Frank Vincent was a deputy sheriff who owned some land near the outcrop down south, down around Fittstown. It was a limestone outcrop that was just a wonderful place for snakes. There were perhaps thousands of dens of snakes in that particular area. We used to go down in the spring while they were still somewhat drowsy and out sunning and we'd capture these snakes with sticks. Frank taught me how to de-fang them and to tape up their mouths so they couldn't bite anybody. I used them to train birddogs, you know, what we call snake proof birddogs. I would let them go up and smell that snake, which couldn't bite them, then I would bump them with an electric collar and by pretty soon they would learn that if they smelled a snake to avoid it. Well, we weren't satisfied with just training dogs though. Norman McNabb was an all-American football player at The University of Oklahoma and captain of the National Championship team. He and I were close hunting buddies at that time. He came down to the Kiwanis Club to make a speech on wildlife. He was with the Wildlife Department. They asked me to introduce him because they knew we were friends and I did. I had a rattlesnake in a paper bag with the top snapped together. After his speech I said, "We always have a habit of presenting our guest speakers with something and I have something in keeping with the wildlife theme." And I poured that snake out of the table right in front of him. Of course when I poured it out it was agitated and it was really singing and hitting his glasses. It couldn't open his mouth but he didn't know it. We were all at a table next to the wall and he just sort of fell back or tried to, but Fireball Evans who was the other person in the room who knew what was about to happen, he ran up with a blank starter pistol and started shooting aiming at the snake. Of course nothing but noise came out, but Norman, every time he shot he had him lined up directly. He thought he was being shot as well! I got considerable criticism for pulling that stunt. Bill Lee who was the president said, "You dumb __, what would we have done if that fellow would have had a heart attack and died?" I said, "Well, we would have had to bury him. That's the only decent thing to do!" (Laughter) But they broke about $65 worth of cheap dishes when the crowd just sort of imploded or exploded. They made me pay for all of those dishes. They were cheap dishes but they made me pay for them. And they never again invited me to introduce anyone at the Kiwanis Club. (Laughter)

JE: But everybody remembered that one and probably told it to others and more people probably ended up saying "I was there when it happened" than were actually there.

LW: Absolutely. It was one of my finer moments that everybody is embarrassed about. (Laughter) Fortunately that was never reported in the form of a judicial complaint, and it was never raised at either one of my two presidential appointment confirmation hearings. I don't think there is any way in the world you can explain it without suffering from it substantially, but it never was brought up.

Chapter 11 — 13:00
Civil Aeronautics Board

John Erling: You presided over a car bombing case in Tulsa.

Lee West: Judge Fred Nelson.

JE: Tell us about that.

LW: Fred Nelson was a district judge. He was presiding over these cases involving McDonald and Pugh—some of them. They had several you know.

JE: Cleo Epps?

LW: Yes, Cleo Epps murder case. At any rate, he was running for re-election as a judge. One of the defense counselors for McDonald and Pugh was also an announced candidate. And on the morning of the election, Fred Nelson got into his car to go vote as a matter of fact and it exploded. They had planted a bomb in there. He was almost killed, but very seriously injured. Despite that, he was reelected enormously. All of the local judges were disqualified because of their close association with him. I was assigned to try that case and the bombing case, and the Cleo Epps' murder case, the Arlis Delbert Self murder case, and three or four others. So I went up to Tulsa to try all of those. I tried several of them before I was appointed to the Civil Aeronautics Board.

JE: District Attorney Buddy Fallis?

LW: Buddy Fallis was the prosecuting attorney. He is still alive and in Tulsa. I saw him a couple years ago and he seems to be doing well.

JE: Yes, and I interviewed him for this website. You were asked to talk to a young lady whose name was Molly Shy?

LW: Yes. Molly Shy was the daughter of a doctor in Stratford, Oklahoma—born there. She was a schoolteacher. I had a friend in Ada that I had appointed to be the master of the only grand jury that I called while I was in Ada on the bench. He asked me to speak with her because she was contemplating attending law school but she was a little concerned

about a woman's place in the law at the time and whether she could do it successfully. He wanted to know if I would be willing to talk with her. I taught at OU and was on the state bench down there. I told him of course that I would be happy to. I didn't know her, but she came and we visited and it became very apparent quickly that she wasn't going to encounter any problems becoming a good student and a good lawyer or doing anything that she wanted to, so I encouraged her strongly. Fortunately, I told her she would have no difficulty and she should do it, by all means. Well, she did. She became an outstanding law student. Then she came to Ada and served on the state court bench as a special judge shortly after I left for Washington, D.C. But fortunately for me, she then later married David Boren, who was the governor of the state of Oklahoma, later a U.S. Senator. So, my appointment to the federal bench came up. He had openly confessed that of the candidates, every night when he came home, the last words he would hear were the Lee West, Lee West, Lee West. So I don't think that played a small part in my fortunate ability to get appointed to this position.

JE: But you had, should I say, contact with David Boren because when he ran for state house from Seminole County, his opponent was Bill Wantland and that was a close election.

LW: That was a close election and I was assigned up there to preside over the recount. That was for David's first attempt at public office. He and Bill Wantland ran. During the recount, fortunately for me, it turned out the same way. As a matter fact I think David picked up a few votes that he wanted, even more than he had. I don't have any doubt that he and Molly would have gone on to great success—but I'm not sure I ever would have been appointed the federal judge if it had not been for those two people. (Chuckle) If he would have lost that election, I don't think that there was any possibility that I ever would have.

JE: Why do you think you were a Democrat?

LW: Boy, I don't know. When I was a very young guy, this whole state was strongly Democrat, great FDR and New Deal supporters. I can't help but remember with gratitude that my mother was able to get a job for the WPA earning $21 a month as a bookbinder. She did that while I was in grade school up until the time my father was killed. I remembered that and I always believed and I still believe, that government is not the enemy. I mean, I just really do believe that government programs, although some of them can get out of whack and out of hand—the government is here to help us, rather than to hurt us. Although it's been strange sometimes, I still believe that. I believe because of that experience and what has happened since then, that the Democrat party still more likely represents the interests of the larger part of the people in this country than do the Republicans. I have had great support from Republicans. All of my colleagues, or almost all are Republicans. They are all very close, dear friends of mine. I have had many, many good close Republican friends, but I still remain a registered Democrat. I try to tell them that I don't want my

being a Democrat to ever influence a decision that I make. They all assure me that I have failed in that (chuckle) frequently.

JE: This Republican, Henry Bellmon, while he named you to the state bench, he gives you another call about a possible vacancy in the Civil Aeronautics Board. The CAB was created in 1938 to regulate and promote the airline industry. One of the architects of that was Oklahoma Sen. Mike Monroney. You must have done a good job as a Democrat because here comes Republican Bellmon saying that he really wanted you in Washington.

LW: Henry was an astonishing man in my opinion. I have as much respect for him, not only because he's been nice to me, but because he's been such a great person to and for the state of Oklahoma. He was always interested in trying to get Oklahomans involved in the federal government if the opportunity arose. He called me and told me just that. I said, "I thought I broke you I have appointing Democrats to anything." He said, "Well, unfortunately this is a Democratic position on the Civil Aeronautics Board. I am always trying to get Oklahomans involved. Will you and Marianne consider it?" I said, "Well, give me a few days to think about it." Sure enough, the idea appealed to Marianne quite frankly more than it appealed to me. But I called him and told him. He said, "It's not likely to happen, but I just didn't want to advance your name unless and until you had agreed to it." So he did. Sometime later I got a call from Carl Albert who was the Speaker of the House at the time. He said, "Judge, I just wanted you to know that I have been advised that your name has been submitted to the White House to be a member of the Civil Aeronautics Board and I have called and enthusiastically endorsed and supported you for that." I was apologetic to him. I said, "Mr. Speaker I apologize because I didn't even think it was going to happen anyhow and I didn't even have the good judgment to call you." He had been my Congressman almost all of my life. He said, "Don't worry about that. There isn't anything that I like doing more than helping somebody who needs help." So I am extremely grateful to him for his support and it was substantial as Speaker of the House. But anyhow, that came much to my surprise. We had some ups and downs because of American Airlines and typical Washington suspicion of some obscure, small-town judge getting appointed to a national regulatory agency, but we got through that without too much trouble.

JE: Senator Dewey Bartlett at the time was a big defender of you?

LW: He was a great defender and appeared at my hearing and supported me.

JE: And he was a Republican defending you?

LW: He was indeed.

JE: Yes, American Airlines had contributed to the Nixon campaign and they thought that maybe because American Airlines had a plant in Tulsa that there was some impartiality going on there. But, you got through all that and you had all these letters of support. What was your job then? Can you describe what you were doing then in the day-to-day matters of the CAB?

LW: We regulated the airlines from an economic standpoint. We've formerly had safety under the bill, but that had been moved over to the Department of Transportation. All we had to do was to regulate routes and rates. In other words, we negotiated and had agreements with foreign countries and we authorized the flights from one city to another here in the United States and the frequency of that. It was just a constant, ongoing affair of having hearings, approving rates, approving routes, and negotiating agreements with foreign countries for their right to fly into our country and our right to fly into their country at certain intervals.

JE: You also promoted getting rid of smoking on airplanes.

LW: I did. I hardly ever smoked, but I always felt that secondary smoke was as bad as, or almost as bad as direct smoking. So I encouraged all of my colleagues. I said, "I'll join with you on any restrictive vote on allowing smoking on airlines because I think it should be eliminated altogether. Wherever the most restrictive program you all will agree to, I'll join with you on that." We made some restrictions on it, but it didn't until of course later pass.

JE: But it started with you?

LW: That's right.

JE: So we have you to thank for that!

LW: Well, I hope so. I will take all the credit I can get.

JE: You should. You became close friends with a Democrat from New York—which is an interesting tie here. Tell us who he is.

LW: His name was Joe Manetti and he was an Italian from the Bronx. He and I formed a close personal relationship. I used to joke that it was because of the similarity of our background—Brooklyn and Antlers are very much alike you know (chuckle). But he and I were kind of kindred spirits. He was a big influence on me. He was the first one that guided me in saying, "Now Airlines are going to try to do you favors. They are going to do everything they can for you, and don't let them. You think about anything that they offer you and if you don't want it on the *Washington Post* front-page, if it wouldn't read good—just don't do it." Sure enough that turned out to be good advice because our first chairman there, he had accepted a golf trip and got, in effect, kicked off the board for that and a lot of other people got into bad situations. So he gave me good advice on that. He was an interesting man and a very bright man. His wife, interestingly enough, was the widow of Joseph McCarthy. She and my wife and two children became very close friends. She was a wonderful lady and they spent a good deal of time together. My daughter Kim wrote a thesis of some kind about Joe and about her.

JE: Did you talk to her about her former husband Joseph McCarthy?

LW: I did. And as you might expect, she was very loyal to him, you know. She would not say anything very critical of him at all although I know she was concerned about it. But she

was most critical of Roy Cohn, his lawyer and one other guy of having influenced him and directed him in the wrong direction. She never could bring herself to personally criticize her dead husband and I respected that. She was his widow. They were married when he died and then she later married Joe Manetti. He was as liberal or more liberal than I am. I know he personally didn't think very well of McCarthy but he like me, I think he sort of respected the fact that she wasn't going to the critical of her first husband because she then might be pretty critical of her second husband. (Laughter)

Chapter 12 — 6:40
Airline Deregulation

John Erling: When you were with the CAB, you supported lower airfares to benefit the public and to increase competition, but that wasn't necessarily the opinion of everybody in the CAB?

Lee West: Oh no. On every one of these rates and routes deals that issue would come up and it wasn't often a 5-0 decision—it was divided and split. Then we got further into the deal and the issue of deregulation came up while I was there. The staff and the board saw, but got at odds over how much the airlines should be released from any regulation—deregulated totally—and how fast. There was all sorts of gradations of that on the board. I favored greater competition. That had been my idea all along, but I was just concerned about throwing it open to the market because I was concerned about the big airlines just completely overwhelming the smaller ones. It would result in reduced fares for a short period of time and then sharply escalating fares thereafter. I was a little bit at odds. I made some speeches and was called on to make some speeches to and for the Kennedy committee and all that about what the impact of deregulation would be. Edward Kennedy was of course in favor of deregulation. I worked with Stephen Breyer who's now on the Supreme Court. We talked about it and worked together, he was on Kennedy's staff. So we all had different ideas about how fast and how completely the airline industry could be deregulated. Andy Coats has frequently said he didn't know what happened, but after I served, very shortly after they abolished the Civil Aeronautics Board and the airline industry has been messed up ever since. (Chuckle)

JE: Did you have any interaction with Ted Kennedy about any of this?

LW: I did. Well, not socially, but I appeared before his subcommittee frequently.

JE: How did you find him?

LW: I found him delightful personally. He had the greatest staff in the world. But if he got beyond the work that the staff had done for him, in my opinion, he was less than totally impressive.

JE: However, your premise that we ought to have lower airfares and all, the Republicans favored the opposite?

LW: Well, apparently they did. But Gerald Ford when he was in the presidency, Joe Manetti and I formed a block in favor of lower fares and so forth. Nixon of course supported higher fares. But when Ford came on he joined Joe Manetti and I so for a short while there, we became the majority of the CAB, the two of us and the President.

JE: Were you with the President in conversations about this?

LW: I was with the President on a number of occasions. We would appear over at the White House to discuss these aviation matters. I remember the first time I ever saw Tom Brokaw in person was when he was covering one of those sessions that we were having over at the White House. The few occasions I was around President Ford I enjoyed him thoroughly, but I never did develop any kind of a close relationship with him.

JE: You were named acting chairman of the CAB by President Jimmy Carter?

LW: That's right. When Carter came in, the chairman of the CAB had resigned. He intended and did want Alfred Cohn, Fred Cohn, who was an economics professor at Cornell University. Then later, in New York State, he headed up some regulatory commission. He was the heir apparent and President Carter appointed me as the acting chairman until Mr. Cohn was investigated and confirmed and sworn in. So I served maybe a little over a year.

JE: Do you have any thoughts about the industry today?

LW: Well, I really inept because there have been a number of changes that have taken place. The only thing that I can say is that I travel less and less by air, almost only when I can't get there any way else because it has become so terribly uncomfortable and difficult. In the first place, I don't fit the seats as well as I did, and you spend so much more time on the tarp waiting around. It was always a little frustrating for me, but it really is now and I just don't do it if I can keep from it.

JE: You probably envisioned the picture of the airline industry today.

LW: Somewhat.

JE: Because the large airlines have taken over the small ones and our airfares have gone up. So what you were talking about—

LW: I think has taken place. People can argue with that and probably should, but I like to say, "I told you so."

JE: Your days in Washington, were they fun? Did you and your wife attend many social events?

LW: My wife loved it. She's a good bit more of a social animal than I am. She just loved it and enjoyed every bit of it. Frankly, I didn't enjoy it nearly as much although I did do a good

bit of field trialing activities while I was in Washington, D.C. and I had access to the South area which I had frequented before which was good. But we were fairly active socially, but boy, that's a fast pace.

JE: There's probably a party every night if somebody wanted to go to one.

LW: Yes, there was, every single night. We were on a list. Every single night there was a cocktail party and a deal to attend. Quite frankly, you just can't do all of them, so you get more and more selective about them as you go along.

JE: I can't see Henry Bellmon doing many of those either. (Chuckle)

LW: He didn't do a whole lot. As a matter of fact, when I got ready to leave the Civil Aeronautics Board, I went over and had lunch with him at the Senate dining room I said, "Senator, I'm thinking about resigning a little early," because, my term was ending in January. I could have probably got reappointed, but I told him I was thinking about resigning a little early, simply to get my daughter who was in high school back during the summer so that we wouldn't have to switch schools midyear. I wanted to ask him if that would meet with his approval. He said, "I'm a little amazed that you've stayed as long as you have." He was never really fond of Washington, D.C. either, less so probably then I was.

Chapter 13 — 8:30
Federal Judge

John Erling: Then you come back to Oklahoma and you live in a home near Claremore because you joined the law firm of Hall Estill in 1978. What kind of work did you do there?

Lee West: Well, I worked for the Williams Companies. Joe Williams was the chief executive officer of the Hall Estill law firm. They were involved in a lot of antitrust litigation. Fred Nelson, who had recovered, was one of the senior partners of that firm. They were the ones that were primarily responsible for getting me to come back to Oklahoma. I wanted to come back to Oklahoma, but I didn't know what I was going to do. But I made it clear to them that I hoped to get a federal judicial appointment and that that would be one of my aims. Primarily what I did was represent the Williams Companies. I did do a little bit of work for Eastern Airlines, but not very much. Eastern Airlines was a client, but I do represent any of the other people that we had previously regulated. I did that for 19 months, during which time this vacancy occurred and they had commissions to appoint several positions. There were four on the federal trial bench and one on the 10th Circuit Court of Appeals.

JE: That was kind of almost a perfect storm for you wasn't it?

LW: Absolutely.

JE: By the way some of the lawyers that you worked with at Hall Estill, do you recall some of those names?

LW: Oh yes, Tom Golden, Frank Hagedorn, Claire Eagan, who is the federal judge over in Tulsa now—she was with the firm, and Tom Gable.

JE: So Senator Boren was a senior Democrat Senator from Oklahoma even though he'd been newly elected.

LW: Yes.

JE: He was a senior Democrat, and this would be under President Jimmy Carter?

LW: Yes.

JE: Then, that's when you come along, along with others like Thomas Brett, James Ellison, and District Judge Frank Seay, out of Seminole. All of those names, including Stephanie Seymour for the 10th Circuit Court, were from Sen. Boren under Pres. Carter who was able to make all those appointments—that was a pretty big deal.

LW: That was a huge deal. He says that he recognize that as being the most significant thing—his appointments to the federal bench—and particularly that many. At that time, the White House controlled the circuit appointments a good bit more than they did the district position. But one of the difficulties that we encountered as a group is that we were all for, wide-eyed guys and Stephanie was a woman. Stephanie was appropriately appointed to the 10th circuit, but there was some concern in the White House that they needed more diversity, so we had that struggle. Senator Boren, I don't want to put the onus on him, but he was extremely influential in that, in getting the four of us appointed as opposed to someone else.

JE: And your district was covering all of Western Oklahoma?

LW: Yes.

JE: What are some of the differences between state and federal court?

LW: Well, there are a number. The most significant is the federal appointment is a lifetime appointment during good behavior. That's extremely important, because having served both I can tell you it's not a healthy thing to be looking over your shoulder at every single decision as to how popular or unpopular it will be at the moment. There's just a good deal more security when you can look at it and say, well, this may not be the right decision, I think it is, but the fact that there are a lot of people terribly upset with it at the present time, or somewhat upset with it, it's not going to get me kicked out of office. Anybody will tell you that that is a significant, comforting feeling as a judge. I think it's a very important thing. The other is, there's more security, financially—not only just because it's a lifetime appointment with the pay and benefits but the biggest difference is the staffing that you have as a federal judge, although it's not large, I have two outstanding law clerks and the

secretary and a court reporter and a courtroom Deputy. As a state court judge, even when I was on the Supreme Court by special appointment, you don't have any of that. You are out there doing all of the research yourself, drafting all of the opinions—I always try to hire law clerks, and have hired law clerks who were a hell of a lot smarter than I him and with more ability than I have. I've been very successful at that and they can be an enormous assistance to you.

JE: You had a full load and you had a backup of trial cases, but you devised a plan to settle these cases before coming to trial through settlement conferences.

LW: Tom Brett and I, I have to give him a good bit of credit on it. We were the first ones that implemented it over here. But when I came on board, we were trying 16% of the civil cases that were filed. That was a good bit higher than the national average, which was 9%. Judge Luther Eubanks, who was our Chief Judge then, after looking at this—I was trying two cases a day and all that sort of thing trying to reduce that back log. It was enormously hard, killing my staff and everything. But I went to him and I said, "You know, we are not settling many of these cases as they do on the national level—something's wrong with our system." That prompted him to say, "Yeah, figure out why and let's change." Tom and I talked and we got the idea from a fellow up in Ohio by the name of Tom Lambros, whom we had met at a judicial conference. The idea was of having a briefed advisory opinion affecting jurors, that would allow jurors to indicate to the parties the merits of their case without going through a long eight or 10 week trial. It's called a summary jury trial. We set it up down here. What it amounted to is a trial, except you don't present detailed evidence. You allow the attorneys to summarize what their evidence is. As an officer of the court they had to assure the court that the evidence is available for whatever they say, but we allowed them to summarize their case. Then make arguments and we would instruct the jury just as we would in a regular case. All of that can be done in one or maybe two days. Then when the jury returns the verdict, it's merely advisory. It's not binding on the parties, but it gives them some idea. It worked amazingly well. We went from settling 84% of our cases to settling 94% of our cases, almost in a year or two. Then, it finally got up to where it is now at 98%. Most of the cases are compromised and settled. Now that's because of some help and encouragement we get, but it's also because it's gotten so terribly expensive to litigate that the parties are reaching more and more what we call alternative dispute resolution techniques, mediation, and that sort of thing.

JE: So you gained a reputation for settling cases as opposed as in the case of a New York insurance company and a severe injury case that was scheduled for a weeklong trial. The company had not paid the million-dollar limit policy?

LW: Oh yeah. It was a case where the liability was very clear and all of the parties admitted it. They were simply holding out. And after getting together with the attorneys at a

settlement conference, I became convinced that they should pay the policy limits and probably would get stuck for a good deal more if they didn't pay the million dollars. So I called, I got in touch with the executive himself, and talked with him. And after visiting him for not a very long period of time he said, "where do you want me to send this million dollar check?"

JE: So it just took a five-minute phone call may be when it could've been a long drawn-out trial?

LW: Yes, it saved a lot of money. They would've spent a terrible amount of that money on the trial itself.

Chapter 14 — 8:50
Penn Square Debacle

John Erling: In Oklahoma we had one of the largest public corruption scandals in American history and that's the corrupt county commissioners. One hundred sixty two current and former county commissioners and 62 suppliers were either found guilty or they pled guilty and were sentenced by federal judges in Oklahoma City, Tulsa and Muskogee. Dorothy Griffin a lumber company owner, you might want to take it from there. Tell us what she was doing.

Lee West: She owned a little lumber company in Farris, Oklahoma, which is not very far from Antlers where I grew up. Sometime during the course of an investigation, Bill Price, a U.S. attorney, discovered that she willingly conceded that she had been acting as a front to pay kickbacks to County commissioners for ordering materials that sometimes were never delivered or were delivered and reduced amounts. When it started it just ballooned and many County commissioners were charged. Almost all of them pleaded guilty. One, Ralph Adair, was acquitted. Andy Coats defended him. He was acquitted, but almost every one of them was convicted. As a consequence we had a large number of pleas and plea agreements to approve and be involved with.

JE: And Dorothy Griffin was to be sentenced by you?

LW: I did finally sentence her and gave her a very lenient sentence because she had been under a very serious threat during that entire period of time that all of this was being prepared and going forward before it would be revealed. She had been absolutely forthcoming. I can't remember exactly, but it was a very lenient sentence, all at the request of the U.S. attorneys' office in appreciation of the cooperation that she had given them.

JE: So did she serve a year or 2 years?

LW: I really don't know. I just can't remember, but it was light.

JE: You didn't have any backlash from that, because if it hadn't been for her—

LW: Oh, it wouldn't have happened with her (help). Back then they didn't criticize you quite as quickly for a lenient sentence as they seem to now in my opinion.

JE: This would've been in the 1980s?

LW: Yes.

JE: You spoke of her under threat—what about you?

LW: I really haven't received very many serious threats. I've received some very nasty phone calls and things of that nature, some of which turned out to the kind of comical. But I got a letter from an old boy in prison. The letter said, "Dear West, I'm going to kill you!" and it was signed by his former mother-in-law. They quickly traced it to him. He had written that and he later was tried and convicted of threatening a federal officer. But I almost felt sorry for him. If you can't try to involve your former mother-in-law—whom can you involve? But at any rate, it was nothing very serious. Although we've received enormous numbers of calls when I ruled that the "no call list" that was passed by the FTC was not legal and had to be done by the FCC, boy that blew the lid off. We got millions of calls. It just shut down the courthouse almost. The no call list, the FTC passed a regulation saying that if you wrote a letter to them and got on this list companies couldn't make solicitation calls. You know, they are always calling you right at dinnertime. It was issued and in effect had millions of people on it. I ruled that the agency that issued that regulation was not the proper agency, but that the sister agency, the FCC had the jurisdiction in that area, and that the one that had been issued was invalid. Well the Congress almost immediately met in outrage and got the bill corrected so that supposedly now there is an effective no call list. But boy in the meantime they really got upset and as I say shut down the courthouse almost with irate calls. I got letters from people saying that I was just like Osama bin Laden and that I was one of the two most hated man in the world and I was on the front page of the Wall Street Journal and the New York Times. I got a lot of bad publicity. Jay Leno listed my name and phone number on The Tonight Show with Jay Leno and invited everybody to call me, so you can imagine how many people called and were upset. I've got a letter or two that I won't bother to read to you, but some of them are classic.

JE: You were in that position, why was it you were the judge?

LW: I just drew the case. It came to me. It wasn't a field of expertise for me certainly, but when it came down some of these people that did want the list to be effective brought suit and I got it on the draw you know. I fell heir to it. (Chuckle) It was pretty tough.

JE: But, the FCC took control of it and it still works.

LW: It still works as well as any regulation.

JE: The Penn Square Bank failure. The bank made questionable loans and attracted bankers and investors from all across the nation. So Penn Square bank was a virtual backdoor for

large banks to get in on the oil boom and then the sudden drop in prices hot and that's when the Penn Square Bank failed and so did other large banks.

LW: They effectively loaned money without justifiable security. They even joked and kidded that they loaned money to people that didn't even wants to borrow money from them. But that was a big debacle. We refer to it as the Penn Square debacle.

JE: There were many several lawsuits and criminal prosecutions of course, but you took the bull by the horns, as they say, because you summoned these officials to your Chambers. Let's talk about that moment. There were the 75 lawsuits involving Longhorn Oil & Gas?

LW: That's right. Tat was one of the companies that had borrowed enormous amounts of money and could not even come close to repaying those (loans). I got them all together and just talked to the about the format of trying to resolve these disputes somewhat uniformly if it could be done, as opposed to going to trial on 75 different lawsuits at the end of which they probably couldn't collect all or whatever they had coming to them. Sure enough, it worked. Not all of those cases were mine, but most of them were and so we settled them all.

JE: Names that come to mind? Executive Vice President William G. Patterson?

LW: Bill Patterson was a high-profile young man officer at the bank out there that had gotten all sorts of publicity about how he had encouraged people to borrow money and helped them obtain larger loans. He was tried for bank fraud—fraud on his own bank in which he owned considerable stock and he lost an enormous amount of money himself in it. He was charged criminally. Burt Bailey defended him and I tried that case in which he was acquitted of all charges after it was over with. The funny thing about that was at first Burt asked that some of the charges be dismissed and I indicated that I was prepared to dismiss them for lack of evidence but he withdrew that. I asked him, "Why did you do that Burt?" He said, "Because I wanted all of the charges to be presented. They were just throwing mud on the wall." In my recollection they had maybe a couple of charges that made pretty good sense. He would have rather had the jury pass on all of those and sure enough, they acquitted him on all of those charges. He later was involved in Continental, Illinois Bank up in Illinois. He was charged criminally up there. First there was a hung jury and then he later pled guilty largely because I think he was almost out of resources to defend any further. But he did plead guilty and served some time and I think he still lives in OKC and has a lawn mowing service or something like that.

JE: Then there's Clark Long a former officer of the bank?

LW: That was the only officer that was convicted I believe and he was tried in my court.

JE: He was arrested after a chase through the very prestigious Nichols Hills.

LW: That's right. I do remember that. (Laughter)

Chapter 15 — 10:45
Civic Murder

John Erling: You took on the issue of abuse by law enforcement officers and you believe that federal judges are in a unique position and have an obligation to prevent abuse by law enforcement.

Lee West: Well, I do feel strongly and I've voiced my concern about it that we have to be careful. Of all people, we need to guard against defendants being taken advantage of. It's really an easy thing to do if you are a judge or a law enforcement officer, to abuse and mistreat people. There are not very many people who will stand up for them. As you know, a lot of people feel that if they are in jail that they deserve to be treated harshly and badly and they are not very concerned about that and I think federal judges have a special role to play in attempting to prevent that from happening. That's just personally how I feel.

JE: We may point out an example here, as the withholding of documents in the Oklahoma City bombing trial of Timothy McVeigh.

LW: Brady v. Maryland is the name of the Supreme Court decision that requires the government to provide any document or any information that they've discovered with all of their resources that might be helpful to the defendant or supportive to any defense that he might have. That law, Brady v. Maryland, I'm afraid to say is fairly frequently not abided by fully and completely. I think the prosecutors get a competitive, combative sense of mind and they just don't often turn over things that they should.

JE: I interviewed Steven Jones for this website and he talked about that, the withholding of documents. So you were very much aware of all that?

LW: I was and I am concerned about it still although I am not trying any criminal cases anymore.

JE: Is this your term "civic murder"?

LW: Yes, I have used that to aggravate some of my colleagues. By that, I simply meant that if we aren't very careful, the government will execute someone who didn't commit the crime. To me, if the system permits that, that's civic murder. That's one of the worst things that we can do is to allow or permit someone to be executed for a crime that they didn't commit. That's why I really feel that we need to be very careful about allowing them to exercise all of their rights under the law and should have.

JE: Because we have executed innocent people.

LW: You know, we have executed them and I think it's still possible to do so. You know, Illinois passed a law—they quit executing them just because they found that out and I think the same thing could happen here in this state.

JE: In more recent times with DNA evidence, that's helped to resolve some of that.

LW: It has, and the Innocence Project has been a big help in that regard too.

JE: As a settlement judge, you were asked in 2002 to settle the case of the black Tulsa Police officers. That suit had been going on since 1994.

LW: Our friend Susan Savage was the Mayor of the City of Tulsa during most or all of that time or at least she was when we resolved that case. We simply just hammered out between the representatives of the Fraternal Order of Police and the City of Tulsa and the litigants a policy that would allow them to continue and do that other than by litigation. It's not easy. Those are really difficult chores to get done, but we were able to work out a settlement after a long-winded case. I will mention one other case out in New Mexico. I went out there at the request of the judge. They had a case that had been going on for nine years in which each side had spent more than $25 million dollars on attorney's fees and costs and it wasn't even ready for trial yet. They were expected to spend $60 million on each side. I went out there with Cindy my law clerk on a Tuesday morning and we caught a plane back on Thursday and we were able to get that resolved. That resulted in a good bit of publicity for the summary jury trial and settlement alternative dispute resolution technique.

JE: There must be also something maybe about your personality that you are able to bring to play on this? Do you think?

LW: I don't know if I have any unusual ability, but if I do have any it probably comes from traveling with my father, the itinerant horse trader as a young man in southeastern Oklahoma. Then Roger Fisher, he was a Harvard law professor, he wrote a little book called *Getting To Yes*. I think it's the attitude toward trying to resolve a dispute and to help persuade the parties if your views might help to resolve that dispute—more importantly to get them to accept that as opposed to a winner take all type of thing. I've always believed that and I've worked at that pretty hard and I've had good luck.

JE: In 1978 you received the Outstanding Achievement Award from the Aero Club of Washington, D.C.?

LW: I don't know. I think that was primarily because I was acting chairman of the Civil Aeronautics Board. I don't think there's anything significant about my contribution to the Civil Aeronautics Board.

JE: Okay, I'll give you that, but maybe there's something more significant or interesting of how you got to the White House and what you drove up in.

LW: Okay. That's a story that although true has been frequently cited and quoted. I received a dinner from the Ford White House to attend a dinner at the White House. Marianne desperately wanted to go as I said because she is very social. I was really reluctant to do it. I thought I had persuaded her not to—I said, "I'll go on one condition, that I drive my own pickup. That didn't bother her one bit. She was perfectly willing to do that. So we

went to that White House dinner in a 1972 Dodge Club Cab pickup. As we were pulling in, the crowds were all cheering and hollering and the guards were smiling and we were the only pickup in the line. That was before Carter, so there weren't any other pickups there. They got word of it in the news media and they published it in the paper, so it got an inordinate amount of publicity but it was a fun deal really.

JE: The security had to be looking at this twice?

LW: They couldn't understand it at all. They could just hardly believe it. But there wasn't any basis for them to reject me, so they let me through. The guards couldn't help but smile—you know there was a whole lineup of military guards and they all got a kick out of it as well.

JE: Your courtroom was always interesting as in the trial for defendant Alfred J. Prince, who was accused of robbing a Duncan, Oklahoma Savings and Loan?

LW: Alfred J. Prince it was a big, sturdy, young African-American who robbed a bank down there, which made it a federal offense. They captured him in Chickasha as he was trying to escape. We had a very outstanding, young black attorney on our defense team and I appointed him to represent him—he was a good lawyer. They got along just fine at first, and then shortly before the trial was scheduled to start, the attorney came in and said, "Judge, I need to be released from this case." I said, "why?" He said, "Well, Alfred J. Prince has been over there in the city jail talking to all these lawyers and he wants to file a bunch of really frivolous motions that I can't represent him on as an officer of the court. When I told him that, he quit talking to me. He won't communicate with me." I said, "Well, I'll give him a hearing and let him sort of explain. But he's entitled to a lawyer and I've appointed him a good lawyer and he can't pick and choose among the lawyers that he wants." We got him in the courtroom and he refused to speak to even me. He just remained mute. So on the morning that we were scheduled for trial, we had the jurors in there and we brought him in. As we were attempting to voir dire the jurors and ask them about their qualifications, he stood up and dropped his trousers and attempted to urinate on the defense counsel. He didn't hit him, but he just kind of covered the counsel table and before and everything. (Chuckle) Well, we got the jurors out of there and I tried to talk with him a little bit about demeanor and it wasn't registering. So I sent him to Springfield to find out if this was contrived, or whether he was really suffering from mental difficulties. And in the meantime, I got all sorts of gifts from my colleagues. They gave me hip boots and shower caps. Springfield finally determined up there that he was motivated to do this and it was not any mental deficiency, but it was calculated and designed. So we did go ahead and try him and he was convicted. The circuit court, in their opinion, wrote some kind of clever comments. They said, "Incontinence was not equivalent to incompetence in the western district of Oklahoma." Or something to that effect. (Chuckle) The worst thing about that was Andy Coats, my dear friend Andy Coats, Dean of the Law School, he went

all around the state telling everybody that Alfred J. Prince was his hero. He said, "Not only did he exercise his First Amendment rights in expressing his opinion of Judge West's court, but he represented about 95% of the lawyers who you have ever appeared in Judge West's court!" (Laughter) I have no defense for that!

JE: One more, in 1982 you had the case involving the counterfeit E.T. doll—the stuffed version of the extra terrestrial creature from Steven Spielberg's movie—and you got that case?

LW: I remember I granted an injunction to enjoin them from violating that copyright trademark. They stopped them out here during this State Fair I think. We had the E.T. doll at the hearing of course. (Laughter)

Chapter 16 — 10:35
Dogs

John Erling: You and Robert Henry who was on the 10th Circuit Court of Appeals and was the president of Oklahoma City University, you've had a friendly debate about who was superior, you, a trial judge or he, an appellate judge.

Lee West: We have. We've done that several times and it was always a lot of fun for me because I not only had the easy side of the question that trial judges were better, but they put me in that knife fight with rather a dull blade, being Robert Henry, which I say in jest because he's one of the most brilliant, bright and compelling guys I know. We've done that on several different occasions including before the American College of Trial Lawyers down in Boca Raton, Florida. It's all in fun and it's all in jest, but it's really very good. One thing I will say about him, I was on the program when he was anointed as a Federal circuit judge. They listed me as giving defamatory remarks, which I did the best I could, but I noted that I was a chief judge in assigning spaces at the courthouse. I put him in an interior office with no bathroom facilities and no window so that he would more quickly assume the attitude of appellate judges. (Laughter) of course, I was the very first trial judge that he reversed when he got on the circuit court. (Chuckle) He likes to tell about that, too.

JE: Well, I suppose to those of us who sit outside and view, that being a trial judge perhaps could be more interesting than being an appellate judge who really just reviews cases?

LW: Oh, to me, it's much more fun and I've done both. I've been on the bench as a trial judge on both state and federal level and I've served on the appellate court and on the state appellate court. To me, it is more fun—it's certainly not any more important then the circuit judgeship. But here you deal with more people. They do have to deal more with a cold record and with attorneys that represent that. I can't tell you how impressed I am with the

job that they do and have—but just in terms of personal enjoyment, I much prefer being a trial judge. I was a candidate for both circuit and federal court and they were asking me then "which one of those jobs do you want?" I said, "The first one they offer me." And that was the truth. But Stephanie Seymour was appointed and proved to be an outstanding Circuit Judge, and I was lucky enough to get this job and I believe they did best in that regard.

JE: I just want to ask you about Marian Opala, whom I have also interviewed on this website.

LW: Marian and I were friends for over 50 years. His is the most unbelievable story of all the people I know just about. He was brilliant. Of course, everybody knew and recognized that. He was a wonderful, wonderful scholar and a good, honest, very honest, straightforward fellow. He was the court administrator when I was on the state court and I complained bitterly because he was always recommending me for these difficult, high-profile cases. But we were the closest friends, good friends. We had lunch on a monthly basis at any rate until he died. I had lunch with him four or five days before he died as a matter of fact. He was an amazing man.

JE: I interviewed him four days before he died.

LW: Yes, I read that somewhere.

JE: To think about coming out of Poland during that time.

LW: From Lodz to Oklahoma City—like I said, from Antlers, Oklahoma to the White House, even if it's only for dinner. He made a contribution everywhere. He was a good worksman's compensation judge. He was a workman's comp judge and did extremely well and then was appointed to the Supreme Court later. He was a good man.

JE: While you are a judge, you are also an avid outdoorsman and animal trainer? You bred and trained many championship birddogs throughout the years. Your dogs have been enshrined in the Field Trial Hall of Fame and have all won national championships. You've derived a lot of satisfaction from the outdoors and dogs.

LW: Indeed and I think it's really an important point to make that you need to have a balanced life and existence. Almost everyone I know on the federal bench at any level had been or are somewhat workaholics at some time of their life—a good deal of them. But I do believe and I always tell everybody, you ought to marry a woman that will stay married with you 50 years or more and even though that advice maybe came late, it's still good advice, you just have to live a little longer. But I really do believe it's important to have something aside and apart from the work, which I really enjoyed, but you've got to have an outlet and a relief and it doesn't make any difference what it is—golf or whatever—you need to do that or you don't do either as well in my opinion.

JE: Let's give honor to the best dog you believe you've ever owned.

LW: Okay. I would say Bar Shoe Buzz Saw, whose painting is right there (pointing).

JE: Right above your chair.

LW: He's in the Hall of Fame, as is his sire Buckboard who is here behind me. They were both great dogs, but I would choose him if I had to pick one of the two. There was another great young dog called Curmudgeon who died at an early age, that would probably have been better, but he just didn't live quite long enough.

JE: What was so great about Bar Shoe?

LW: Everything. He had strength, endurance, intelligence and class. Everything he did was sort of poetry in motion. He was a great bird finder—everything. He was hard to improve on and that's why he's in the Field Trial Hall of Fame.

JE: Being a dog lover myself, I'm not a hunter but my son is, but those who have never had a relationship with the dog are missing out on one of life's true delights.

LW: Will Rogers said it best. He said something like, if there are no dogs in heaven, I want to go where the dogs are. I think there's a great deal of truth to that.

JE: Yes. Students will be listening to this conversation for many years to come and generations to come. And so, what is your advice to students of the law or to those who want to be a judge—what do you say to these young people?

LW: I sincerely believe that the legal profession is a great profession. We don't always encounter good publicity or good public acceptance, but lawyers and judges are here to help people resolve disputes instead of resorting to violence or some other form of taking advantage of each other. I believe it's an honorable occupation. I love lawyers. I've been around them all of my life and to me they are the most delightful people in the world to associate with on a regular basis. I think what they do is very, very important. And that what we do is an important job. Otherwise I wouldn't have done it now for 40 years.

JE: Here you are, soon to be 82 years old?

LW: Yes, 82.

JE: And you have senior status as a federal judge—how are you involved at senior status?

LW: I decline criminal cases simply because they are longer and more time-consuming and because I had some disagreement at the time with the sentencing guidelines, which have since been changed a little bit, but I haven't started taking them. I am involved in all sorts of civil cases of any and every kind—class actions and personal injury all of those things. I do a substantial number of settlement conferences in difficult cases for the other judges. I've got a full staff and I am here every day. My staff has to work a little harder to keep me between the fence posts, but I'm still doing it and I enjoy it very much.

JE: You know, it's amazing, when you were on the CAB or the federal bench and so forth, did you ever pinch yourself and say, I know where I came from.

LW: Yes, you can't help that and I just look upon myself as being extremely fortunate. I mean this is not the greatest paying job in the world, but it's a job I enjoy coming to every day and that's very important. I stop and think about it you know—my father couldn't read or

write and my mother could barely read or write. I had a lot of help along the way from some really very nice people to allow me to do what I love to doing. I just couldn't be more grateful to all of them because without them it wouldn't have been possible. As a lawyer you've got a good memory if you work pretty hard...and if you're blessed as I am, I'm an expert plagiarist, you know, so if you do that you can do pretty well and enjoy yourself. For 40 years I've been on the bench—state, federal, State Supreme Court, appellate court—and I've enjoyed every step of it. It's been a good trip and I've been very fortunate.

JE: How would you like to be remembered?

LW: I would like to be remembered as someone who was very competent as a judge and enjoyed what he was doing and loved doing it. I don't think you can be a good judge unless you like being a judge. Nobody has ever accused me of not enjoying it. I think you've got to have a little fun. I've got a good friend in Austin, a lawyer by the name of John Harmony. He said, "If it's not fun, it's not worth doing." That's pretty profound as far as I'm concerned. So I have always—even at the risk sometimes of behaving a little ridiculously—tried to enjoy what I was doing and I've tried to make the people around me enjoy it as much as possible—lawyers and litigants and everyone else.

JE: So Honorable Lee West, I want to thank you. Students and all for generations to come, they thank you as well. I would like to thank you for what you've meant to our country and our state.

LW: John, that's very kind and as I have told you before, no one enjoys talking about himself more than I do! (Laughter) So I am grateful for the opportunity. (Chuckle) Thank you, sir.

JE: Absolutely. Thank you.

Chapter 17 — 0:29
Conclusion

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