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Oral History of Student Life at the UK College of Law with Thomas Givhan (Class of 1951) | Part 2

Thomas Givhan

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Interviewee: Thomas Givhan (Class of 1951)
Interviewer: Franklin L. Runge
Date: June 23, 2015
Location: Thomas Givhan's Personal Residence in Shepherdsville, Kentucky

This transcription is non-strict verbatim, meaning that it does not include all utterances (e.g., Mm-hmm, uh-huh, umm, uh, etc.). The audio timestamp will be added before each paragraph. New paragraphs are started at every change of speaker or at every three minutes, whichever is earlier.

This interview lasted approximately three hours. The recording was broken into three sections. Part two of this interview occurred in Thomas Givhan's library.

[background conversation]

00:13 Franklin L. Runge: We are now continuing the interview with Thomas Givhan, and we are in his library now. We have a cookie plate and we're now going to talk a little bit more about his time at the College of Law. So...

00:29 Thomas Givhan: Well, so far, I've taken you all over the place, instead of the College of Law. But I did wanna say that back when that rabbit thing started close to UK, there was a big sinkhole out there in front of that cannon, in the old administration building, and I used to play in that, and my father played in that as a child. And there was a big dump over there where the UK High School is built. And that means nothing, but that was a pretty good high school. When I was going to Henry Clay, they had a good school over there, and some of the people we knew later were graduates of that school.

01:34 FR: So in... You come back in 1946, in August of 1946, and you start in at the University of Kentucky that fall.

01:48 TG: Yes.

01:49 FR: And so...

01:50 TG: The College of Commerce.

01:50 FR: That's really the continuation of your freshman year?

01:53 TG: Yes.

01:56 FR: And so what were your undergraduate studies like?

02:03 TG: Well, when I went to... In 1944, I went over there and I wanted to take typing. I didn't take it in high school. There was a nice old gentleman, he said, "You need to take English before you take typing." Well, he could have got me killed because if I could have typed, I could have been a clerk, and I didn't know that, but that's the worst thing he could tell me, not to have that skill. He wanted me to have the English, which doesn't do you much good when you're dealing with BARs and 20mm cannon. So, I remember that as a thing. And I took math, finance, English, ROTC, and something else, I can't remember that. But when I came back from service, my attitude towards education had been changed. I'd spent a lot of time in the Marine Corps, on guard duty on that ship. We were on four hours on and eight hours off, then you'd go sometimes four on and four off, and that's pretty hard, sleep breaking up like that. But at night, it was extremely dull, you had time to think.

03:57 TG: And one of the things that helped me stay sane really, was I kept... I knew every day I spent on that ship, I was gonna get two days of college. And I would sneak in there on the midnight watch, the captain was sleeping in his headquarters, and on his desk, he had a light that would turn down, and I wrote out a plan for my life on a yellow sheet, yellow pad; four-five pages long and had it divided into sections. Somehow after I got out of school and got home, it's got lost. But the plan basically worked and only went up 'til I was 40 years old, in five and 10-year increments about what I was gonna do. But being a lawyer wasn't in that plan; it was always a business thing or something where I was gonna make a living. Some of the fellows that we were with wanted to be lawyers and they ended up, three of my friends, we were lawyers, or two of 'em, and I mean, three out of the five, were lawyers.

05:28 TG: But I told you, I think that I hadn't decided fully what I was gonna do when I left my house, going over to register in 1949. I had to make a turn one way or another, to go register for law school or go to Commerce College. And when I got down there, at that point I turned to law for the reason that I thought it would make me a businessman, that I'd be able to apply it to business. I had an uncle that was a lawyer in Lexington, and he did a lot of income tax returns for veterinarians, and he knew how much money veterinarians were making doctoring race horses. He decided that I should be a veterinarian. So I was taking his advice, and in 1947, his sister, my aunt lived out in Iowa, so I went out to Iowa and I went to pre-veterinary college at Iowa State College, Ames, Iowa. I was a Sigma Chi, so I stayed in a Sigma Chi House.

06:57 TG: I'd been acclimated to the dress at UK, kind of semi-formal, and you go to school with a coat and tie. We went to football games, women wore fur coats; you bought them great big apples and corsages to go on those coats. People dressed up, high heels and everything, suits and tie to go to a ball game. So when I got out there at Iowa State, that's what I took, was those kind of clothes. Well, I ran into bunch of farm-oriented people. I was still wearing my Marine Corps spit-shine shoes and my green underwear, jungle, camouflage [chuckle] underwear. I hadn't wore it out yet. Well, they were too, except they were also wearing khakis and dungarees. And I decided I wasn't gonna change. So I took a course in botany, English, the dairy industry and chicken husbandry. And I'm going to school, boy, it's colder than blue blazes that damn wind off that prairie, it was cold.

08:25 TG: And I learned a lot of stuff right there that applied it later on in my law practice. I had this lawsuit about chickens and I learned something about that, and the stuff I'd learned out there about feed and what are those diseases and things, and I had a better handle on it than the lawyer on the other side, and I won that chickens case. In going to school, I had my sport coat and tie and my spit-shine shoes, and so we go over to these barns, and up against the wall on the inside, they had a bunch of cages with chickens in them. And every cage had a question, and they gave you a clipboard, and you had to take this... And they were numbered, so you had to put your number and read the question, and make an answer. So, about halfway through that, the question became, "Should this chicken be kept or culled?" If you are in the chicken business or the egg business, and you let a chicken eat that's not laying, that eats up your profit. And the economics of that kinda fascinate me, and you have to watch that.

10:00 TG: Also at that same time, they had these milking parlors where you milked two cows at a time, instead of what we were doing in Kentucky, lining all the cows up and putting milkers on each one. And they'd put these cows on there, and they'd make a single... They'd milk 'em while they're feeding 'em. And they were selling fresh milk in New York City, and shipping by rail and by refrigerated trucks, and bottle it after it got to New York, and homogenize it and all, and pasteurize it. So I found out right quick in the dairy industry... They let me look in a microscope at pasteurized milk and milk not pasteurized. Well, if you look under a microscope at unpasteurized milk, it looks like that you're back in prehistoric days and these monsters are on you. You never saw as many things wiggling as ugly. And to think I grew up on that [inaudible] dairy in Lexington selling us raw milk. I lived all my life on raw milk. I couldn't drink any raw milk after I looked at that, saw what was in it. You look at the pasteurized milk and you might see a little flick of movement, but that heat killed all that, that undulant fever you could get from milk.

11:33 TG: So after taking this test on that, well, I learned about a chicken hold. If you wanna pick a chicken up, if you're right-handed, you take your left hand and put it under his breast and take one leg and put it between your little finger and other finger, and the other leg between your index finger, then you've got him. When you hold him like that, he can flop around and do whatever, but you can turn him any way you want, upside down and you can hold them. So I look at this chicken, and if he's molting, he's not laying. So one of the test is, if you're gonna cull him just to see if he's molting and if he is, you know he's not laying, and so he's gonna get culled. He's gonna be eating or something, instead of laying eggs, being fed. I couldn't tell.

12:31 TG: Well, you look at their comb, their comb has a different color or a different look or something, and if it's that one way, that's a sign. Well I looked at his comb, I couldn't tell. So maybe there's another tester too, but then the ultimate test is to measure the distance of the pelvic bones. If the pelvic bones are spread, that means it's laying, and if they're tight, close together, the egg can't get out, so it means she's not laying. Well, that's a hand test.

13:07 TG: So I take my chicken hold on the sucker, get him out of that cage, and I'm getting ready to take my fingers and put it on its butt, and if it's three fingers wide, it's a keeper. If it's two fingers wide, it's a suspect. If it's one finger wide, it's a cull. So I bring this chicken to my breast and just coming down, put the three-finger test on him and the chicken poops. Poops on my three fingers, poops on my tie, and it drips down on my spit-shine shoes. And like a bolt out of the blue, [chuckle] it came a message: "Givhan, if you're gonna spend all this time studying and put yourself in a position where a damn chicken can crap on you and get by with it, you are a fool. I'm going back to Kentucky. I'm going back to where I belong in Commerce College." So I went back to that fraternity house. [chuckle] I gotta get all that shit off me.

14:15 TG: When I went back to that fraternity house, they're eating lunch. I stood up. I said, "I'm gonna tell you all something. I come out here to Iowa to learn something and I found out that you're eating barley soup. Three times a week, you all eat this barley soup. In Kentucky, we feed barley to the hogs. I'm not eating anymore of your hog food out here." Oh they got to laughing. [chuckle] And I told 'em what this chicken did to me. They like to die on me. I said, "No, I'm going back to Kentucky and I'm gonna go back to Commerce College. It has been nice knowing you. Soon as this quarter is over, I'm gone." And so that's what I did. It's incidental but I went back to the 50th anniversary of D-Day over in England on a tour that came out of Canada. A guy walks up to me in that hotel and he said, "Are you Tom Givhan?" and I said, "Yes." He said, "Did you go to Iowa State College in 1947?" I said, "Yes." "Were you in the Sigma Chi fraternity?" I said, "Yes." He said, "I'm old so-and-so. Don't you remember me?" And I said "Well no, I don't. I'm sorry. I don't". He said, "Well I'm that pledge that wouldn't line up with everybody," then I remembered him. That son of a gun would tie a tie that, where the... To hang down to his knees, put his pants on backwards, he wear his shirts backwards, he'd do anything to aggravate an active.

16:03 TG: Turns out that he was an architect, I guess, and he joined the Naval Reserve and became an admiral, and he was in charge of all the Seabees west of the Mississippi River. And he built these Baptist type churches all over the south, with the white steeple and brick. He designed those. He said, "Tom, I had to eat chicken until I couldn't see it, and I had to get up and tell stories and tried to get contracts with these people, and I couldn't... You had to have a clean store. You couldn't have one that had any color to it. I was having a hard time locating myself on doing this. And so, finally, I remembered that story about that chicken, so I told those farmers that story, and that's the best joke I had. And I told that all over the south, and I've built 290 churches or something. And that story got me off to the right foot to do all of that." he says, "I owe you a lot." [chuckle] Now, what do you think the probability would be of me running into that guy in England and him telling me about that chicken story?

17:50 FR: Gosh.

17:50 TG: So after I got to practicing law, I'd tell that story. Well, somebody at the... I was in the general assembly and some of these people that like me got the cartoonist at the Courier-Journal to draw a caricature of me, and it's hanging on my wall down there now. And I'm in a library. And all that's in there are books on chickens. [chuckle] And he's put the titles to them: "Chicken Thieves", "How to Defend a Chicken Thief", "How to Represent a Chicken", just title after title, I'd sit there and read that thing. So, I got a lot of fun out of that. That's incidental now, and I just keep wandering off on you.



18:40 FR: So you come back from Iowa, you go to UK, 1949, you make the decision to go to law school and become a businessman, and so you enroll that fall in the law school.

18:54 TG: Yes.

18:55 FR: So you go down, and did you have to do anything to get admission or did you... You just had the college credit. At that time they just needed someone with college credit...

19:03 TG: At that time, you had to have two years of college with satisfactory grades and you had to pass the test, and then you went to law school and you could go have a combined degree with a LLB and a BS, or you could go and just get, I think you saved a year or something, you could just go and get the BS... I mean, get the LLB. So I was driving to get to life, and I took the shortcut to get an LLB. I passed the test, and they said that I could make it being a lawyer. They didn't say I was gonna be a Cardozo, but they said I could make it to be a lawyer. So, that's what I did, but then I went and got a job with this mortgage loan company, and then I worked a couple of years for them. And it's a mistake for anybody... It used to be... When Dean Evans was the dean out there, he wouldn't let people go to his law school if they worked.

20:34 TG: A fella that became President of the Kentucky State Bar Association and held a high office in the American Bar Association from Lexington named Herbert Sledd went to see Judge, I mean, Evans about going to UK Law School, and Evans put him in a class of socially inferior people, and he did not get into law school because he worked. He got to graduate from the University of Chicago. He came back here and married... Well, he was in a big law firm here in Lexington and he did well, and he became President of the Kentucky Bar Association and Secretary or something of the... I don't think he became president; Secretary or something of the American Bar Association. Stan Chauvin became a President of the American Bar Association. We got in Louisville... To a friend of mine.

21:45 TG: I went to China, did all this [inaudible]. The first time I went, it was with the Eisenhower Citizen Ambassador Program. So we went over and studied comparative law with the Chinese law and American law. Well, I got over, you found out you can't compare it. There's no way to measure it. They don't have any stare decisis, and they'd just shoot you when they want to. I'm the only guy on that that took... I got me a copy of the Chinese Constitution, took it. I'm the only one that had that. And after they got over, they didn't want it until they got over and got to looking around after they saw what I had, and that was in big demand. And it reads a lot like our Constitution. If you read it, it's got freedom of religion and freedom of petitions and association, and all kinds of stuff. But when you go to court, the interpretation is slightly different. [chuckle] At that time, they was... That first trip I went over, I think it had been open about two years, and they were still posting these lists in Tiananmen Square with a name on there for execution, and then when they executed them, they drew a line through it. So when you went up on there and looked over these things that were posted, you could see who was being killed. And they would send an empty cartridge case home, and make the family pay for the bullet, to put the shame on them. And they had to pay for that bullet.



23:39 TG: So I had a good experience over there and we went to prisons and juvenile detention facilities, but they only showed you what they wanted to. The law school, they showed you the best they had, but...

23:58 FR: So when you started in law school, 1949, you were just gonna get the LLB, right?

24:04 TG: Yes.

24:05 FR: And so, was it a two-year program or a three-year program?

24:10 TG: Three years.

24:11 FR: So you had a three-year program to get your LLB.

24:13 TG: And two-year previous, I'd have five years.

24:15 FR: Yes. You had five years total.

24:17 TG: But I went to summer school I think, too. No, did I go to summer school? Well, I think I did. I can't remember whether I went to summer school or not.

24:29 FR: So starting in 1949, that sort of first year, there's a sort of feeling about one's first year of law school of it being this sort of very difficult or trying year. Did you have those, did you have a similar experience or were you... Or you're able to manage it and felt that it was no different than any other sort of time?

24:54 TG: Well, it was different because you had some people that are 45 years old, all these veterans, 30 years old, experienced people. I can't think of this gentleman's name. He was from Williamsburg. And he became known... He got to be judge of the Court of Appeals. He'd been county attorney, Commonwealth attorney, school superintendent, city attorney; he'd been everything there was to be, locally, circuit judge, and all that kind of stuff, after he got out of law school. But he had all these other positions that were not legal positions before that. And his knowledge of what was going on in government was so vast and broad, When he got on the Court of Appeals, they wanted to kind of laugh at him. But he knew more about what was going on in Kentucky than anybody on that court in terms of government from all that experiences that he had.

26:15 FR: So your classmates...

26:16 TG: Our classmates, that was a very varied group of people. Bob Hubbard was in the General Assembly while he was in law school. And he came to Hardin County and became Commonwealth attorney, and then he became, just after that constitutional reform, he became a district judge. And he was older. He got shot down in one of these amphibious airplanes in the Pacific, and did everything but kill him. He got injured and everything else, but he was... You're going to school with a guy that had all of that stuff. There's all kinds of combat guys in there. Orlandi was a, in that class, was a member of the OSS in Italy. He was Italian, I don't know if he spoke it or not. He didn't do much practicing law after he got out, I don't think, but he became Mayor of Jeffersontown.

27:37 FR: So, he was an Italian citizen who came...

27:40 TG: Mm-hmm.

27:42 FR: Was his last name Landi?

27:44 TG: Orlandi.

27:45 FR: Orlandi.

27:46 TG: O-R... Everybody listed in here?

27:50 FR: Well, see, they stopped listing students at the end. They used to have them at the very end of the bulletin, but I don't think that they... If you look through that, I don't think that they listed the students anymore by that time, if... It would be near the end of the...

28:09 TG: That's what all this is all about, finally quit listing 'em. The purpose of the whole thing is the student, or it ought to be. Actually, it's not, I know better. They've always got names here of something...

28:31 FR: Let's see...

28:32 TG: Of the University. State's represented in the student body, College of Law '48, '49.

28:44 FR: Now, some people have very different experiences.

28:48 TG: Yeah, and different ages.



28:50 FR: What was the relationship like between the students?

28:56 TG: Well, of course, it's different with different people. And they had little groups that formed together and my working kept me from being... We had study groups that help studying for exams and stuff and studying for the bar. And they had fraternities, I didn't join one. I was asked to, but I didn't join one. I already had had that fraternity experience and I should have accepted. And Ned Breathitt approached me, who later became governor. He asked me to join his fraternity and I probably should have done it. He later became governor. [chuckle] Bob Stevens was in that class. He later became... We had two people in that class on the Supreme Court at the same time, Bob Stevens from Western Kentucky.

30:15 FR: So the relationships... It was hard because you were working and you were also married at the time?

30:20 TG: I was married at the time.

30:22 FR: Yeah, so you didn't have a lot of time to run a... Now the fraternities every year would throw parties, wouldn't they? Wouldn't they have like some big... Like in the fall and maybe once in the spring, have a...

30:35 TG: Well, I don't know what the UK fraternities in law school did. And I did not stay active in the Sigma Chi fraternity when I got married.

30:45 FR: So you didn't... So when, if the law school fraternities were having parties, you just didn't go to it?

30:50 TG: Well, I didn't know it.

30:53 FR: Now how was your... What was your class schedule like in law school?

31:01 TG: Well, you'd take 15, 17 hours something like that, some people took 20.

31:10 FR: Was it mostly morning or afternoon?

31:13 TG: Mostly morning. I think they had some classes on Saturday and I had a very mistaken attitude that I wasn't gonna go to school on Saturday. And I just didn't schedule myself to go that way. But one of the things I remember most vividly was being in Roy Moreland's class on Criminal Law and he wrote this book or magazine, Homicide, it was a little pamphlet type book, it had a red cover on it and he called it "The Red Death", and he would pontificate down there in that big classroom where it was stepped up, and he'd have that book in one hand and he'd animate it down there, and he'd really get interested in it. And I thought he was a pretty good teacher, but he had biases about stuff and so...

32:26 TG: Had a guy named Harry Rouse, who's my good friend, and he's sitting up there on the back row, and a guy named Chenault, who was a cousin to Judge Chenault over at Richmond, was in that class. And Rouse went to sleep. They were on the back row, Rouse goes to sleep and Moreland looks up there and sees that, and boy, really cranks him and he's pumping his hands in the air, "Mr. Chenault! Mr. Chennault! Wake that man up! Wake that man up!" And then Chenault looked over at Rouse and he looked back at Moreland, everybody turned around and he's looking both ways, finally, he says, "You wake him up, you put him to sleep." [chuckle]

[laughter]

33:18 TG: God! [laughter] And he ended up throwing both of 'em out of law school. They expelled 'em out of law school. That was part of it, I think it was something else too, maybe, but they expelled both of 'em. I don't know what happened to Chenault, but Rouse went to law school out in Oklahoma and had a successful, making a living law practice out there.

33:45 FR: Yeah.

33:47 TG: He had good family there.

33:50 FR: What were some of Moreland's biases? Was he... You remember what...

33:54 TG: Well, there was a guy named...

33:55 FR: Was it biases against the students or was it biases about stuff about the law? What was he...

34:01 TG: Well, the thing I remember, there was a guy named [inaudible], a Greek, and he had some connections down on Vine Street, that's where that market used to be. And Moreland didn't think that he ought to be a lawyer. And I couldn't tell whether it was something being biased against somebody that was foreign to him, or whether the guy had done something that he indicated that his character was deficient, but Moreland really expressed a... And I don't know how I know this, but he expressed a dislike for this [inaudible] and he... I don't know if he kept him from getting into law school or he kicked him out, but [inaudible] later became an enforcer against bootlegging, federal agent, pretty tough guy. I don't know what happened to him.

35:47 FR: Do you... What were some...

35:48 TG: But I was down there... They had the first black student at the University Of Kentucky.

35:55 FR: It was Johnson. Was it Lyman T. Johnson?

35:57 TG: Yeah, and he's got a little bus on a pedestal down there between the old student union building and the law school.

36:04 FR: I think they're gonna name a new dorm after him.

36:06 TG: Well, he deserves it. Then they had a student come there at UK, black. And that was a black mark on the university in my book, or the law school, whoever's idea it was, was wrong. They would not let that young man go to law school with me. His first quarter, they made him go to law school as a student sitting in the room, singled by himself in Frankfort. His classroom was the house chamber or the law library for the Court of Appeals down there in Capital Building, and they sent professors down there to teach him. Here he is as a man, I'm not sure... I don't think he was a veteran, I don't know that, but he's singled out for his color and treated differently in a way that he had to recognize that they were doing that to him. And he went that first semester, and there was a fella from Virginia that taught pleading, common law pleading, like to kill me it was boring. He got struck by lightning on a golf course, killed him.

37:50 FR: That's right. I did remember that. I remember someone telling that story.

38:00 TG: And he was a nice fella but he was from... He had a southern accent and he was from Virginia or something and he was not right with blacks. So...

38:14 FR: Was it Alfred McCuin?



38:16 TG: Yes. Yep.

38:20 FR: Alfred McCuin. It says here, 'professor of law', he went to the University of Virginia, Virginia Bar Practice in Richmond, was in the Naval Reserve, and then became professor in 1948.

38:40 TG: So he was there when I went.

38:41 FR: Yeah. That's his name right down there.

38:44 TG: I liked him.

38:53 FR: But you say he had a... Maybe not the most open of minds and hearts?

39:01 TG: That's my opinion. You can't tell a heart. I just... For some reason, I had that impression he was going down there and didn't wanna go. And I got the impression that the reason he didn't wanna go was because he didn't think blacks ought to be equal. And his attitude and conduct didn't show that. But I never saw him do anything, but I heard him grumble.

39:54 FR: Yeah. When he was struck and killed by lightning, that was while you were there at school.

40:00 TG: I think it was after I left, I'm not sure. But how in the hell did I remember that he's from Virginia and he went down there to teach that guy? I don't know why in the hell I remember that. But I can't think of his name half the time now. [chuckle]

40:22 FR: Now, are there any other names on there that really kind of stick out as sort of really important in your education?

40:29 TG: Elvis Star, Oxford man, married a raven beauty queen. He wanted to be president of the university, a highly qualified guy. He's a Sigma Chi. But he had an empathy or an interest in the students. He taught commercial law or notes and something. Most boring... That stuff bored me to the limit. And the monotone that he spoke in and all was terrible. But he was a very personable guy and he tried... I think I told you that I was active somehow with some organization or two, and I'd get him to come and speak to 'em about life or about somethin' or other. It didn't have something to do with law necessarily. Like the Henry Clay High School Alumni Association or something, he'd come down there one time to Phoenix Hotel and was our guest speaker. I can remember his example in this notes class, I think it bored him.



42:17 TG: He's talking about life and law and he said, "Suppose this. Your next door neighbor is your friend. You all go over to each other's house. So one morning, you decide to go over there and visit him, and you go over and knock on the door, and nobody answers. And then you notice the door was kinda open. So you call out and nobody answers. So you push that door open and there he's laying on the floor with a knife in him. Looks like he's just dying. You reach down there and pull that knife out, and all at once, somebody called the police and the police come in that door and you're standing there with this guy dying or dead, and the knife that killed him in your hand. Now, you're gonna be a lawyer, what are you gonna do about that?" And I never did find out what you'd do about that.

[chuckle]

43:45 FR: Oh goodness. Hold on one moment. I may have to...