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Oral History of Student Life at the UK College of Law with Thomas Givhan (Class of 1951) | Part 3

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 three of this interview occurred in Thomas Givhan's library.

0:00:03 Franklin Runge: Okay, we are back to recording the interview with Thomas Givhan, in his library. All right, so you've just finished talking about the former dean. And there were some other names that you had looked at. You're looking at the bulletin right now of the different faculty members.

0:00:26 Thomas Givhan: Well, I think Professor Starr was really an outstanding man. His father was a circuit judge in Western Kentucky. And they did not have enough political clout to move him to be president. I don't know what it was, where it was, who it was, but I think he would've been a good president, and I don't know who they picked in his place. But it's interesting to me that one of the presidents of the University of Kentucky taught me social science and that's junior high school. Frank Dickey. And that Adolph Rupp or somebody was very disparaging of President Dickey as to his qualifications to be president of the university. They had Bear Bryant down there coaching football, and Rupp coaching basketball, and you can't have two kings. And that couldn't last too long, so of course Bryant went back to Alabama where he distinguished himself more. He was already distinguished. But there wasn't even any way for me to think about playing football at the level that Bear Bryant required when I got back from service. I was too small to start off with, too slow, too weak. [chuckle] Too anything. They really went on a professional thing. But I'd say Starr had some affect on me. I admired him.

0:02:31 TG: I told you about McKuen. Bill Matthews taught real estate law to me. And he described the fee simple title as a bundle of sticks. And if you... One of them was called a lease, and you could take that stick out and still had the fee simple title, and it did a certain thing. Then you had an easement. You take that stick out, and you could describe it, but the fee simple still remained whole, but the features of the easement, or a condition, or a covenant, ran over it. And you had these things that ran with the land. It ran... Some things that ran with the fee simple, and some didn't. And his explanation of that, enabled me to have a very basic understanding of what I think a fee simple is, and I'm able to still express it based on what he taught me at the University of Kentucky. I remember it well for some reason. And he went to the University of Michigan, and was... I guess he was a scholar, but he didn't act like one, kind of. I guess he really was. He became dean. Seemed to me like he died early. I don't know what was the cause of that, but he...

0:04:33 FR: Yeah. Did? Yeah. Professor Matthews became dean for a while.



0:04:37 TG: Yeah.

0:04:39 FR: For a while he served as dean. I don't know when he passed away.

0:04:42 TG: Not while I was there, but...

0:04:45 FR: Yeah, it was after you graduated. He became dean maybe in the late '50s, because at least in 1958, he was dean. I know that.

0:05:06 TG: Well, I don't know when Starr... Does this thing say when they held...

0:05:15 FR: Yeah, let me see. It says, "Dean since September of 1948."

0:05:25 TG: But does it say when he quit?

0:05:27 FR: What's that?

0:05:28 TG: It didn't say in there... Well, he was still dean I guess.

0:05:31 FR: Yeah. He was a professor...

0:05:33 TG: What date was this? Well, this is when I was there. Yeah.

0:05:36 FR: Yeah. He was a professor starting in 1947. Starr was. Starting in 1947. And then in March of 1948, he became... So in 1948, he became a full professor, and then became the dean in September of 1948.

0:06:00 TG: So he was there a year before I got there.

0:06:01 FR: Yeah.

0:06:04 TG: Well, Professor Hamm, I remember him. He taught Corporations. And he was a nice guy, but he... He never did have a close... He was a nice guy, and he was a pretty good teacher, but I don't think he ever connected much with the student body. But that was just me, he probably connected well with a lot of people.

0:06:42 FR: He ended up, I think, being at the law school until about '84, somewhere along that.

0:06:51 TG: But you know, he's a Harvard guy. And they got an air about them. I'm not criticizing it; I'm just describing it... Whiteside taught the States and stuff like that. He did a lot of work with the elderly when he retired. I had a lot of contacts with him. I think he wrote a book on elder law or something. Maybe, revised it two or three times. But he was a... He was a good man, and his wife was right with him on a whole bunch of stuff that they were doing. But he had a hard time... If the hogs was eating him, he'd have a hard time saying, "Sooie." [laughter] Is one way I would describe him. And he and I are good friends, and I'm not criticizing him. His cadence or his ability to make a point, it just kind of went... He was hard to follow in the lecture... But he was one of the best-hearted professors that I ever had, I think.

0:08:31 FR: What type of professor?

0:08:32 TG: Best-hearted. He was a good-hearted guy.

0:08:35 FR: Harding?

0:08:36 TG: Hearted.

0:08:37 FR: Oh, hearted, hearted...

0:08:38 TG: He was a good...

0:08:38 FR: Like good-heart.

0:08:39 TG: Yeah, he was the best-hearted guy, teacher, that I know if I ever had. As far as being kind, he was a kind man in my book. Very finely educated.

0:09:02 FR: If you flip to the next page, you'll see some more that is...

0:09:06 TG: Alright. Is he the only one... Is all that him? My gosh. I didn't know he... I knew he was pretty well educated, but damn. He brought a lot with him. And then Roy Moreland, well, Roy Moreland was Roy Moreland. He was a different breed of cat. He'd wanna talk to you about sitting down on a river bank, the Kentucky River, on a rock and pondering this negligent homicide. Thinking about it, thinking about it, thinking about it. And I got down here in Bullitt County, I think I sent him... The first time I had a brief in a court of appeals, it was not a very well written document, but I didn't know it wasn't well written 'til I got more information. I sent him a copy of it, and he never did say anything about it. [chuckle] And I was so proud to have a case in The Court of Appeals, and so I sent it to him, and I never did hear anything about it. But...

0:10:27 FR: Was that a criminal case?

0:10:29 TG: I think it was. And I don't know what it was, but I sent him... I think I had a traffic ticket case. You know, you're asking about what a general practitioner does. There was a kid down there named Huff, and he later drove a lot of race cars. He's just out of high school or something, and he was in love with a girl at Lebanon Junction. So he was all the time driving from Shepherdsville to Lebanon Junction at a high rate of speed. And these police catch him, give him tickets and stuff. And he got so many, he tried to get away. So he was going over there to see her... And a State Policeman got after him, and he speeded to Lebanon Junction and got on a road headed... I think, it turned out to be a gravel road, in those days. And he's headed towards Nelson County with this Policeman in hot pursuit. Well, this kid's a good driver, so he takes a sharp turn on his gravel road and the policeman behind him, fails, see, and runs off that road and wrecks that car. And so, he calls ahead and they get state police coming from Bardstown.

0:12:00 TG: And so the kid gets across the Nelson County line, and this policeman intercepts him some way and brings him to bay and gives him a ticket. Or maybe he first he brings him back to where this other guy is. And so this guy that was chasing him gives him a ticket to the Bullitt County Court, that's before we had lawyer judges, so the Bullitt County Court. And then the other guy is sitting there and he just copies everything off of this ticket for speeding and all that and puts it in Nelson County. So, the kid comes in there and so I look at that and I say, "Well, what I gotta do is get this case settled in Bullitt County before they can get a hold of him, and that end it."

0:13:07 TG: So I went over there and got a hold of the county judge and Huff and with minimum fine or something, and pay it. So then I go over to Nelson County and plead double jeopardy, big deals, double jeopardy. And John Tawbers is the county attorney and this guy that's the county judge is not a lawyer, but he's big time UK guy. Nice guy, Sutherland, they ran those flour mills over there and they were wealthy people, but he was county judge and he enjoyed that authority. So the county attorney advised that it was a legal thing and that they had jurisdiction and they could fine him. So they fined him, minimum fine. So I appealed it to the Nelson Circuit Court. Judge Gentry, bless his heart. So he has a force county circuit and he's been fooling me and Bullitt County and we had political differences, and he was always on the other side for no reason with me except he knew the other people.

0:14:33 TG: I come down there to Bullitt County without a kissing cousin or a high school friend. And I wasn't part of the club. So he looks at this, and he's gonna break me from sucking eggs, teach me to... So he fines him \$100 maximum. Well, I appealed that to the Court of Appeals on the grounds of double jeopardy. And the case went to the Court of Appeals and they decided in my favor, but they ruled that it was cruel and inhuman punishment. In my briefs, I said it was only double jeopardy, I shut the door behind me, but they didn't even pay any attention to that but they picked out a constitutional violation. I was a bird dog, I smelt a damn bird that was violating the constitution but my hammer was not hitting on the nail head, according to the Court of Appeals. Then I went back and looked at that double jeopardy some, and my case didn't quite fit that. I don't know why it didn't because when I look at it now, it looks to me like it would have to be double jeopardy. So that might have been what I sent Moore and I was proud as a peacock.

0:16:02 FR: Yeah, that is funny. So, is there any other...

0:16:05 TG: Yeah, let me see on here. Roy Moreland, Frank Murray. Now Frank Murray was the lawyer for the University. He taught me contracts and ethics. The only A I made in law school was with Frank Murray. And there were three of us that got an A. A guy named Bland, who was the best student in the class, he later became a big firm lawyer in Alabama and he got retired and he went back to Adair County and was living on a farm and not a recluse in that country but a recluse from the law. He never attended any function or anything, I never hear of him or see of him on, I don't know if he's still living. But he was really a smart guy, but he was not a friendly guy. And the other one was a good guy and later he practiced law in Western Kentucky and became the United States District Attorney for the Western District of Kentucky and made a name as a scholar for himself. He had a good life and did well.

0:17:39 TG: I don't remember Nelson. Paul Oberst taught me constitutional law. Oberst was an extreme liberal, he and his wife. They were active with this group in Louisville that were, turned out... Were not Communists. Or they might have been Communists but they weren't trying to overthrow, violate a law in America, and they tried to do something in the mountains, and they persecuted the hell out of them. Tried them in federal court and did everything. And Oberst was... Tendencies went that way. He was always for this extreme liberal side of the Democrat party, and I'm for the... Was for some of that, but not near as...

0:18:37 FR: How was he in class as far as... Did he have a good... Was he a good lecturer, or?

0:18:44 TG: I think that his style appealed to a lot of people. It didn't appeal too much to me, but he... His mannerisms and all, it didn't. He was... I don't know if it wasn't too refined exactly, but it was different. It was not a homely type of trying to lecture somebody down at the grassroots and bring it out. When Murray was a lecturer, they laughed at me. He was telling some story about Lexington and how it was going and this dump that I told you about that was over there. And he mentioned that and I was so engrossed in what he was saying, I said, "I remember that." And all these guys that weren't from Lexington they're saying, they looked around and they laughed me out of the damn classroom, almost. I'm right... [chuckle] "Well, I remember that." I just... It was spontaneous and he had a shakely... Take his finger and do like that.

0:20:08 TG: And that other judge, besides Stevens, and I'm not calling his name. He used to imitate Murray. Every time we'd go anywhere around the group, why they'd call on him, and he was really good at imitating Murray's calls. Well, he... I was having a little hard time there in that school, and he said... I can't think what he called me or whether he even named me. He said, "You are gonna be able to be a good lawyer, but you gotta get out of this law school to do it." And he says, "Don't quit trying." And I had watched him and we had conversations different times and stuff and I can remember sometimes almost verbatim what he said. And so when I started being financially successful, I think I'm the one that started a fund up there for him, I'm not sure, but I know I create... I made a thing up there and I kept giving money every year for a long time. And finally, they said that I was a fellow. Well, I guess I gave them \$10,000 or so. I think that's what it cost to be a fellow then, a jolly good fellow. [laughter] And Dorothy Salmon... I haven't gotten to Dorothy Salmon, but I see her on here. And she was that librarian and she just had a way about her of being a friendly, helpful person. I don't know, you didn't feel like there was any meanness in her, and she tried to help and then I made a B in her class. I'm not gotta tell you about these other grades, but I...

[laughter]

0:22:34 FR: I guess she taught research to students?

0:22:36 TG: Taught research and that kinda intrigued me, and I can't do this computer research, but I can beat these people time wise on finding something almost every time except we got a secretary down there that graduated from law school but can't pass the bar. She can't pass the... She passes the bar, but she can't pass that national test or is that some... Of course I didn't have to take that, they just seem to have... People seemed to have more trouble with that. That anything...

0:23:22 FR: Like the multiple choice questions...

0:23:23 TG: Yeah the multiple...

0:23:24 FR: Yeah, it's called the Multi-state Bar Examination, the MBE, which is...

0:23:30 TG: And I guess it's a standard...

0:23:32 FR: Yes, across the country.

0:23:34 TG: Every state, I guess every state uses it now.

0:23:37 FR: Pretty much I think.



0:23:39 TG: Wow, people out there you can't, when they flunk it, is that what's doing it to their emotion or...

0:23:45 FR: Well, fortunately, we have a very high bar passage rate at U of K, our students are... I think last year was at 93%. So would you figure... It's pretty good...

0:23:58 TG: I'd say yes, really good but U of L was 70% or something at one time, I don't know.

0:24:04 FR: Yeah. So I mean yeah, so you had Dorothy, she taught you and you studied in the library. Did you ever work in the library at all?

0:24:17 TG: No.

0:24:17 FR: No, just studied there with her?

0:24:18 TG: Yeah.

0:24:19 FR: And she was... Did she have any sort of funny mannerisms or?

0:24:26 TG: Well, she was an attractive woman to me. And I don't know if she was dating anybody. I can't remember. I know she was single. And after I got out of law school, I would see her. I saw her down in the state capital one time and stopped and talked to her, and she seemed to be interested in how I was getting along, and about my practice, and about the family, and all that. And she was a person of good will, is what I'd call it. And she had an interest in the students. And never was a time that she, whenever you wanted to stop and ask her about something, or try to talk to her, that she wouldn't be available to talk to you. She was a tender side. Some of those people in that law school seemed like that they didn't want you to pass. I mean, I can't name a professor that acted that way, but there was a feeling that some of these guys just didn't want you to pass. Bill Rivers, was that fellow's name that became United States District Attorney.

0:26:00 TG: I think he... Moreland or somebody had a question on an exam about notice, involving a real estate deal. When you recorded... When you file a deed in a courthouse, it doesn't do anything for its validity but it gives constructive notice to the world about what it says, and who's first, and all that. And the way he graded that paper, he didn't allow that actual notice would beat the constructive notice. If you could prove somebody knew it, then the fact that the constructive notice is in there, the timing would relate back to the first thing, but you had to prove it. No, the guy that did that was Red, and he was from London, and he was a firebrand. He got in all kinds of fights and stuff all the time. Was that mountaineer guy and he had that red hair. And he was nice enough but you tried to tell him something about the law and it'd be boom, boom, boom, boom. About two or three passes on these words, and hell, he's ready to fight, and did. I think he had two or three fights. What was his name? I liked him.

0:27:51 FR: He'd fight law students?

0:27:52 TG: Fight anybody.

0:27:53 FR: Fight anybody?

0:27:53 TG: Yeah.

0:27:54 FR: So if he got...

0:27:55 TG: He got out there [inaudible]. I think, or someplace, and he got in a damn fight.

0:27:58 FR: So if he didn't like what you had to say in class, he'd fight you?

0:28:02 TG: Well, I don't think it went that far, but if you got to debating what was in class and then it just kept going and you smarted off at him and he thought you was looking down on him, he had this personality that he was not gonna... He was aggressive, and I don't know exactly how to describe it other than that, but he would fight you. And so when Moreland, he didn't like Moreland, so when Moreland graded him down on that, he took it up and Moreland they had a heated discussion and then later on, the next day Moreland came back and said, "you're right." Now, I think I've got it right, about it was a question on this notice.

0:29:01 FR: Notice, the actual versus constructive?

0:29:03 TG: Yeah. But how in the hell would I remember that or why would I remember that. Nelson, Oberst, but you know he was a good guy. Scott Reed, Scott Reed I knew him somehow he was my high school football coach, lived in the basement that department has on the corner of High Street and Rose. Scott Reed and his mother either lived in that apartment building or one right around the corner, and he was county attorney of Fayette County. And somehow the connection through Coach Heber, I knew about Scott Reed. He taught me.

0:30:01 TG: Says in the summer of '49, part time summer of '49. I don't see how he could have taught me, but somehow he taught me, I thought, Procedure. But I knew him from before I was in the university, some way. He got his LLB in '44 at the University of Kentucky, but that's when I graduated from my high school... Practicing in Lexington since '44. Well, somehow I thought... And he was county attorney, I guess... But he was on the Court of Appeals when I was in the General Assembly, and he and my past relationship with him was excellent. And you just had to be careful around him. If you said anything about him being short, he'd cut you. He could not take anything about anybody saying he's short, and some people would want to do that. I don't know why people do that, but I can assure you it's a mistake to try to do that with him. So when I worked pretty closely with him and Inineten hundred in the...

0:31:58 FR: Do you think he ever did cut anybody?

0:32:01 TG: Well, not physically with a knife, but yeah, he'd cut you on something.

0:32:06 FR: Oh, okay. I was just curious. I was like...

0:32:08 TG: I think he'd carry...

0:32:11 FR: He'd carry a grudge?

0:32:12 TG: Yeah.

0:32:13 FR: Yeah?

0:32:17 TG: Yeah, if you... But mostly, it would be about if you was demeaning him, if he thought you were demeaning him some way. He had this complex about his height, and I don't know if it went other ways or not, but if you maybe embarrassed him on an intellectual point or something and made a remark, he'd hold it. But I don't know, I can't think of any specific instance where he decided a case against somebody or something unjustly. But if, you know, on an outside political thing, you might have trouble over that.

0:33:14 TG: But we worked very closely on this constitutional reform thing. And I tried to get him to wear his robe, when the first time that he addressed the General Assembly and presented a judicial budget. Now, I don't know how that works still, what in the hell good does it make if the Chief Justice can present a budget and then can't enforce it? He presents a budget, but apparently the General Assembly won't adopt the budget he presents. And they got people working in the judicial system: Unmarried mothers on food stamps. The salaries are so low that they are poverty stricken and have to take food stamps. There's something wrong with a system that does that.

0:34:18 TG: And of course, Scott's long gone. And this Chief Justice we've got now is not very effective in trying to deal with the General Assembly, I think. I don't, he can't... On his budgets and stuff. But he won't fight, he won't get up there and go toe-to-toe with them. He wants everything to stay peaceful and cover up, cover up, cover up. We got a daggone circuit clerk down there that was fanny-patting his help, and he was doing a lot of stuff that was crooked and semi-crooked, and they catch him and catch him. And if they ever did anything to him, it was a private reprimand, but we don't know the [inaudible] clerks. You know they work for the circuit clerk or clerks, and those clerks down there were filing complaints against him. One of these girls was a lawyer, and she filed a complaint against him over some sexual advances or something. Never heard anything. Judicial retirement removal commission, is just... It never did anything.

0:35:36 FR: Could you... I have another question, just back at the College of Law, do you remember any students that were women during your time there?

0:35:46 TG: Only one.

0:35:49 FR: Do you remember who she was?

0:35:52 TG: Virginia Burbank, I think was there when I was there. And there was a woman. In my class there was only one, and she married a guy named Charlie something, and they were from Somerset. He was a good lawyer. I'd see 'em together all the time at these bar meetings and things.

0:36:25 FR: Was she accepted by the other students? More than you...

0:36:31 TG: Well, I can't think of any discrimination that might have occurred against her, but I think that it was a whispering thing you know. The guys, some of these guys always had this thing about women, dumb women, or women that were this, that or the other thing. But I don't think there was... I couldn't see that being put down on her too much. But his name was Charlie, I can't think of it. They were down there in Somerset. He was County Attorney down there I think one of the times when I was.

0:37:34 FR: You kind of mentioned a little bit about grading. Do you think the grading was fair?



0:37:40 TG: At UK?

0:37:41 FR: At the College of Law, yeah.

0:37:44 TG: As far as I know, it was. I don't know. There was a guy that was in that class that was a military guy, Air Force, and smart, and he ended up not passing the bar. And I thought that was odd. He made real good grades. But that wouldn't be anything the school was doing.

0:38:29 FR: The old building then, it was the Lafferty Hall. Did you all like that school building? I mean, did you think it was a nice building to go to school in?

0:38:38 TG: Well, I don't know if I thought about it one way or the other.

0:38:41 FR: Just was the way it was?

0:38:42 TG: It was right there close to that library, and I liked that library. [chuckle]

0:38:47 FR: Did you go across the way to the other library, which I get was at that time, was it the King Library?

0:38:53 TG: No, it was named another name...

0:38:55 FR: Another name?

0:38:55 TG: Before King.

0:38:57 FR: So did you study more at the other library? Or did you study at the law school?

0:39:02 TG: I studied more at the law school...

0:39:04 FR: At the law school.

0:39:05 TG: And at home. I was in that other library when I was an undergraduate quite a bit.

0:39:16 FR: So, did you have sort of a trial practice class that... Did you like that? Or do you remember?

0:39:26 TG: I've always liked public speaking and I had ability, apparently, to speak contemporaneously. And I could... I don't know, in high school I'd had that. And they'd turned around... When they had somebody that they'd wanna presenter somewhere to represent some thing with a kid, well, they sent me a lot of times, in high school. The YMCA had a program for young people. And they sent groups of young men to conferences on developing personality and morality and stuff. And so, they had a Hi-Y Club, I think. And so we took part in the High Y activities. And we had a guy... There was a little group of us, and there was a guy named Huffman, and he wanted to be a High Y, had to be a YMCA director in life. So, when we went to these different conferences, they always elected a president or something, a chairman or something to run it. Because it was about vote. Well, these guys that I was with, hell, we was interested in politics, this voting stuff was right up our alley all the time. So, every time we went any place like that, hell, we'd pick out the ugliest girl there and take 'em out and drive, [chuckle] and get 'em lined up on a vote.

[chuckle]

0:41:44 TG: I mean, all kinds of stuff to win these damn votes. So, we come back and the Lions Club, or the Chamber of Commerce would fund these things.

0:42:00 TG: When we came back, we had to go down and report what we did that would justify their money. We went up on Wisconsin to some place and got going and had a hell of a race to get this guy elected. [chuckle] We lined up all these women. We did everything and in the end we brought the bacon home again. And we had three or four of these things that we never lost one really. So they... Mr. Micks was the director of YMCA. And he lined up [inaudible] Robinson, my good friend, registrar to the College of Pharmacy in Louisville. And later became a... He had a masters degree in business, and his undergraduate up from Kentucky and went to U of L Law School. We were called and went down and made a speech. Well, I got up first and I started telling them how we did this. And they got to laugh. And hell, I got cranked up and I just... [chuckle] extemporaneous, hell I just told it like it was. And they liked to die laughing on it. Robinson gets up to make his speech and he says, "That's the last damn time I'm gonna follow you." [laughter] I'm walking out, and there's a guy named Adams that was the county judge of Fayette County. And when I went out by him, he said, "Young man, you need to be a lawyer." That's the first time I remember anybody ever saying to me I ought to be a lawyer. But my explanation of that thing in Wisconsin, he thought my ability to speak, apparently, would make me a good lawyer. And I guess it has. I don't know that. I know we win a lot more cases than we lose.

0:44:24 FR: Yeah, that is correct.

0:44:25 TG: And I say it in a proud way, John and I are both, have AV ratings with Martindale and Hubbell, are the only two. There might be one more lately but for years, we were the only two A rated lawyers in Bullitt County. And that made me proud. And Lisa, there were three of us, that was maybe one of the few law firms in Kentucky that every member was rated A.

0:45:01 FR: What did, putting a capstone on the idea of being at the College of Law, what did it mean for you to get your degree from the University of Kentucky College of Law in broad strokes?

0:45:18 TG: Well, it made my family extremely proud. And so when you do something that you please your whole family, I mean from top to bottom, and I mean it's deep. And that gave me a large measure of satisfaction, for them to brag on me. My father said to me after I got out of law school... Some problem came up with the... My mother had eight siblings and there was always something coming up in the family. Well, instead of one of those eight being the go-to guy, it turns out that the go-to guy is my daddy. So all his married life, all these people with weird family bull, they're coming to him. And he had a wisdom about him about solving those kind of problems and stuff.

0:46:35 TG: Something came up and he's talking to me and he couldn't figure it out. And he said, "Son, you've passed me in this education now so far, I don't know. You're bound to know more about this than I do." And I didn't realize 'til he died how much I was dependent on him and everybody going there. And all at once, I'm the go-to guy. And making that step in life, you don't even see it coming. And now everybody's dead almost but me, so I'm not the go-to guy with the family anymore. There's not enough of 'em around. I don't know what the ones that's cousins that's out scattered around, but Uncle Billy had his peculiarities. He and those daggone veterinarians, get on an airplane and they fly to Cuba, before Castro. They'd make all this money on these horses. And bam, they're down there in Cuba, wine, women, and song, let the good times roll, [chuckle] shooting crap, all that. And when...

0:47:55 FR: Wow.

0:47:55 TG: When Castro came in there and busted that up, if Uncle Billy could've put a pistol on Castro, he'd have killed him. He was really upset by that. He was a cigar smoking, liquor drinking, woman chasing guy and had a good life, but he did a lot of good stuff for people. He was a people person.

0:48:22 FR: So you said that he did the... He was a tax... He was an accountant and he did the taxes for his people, and told you to kinda got to Iowa state. That was that guy?

0:48:31 TG: Oh yeah, he didn't kinda tell me. He told me that's what to do, and hell, I was dumb enough to take his advice.

0:48:39 FR: Yeah.

0:48:40 TG: I hadn't gotten to the point then where I could make these decisions and analyze something and make good decision. But I always had an interest in agriculture some way, I don't know why. And then land, I got a sense about land and... I think it must be in the genes. My father didn't have any interest in it. But a lot of my people did, ancestors. Having the honor to be from UK and to get to have a law degree from UK, a lot of people out in the state think that that's a bigger thing than having one from U of L. And that's pretty nice. Now you get down around Louisville, they don't want to admit it, but I noticed that and it makes me be proud to be accepted as a lawyer with that addition to your reputation or whatever you want to call it. And then I look back on those professors, like Dr. Murray, and Dorothy Salmon, and Dean Starr, well, all of them, really. They did good jobs. Now, Starr, you know, Matthew, not Matthews. What's the guy, that couldn't... Speaking... He's the most educated guy in here?

0:50:34 FR: Whiteside?

0:50:35 TG: Whiteside. Whiteside. How could you not love Whiteside?

0:50:40 FR: Yeah.

0:50:41 TG: If you know anything about people and his wife and his interest and what he would do. And when you'd talk to him, his body language, he'd get excited about something good. And he was enthusiastic. And I had more personal contact with him after law school than any of these others. I had a guy named Reeves that taught government in the undergraduate school, and his brother was the... Wrote the revenue code for Guam and was the head of the tax department in Kentucky, he knew all about that stuff. And he was interested in... When he retired from UK, he became a lobbyist for the elderly. This at the time I'm in Frankfort. And so he's down there now. At that time, he was down there lobbying the heck out of me for these older people at a time I didn't realize I was getting old. But everything he asked me to do, I jumped on there and tried to do. He was always asking the right thing. He wasn't trying to get something crooked or something that wasn't right.

0:52:06 FR: Yeah.

0:52:06 TG: And so I had a lot of contact with him, and he had an influence on me, then he had some influence on Lisa. She was going around on these things on estates as a high school stuff and you get elected president of this or that, and he had a chance to put somebody somewhere he'd help her. And I appreciated that.

0:52:36 FR: Yeah. I think someone's here.

0:52:38 Lisa Spainhour: Hello?



[background conversation]

0:52:42 FR: Hi. Don't worry at all. It's okay.

0:52:44 LS: I'm sorry. Don't get up. Where's dad?

0:52:47 FR: He's right here.

0:52:49 TG: This is Judge Spainhour, by her voice.

0:52:53 FR: Hi, I'm Franklin Runge, I'm sort of trapped in here, but let me come out and introdu...

0:52:57 LS: No, no, no, I'll get there, don't. It's nice to meet you.

0:53:03 FR: It's so nice to meet you.

0:53:03 LS: Court got done early, and allergies are breaking out like crazy around the courthouse, So I just bailed.

0:53:11 FR: Just got out of there. Yeah. Just get going.

0:53:11 TG: He made the mistake of getting in here and couldn't get out. And I've really enjoyed him listening to me.

0:53:17 LS: Well, I know you enjoyed him listening to you.

0:53:19 FR: We've had a great day. We've had a great day.

0:53:21 LS: You don't wanna ask unless you really want to know.

0:53:25 FR: We've been going since noon, and so we've gone through, covered a lot of ground.



0:53:28 TG: Gosh, have I talked to you for three and a half hours?

0:53:30 FR: Yes sir. [laughter] But it's been good. It's exactly what the project's about. So we've had a really good time.

0:53:38 LS: Can I get you all anything?

0:53:39 FR: No, I think, in fact we were actually just kind of just coming to a close, and we were just doing our sort of final remarks.

0:53:46 TG: I knew I was going to outlast him, Lisa.

[laughter]

0:53:50 LS: Yeah. Are the girls on the other side?

0:53:51 TG: Yeah.

0:53:51 FR: Sleeping over there.

0:53:52 LS: Okay.

0:53:53 TG: Yeah. They've been sleeping all day.

0:53:55 LS: It is so miserably hot that I can understand.

0:54:00 TG: Well, if you've had enough...

0:54:02 FR: I just want to go back to one thing that interested me. You had mentioned that Orlandi, the student with you was an Italian, and you had said that he served in the SS.

0:54:13 TG: OSS.



0:54:14 FR: The OSS. Oh, I thought that... Okay.

0:54:18 TG: The secret... He was a tough, damn soldier.

0:54:20 FR: So he was not... The OSS was on the Allied side. Okay.

0:54:25 TG: American. Yeah, in Italy. Yeah.

0:54:26 FR: Okay. I thought for a moment that he was...

0:54:29 TG: No, no.

0:54:30 FR: On in the SS as in the German side.

[laughter]

0:54:33 TG: Oh, no.

0:54:34 FR: And I was curious about... No, so it's the OSS, so he was on the American side or the Allied side of doing sort of... I guess at that point that would've been sort of Secret Service or spy.

0:54:48 TG: Yeah. Of course, he was in the Army, I think. But the OSS in Italy, they were dropping behind enemy lines and doing all kinds of stuff. But he never did have the attributes of a practicing lawyer, and so I don't think he ever did practice law. But he got to be mayor of Jeffersontown, which was a pretty good lick.

0:55:22 FR: And you said that he was a strong man against bootleggers, or?

0:55:26 TG: No, that was Clafogus. The guy that didn't get in law school, or they kicked him out. I don't know which.

0:55:33 FR: Oh. Yeah, Yeah.

0:55:34 TG: I can remember him. Man, he was that wide, just all the way down.



[laughter]

0:55:39 TG: And he wore a trench coat, and that thing was... Fit him close. But hell, he'd go to the ground with these bootleggers out in the woods. When he'd go after them, he brought them back in.

0:55:55 FR: And what was his last name again? It was...

0:55:57 TG: It's Clafogus.

0:55:58 FR: Clafogus. Wow.

0:56:02 TG: There's a doctor named Clafogus down in Western Kentucky that served in the General Assembly with me, and it's part of that family. He's from Lexington.

0:56:12 FR: Wow. Well, I have...

0:56:14 TG: But it was that association that something happened down there around that Vine Street and politics.

0:56:20 FR: Yeah, and so he was...

0:56:22 TG: I don't know if he was buying votes, or what he was doing. But Moreland didn't want any part of him being in that law school.

0:56:30 FR: And that was Clafogus he didn't wanna go to the law school?

0:56:32 TG: I can remember they had a face to... Something. They came together, face to face out there. And I could tell, the expression on Moreland's face. I don't know. I might have heard what they said at the time, but I could tell Moreland's animated. All the stuff that Moreland does, he'd be... He had a lot of animation in him, and he was wound up on a boom-boom. They were arguing about something, and it was in the law school out there, I think in that lobby where you first came in, is where I can... I haven't thought... I don't know if I'm... You spark a memory thing, and I'm...

0:57:18 FR: Yeah. Just following through with it.



0:57:19 TG: Oh, my gosh. How in the hell? But I can't figure out how I can remember something like that.

0:57:26 FR: [chuckle] The brain is a tricky, tricky organ.

0:57:28 TG: Yeah.

0:57:29 FR: So the last name was Clafogus, and he was the one that Moreland didn't like because of what he was doing down at Vine Street?

0:57:40 TG: Well, now that's...

0:57:42 FR: But you think that.

0:57:43 TG: That's my impression.

0:57:43 FR: You're not sure, that's your impression.

0:57:43 TG: I'm not... Yeah.

0:57:48 FR: Alright. I just wanted to make sure I understood...

0:57:50 TG: But there was... I know that he didn't like him, and maybe it was a justifiable bias, but he had a bias against him. I don't know, it doesn't make any difference. That class as a whole, I'd like to compare it to any class that's ever come out of there, with what they did. Those guys came out of there with that war behind them. Most of them in that class were in service, but not all of them. And they had a mission to get to the life's work, and it was inspired after going through that war, and I was a whole lot more serious student after that military experience. Even though nobody shot at me, when I came back I was looking to get a hold of it, and get in there and get out. So I didn't get that BS degree. But, let's see, in 2010 or 2009, Scott Miller, attorney in Louisville, who served on the Board of Trustees of U of L by appointment of Louie Nunn, and has been a lawyer in Louisville for years, was a Sigma Chi. And we went to undergraduate school at UK, and then I went to law school at UK, and he went to law school at U of L. His dad was a circuit judge in there, and he went back home.

0:59:42 TG: We stayed in contact with each other, and he says, "Now, Tom," says, "they got a thing out based on life experience." And says, "If you've got enough, you can get some grade points on life experience. And I don't have any pull at U of L but you've got this pull at U of K. Now, go down there at U of K and get us lined up on this life experience." And said, "We're gonna get our BS degrees." And I said... He's a Republican, and I'm a Democrat, but we don't let that get in anybody's way 'cause we're not very far apart. There's not much difference in a Southern Democrat who's not race and a modern Republican here writing clothes on all stuff. But you can't even get to... You can't even talk about that now. There's no connection with that.

1:00:45 TG: So I said, "You think I don't... I don't have any [inaudible] down there." I said, "Oh, you do. You're a big fellow, and this and that." And I said, "Well, hell, Scott. That doesn't amount to anything at all. That's all bullshit. You can't... That doesn't got anything to do with it." "Ah, you go down there and do it," I said, "Alright." So I went down there, tried to find out about it, talking to this one and that one, and kinda going around and around and around and around. And I never could get it pinned down.

1:01:12 TG: I got the impression they had it but they didn't want to turn loose of it. So I said, "We're going to have to go down there and find out what's behind this and how you do it." So we went down there and we decided what we needed to do was get to these secretaries or get to somebody that knew how to do it. Son of a bitches we were talking to were just leading us from barn to barn and I don't know why. Some of it I think was based on ignorance, and they didn't want to admit that they were uninformed. I'm not talking about intelligence now, you know.

1:01:50 TG: When you're ignorant that means you don't know the facts, to me. Don't go up in Bullitt County and tell a guy that doesn't know the fact he's ignorant, 'cause you'll be looking at the sky. Right between the eyes, on the street.

[laughter]

1:02:04 FR: Yeah.

[laughter]

1:02:04 TG: You say he's ignorant, wham. That's it. [laughter] So we do that and we get down there and make two or three trips over and get with these secretaries. And finally we get in there and said, "Now you're not going to leave this room till you straighten us out." And so they straightened us out, and we went down there and they gave me 11 hours for ROTC credit for my time in the Marine Corps. And they gave him 13 hours for his time in the Navy for ROTC. So we got awarded our BS degrees and go down there and we lead this procession. It's 4500 people graduating, and these old farts, they put the two of us at the head of it. And we go down there and it's at that... In Rupp Arena or wherever it was.

1:03:04 FR: Yeah, the big one. Yeah.

1:03:05 TG: And have all this award thing made out of it and veterans and you know having our... Having our education interrupted and then coming for me... Interrupted. Coming back and... Going through with it and so we got up there. Two of us on stage by ourselves and we got full honors. And I got that degree hanging down there now so I'm claiming I got a BS and an LLB which is probably dead because it has been superseded by a juris doctorate.

1:03:44 FR: Oh, yeah.

1:03:44 TG: Which is a fraud. Actually they sent me that thing and then they wanted... If I wanted to get it they awarded it but if I wanted a diploma, I had to pay \$300. I said, "Hell no, I'm not doing that." I either earned it and am entitled to it or I didn't earn it and I know why I didn't earn it so it's just a change of something. So hell with that. So this time they gave it to... We got that and didn't have to pay anything for that finally.

1:04:16 FR: Nice, nice. That's funny. Alrighty. Well, I think I'm ready to kind of close up. I gotta get back to Lexington.

1:04:24 TG: Gotta home. Hell, you're gonna to go to bed. "Son of a bitch wore me out."

1:04:27 FR: I gotta get to, yeah man. I gotta get on road back.

1:04:30 TG: "He wore me clear out."

[laughter]

1:04:33 FR: But I really I wanna tell you how much I have really enjoyed being here.

1:04:37 TG: Well, I really enjoyed having you here.

1:04:38 FR: This was a wonderful, wonderful day. If I could do this all day long I would, I'll tell you that. But let me...

1:04:44 TG: Well, it's interesting to see, kinda... I don't think I'm history exactly but...

1:04:50 FR: Well.

1:04:50 TG: You know, I've lived through this depression and then this war and then this metamorphosis to where we are now, and the middle class being shot. When I came down here, there was an old lawyer named TC Carro, and he was a veteran of World War I. And he was supposed to be the best lawyer in Bullitt County. Served in the Senate, one term, and he was a kind of a dean, had been vice president of the Kentucky Bar Association, and he connected with all of these Louisville lawyers socially. His wife was chairman of the Democratic party or the woman's thing or something, and high-riding people in the state. And he said, "Tom," he said, "I was born in 1800, 1888 or something." He said... "We had railroads, horse and buggy." Says, "I'm growin' up, it's railroads, horse and buggy. All at once, they come out with the automobile. The next thing you know, they got airplanes. And I go to World War I, and I see what all's being done with this and that." I don't think he went overseas, but he was in World War I. And he's on that that graduate of the U of K now on that first pictures. I don't know if you looked at 'em after you went in the back or not, but I told you two people, TC Carro and Lindsey Thompson. And so there's not too many people here around that know two people on that first class.

[chuckle]

1:06:47 FR: Yeah, that first time.

1:06:48 TG: They're both gone, of course. But he said, "And I've lived through this and gone in airplanes and all this, and now a man on the moon. How in the world can you go from a horse and a buggy, walking, and a train, to a man on the moon?" And he used to be in a courthouse and be looking up deeds and I'd hear him saying, "This world and then the next and then the fireworks." So all at once, I'm 88 years old, and I think I've outlived him. I think he died in his '80s, but I think I've, in that span, I'm talking to people in Bullitt County every day, and they don't have any knowledge or information about this sequence here locally. When I came to Bullitt County, you had three blacktop roads and 11,000 people. A guy named Jiggs Buckman got elected Attorney General in 1951 and went to Frankfort in '52, and somehow I stumbled into buying a movie down here in Bullitt County, and he heard I was a lawyer, and so he wanted somebody to go in his office, and he calls me to see if I wanna go. Well, I came down here. I was working at that bank, waiting on the bar exam, making \$300 a month. And I'm looking around, and I don't see how I can make \$300 a month. He says, "You can." He said, "Look, I do all these income taxes." This was in the fall, so that was coming up. And says, "I get \$5 sometimes for doing the state and the federal."

1:08:48 TG: "If we get a farmer in there, I might get 10. But you don't get two bucks on doing out-of-state returns." Said, "You get to do all that. Those people are gonna come back here to this office. You're gonna have my name on the window," and he said, "You'll get them. I do this work for the bank. They pay \$7.5 for you to run a mortgage and draw a note and a deed. And you don't have to go back, except for the last exam they had, and they've got mortgages on nearly every farm and piece of property in Bullitt County, so that's a sure thing." He said, "You got that, and you're gonna do this and gonna do that, and you get to collections." He said, "You got these grocery bills. If you got a \$15 grocery bill and collect it, you get a third. You make \$5, you're making \$300 a month. If you work, you can do it." Well, I'm sitting there. [chuckle] It's like I'm a man walking the plank. I was married, didn't have any children. I didn't know anybody in Bullitt County but one guy and the name was Simmons. He was a fraternity brother. All he wanted, all I heard out of him when I was at U of K, he was a Sigma Chi that ran a Sigma Chi house. He wanted to get out of Sheep Town. That's what they called Shepherdsville. He was ancestrally pioneer people that come in here and had land grants and he couldn't stand it. He wanted to get out.

1:10:18 TG: So what am I gonna do? So that's just that luck played into it and it's just looking back over 88 years, and I see these roads being built. And he exercised his influence as Attorney General with the Doc Beachum machine. Lawyer, Weatherby, and his Louisville machine, and that woman in there that used to be the head of the Democratic Party in there. And man, they were tough. You'd get in an election fooling with them. And so Buckman had all this influence, and he built these roads left and right. Time he got out of office, every state road in Bullitt County but one was blacktopped. And I saw all of that, and when I came out here, I got to be City Attorney in just a few years of Shepherdsville. Well, I got 'em lined up to get a planning and zoning thing. We had to get in line, and I got a letter about two years after we lined it up. So they come in. We had the first planning and zoning, and then later on I get to be County Attorney with a guy named Ferris as County Judge, and we can't control the blasting rock quarries and all the industrial dumping coming out here. Ford, GE, all these big companies coming out here with this paint and liquids and stuff. Highly hazardous poison stuff and putting it in our ground.

1:12:12 TG: So the people can't control it. We can't control it as government. So Ferris is able to sell a place that you could never sell zoning to if it wasn't something horrifying coming down. And that's how we got it. And here I am sitting in on it. And I'm walking down the street and a woman comes up and says, "Tom, Mr. McGruder, who owns the telephone company, wants to talk to you. Would you come over and talk to him?" I said, "Yeah." I go over there. He says, "The Chamber of Commerce and the Farm Bureau wanna take my telephone company away from me. And I wanna keep it. Can you represent me?" I said, "Well, yeah." I'd had a course in administrative law with a guy named Marks, in my class, he's the top student. He's up there at Lexington. So instead of going and getting a lawyer who really knew something, I go get Marks. And we file these petitions down at the Public Service Commission. He's smart and he gets stuff lined up pretty good. His mother married Dr. Webb. Did you ever know Dr. Webb or hear of him? He taught physics in Funkhouser's era.

1:13:46 TG: They were grave robbers together on all this digging up Indians, bones and stuff. They didn't have any controls over that and every summer Funkhouser and Webb went out with a bunch of students, they're ravishing Indian mounds. You didn't know that? Well, that building up there that used to be a museum between the student union and the law school where that guy's... Is there a square brick building in there? Do you remember?

1:14:17 FR: Between the student union and the law building there's doing... There're a lot of construction. There's the big Patterson Tower, the big skyscraper.

1:14:27 TG: Well, they might have torn that building down. But it was a nice, relatively small, brick building. But it was a museum of some kind, and they'd store all these bones in it. And I used to go up there as a kid and look at them. But Funkhouser taught me zoology when I was going up there.

1:14:48 FR: When you were at the school at UK?

1:14:49 TG: Yeah. And he'd talk a little bit about some of that.

1:14:54 FR: Going to the...

1:14:55 TG: And Webb taught me physics. And he would talk about... Webb was a lawyer. But he couldn't stand any deviation. He wanted to be in a world where two plus two was always four. And when you get in this law thing, well, it's never the same. I mean, these damn thing blurs and the line changes and circumstance and fact... Hell, he just didn't like it.

1:15:21 FR: Yeah. So physics would have been right for him.

1:15:25 TG: Yeah. But when you're going through all this and... Now then, I just have a lot of this stuff that I can remember. And I'm able to shoot these guys down. They come up with this stuff and I know better just from memory of what it really is. And I have a big advantage on that. But it's a disadvantage to be getting old and people think you're in the way. And I just tell them, "Be careful with an old fart 'cause he might know something you need to know."

1:16:00 FR: Yeah. Absolutely.

1:16:01 TG: Or use it against you or something.

1:16:03 FR: Yeah. That is true. That is true.

1:16:06 TG: So right now we got a lot of troubles here in the government. Are you interested in the government? Is that...

1:16:12 FR: Oh, absolutely.

1:16:14 TG: Well, I've been county attorney five... Well, you don't know. But I've been elected County Attorney five times. Not in a row. I never had a public office I made a living out of. I always kept my law practice a separate building. I was elected state representative twice. And I was chairman of the Democratic Party once. And I lost a lot of elections. And my daughter's lost elections. But she's won two now. The two that count. She's won 'em. So we got a political thing, historical thing about that. And the Fiscal Court with the county judge has got a system going where they had... The last three years they have had approximately 500 line transfers in the budget. That's 10 a week. You're not supposed, under law, to have a line transfer except if you get income unanticipated. And you blend that into your budget and change... Put the money where you wanna spend it. Or if there is an emergency.

1:17:46 TG: Well, hell, Bullitt County's having 10 emergencies a week. And it's not a thing that stops you from spending. They've just been reaching in there and changing whatever they want to do it. They're doing it and now this new Fiscal court's come in and I'm trying to stay out of it so that I don't hurt Lisa, but some of these people I'm whispering counsel to are fed up with this business and she's not letting anybody talk during any meeting at the fiscal court, except at the end, after they already voted on everything. When they're voting on it, they won't let you talk. Of course, the solution for that partially, is to file a declaration of rights and have it declared by a court, whether or not she is a county judge presiding in a meeting can refuse to permit a citizen to stand up and object or ask the question about why are you doing that. And so that's getting ready to happen and I've got all this history in my head.

1:19:06 TG: This woman's been in there now for... This is her third term. And she's always blamed it on the fiscal court. The first time, there was Democrats in there. The second time, they was all Republicans. And this third time, they're all kinda hardened, case-hardened Republicans. But they don't like it when they... County is not operating under that budget. They don't wanna tax anybody, so they don't wanna spend any money, but trying to bring these department heads under heel... Well, I'm boring you. Aren't I?

[background conversation]

[pause]