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Interview with

JUDGE SARAH T. HUGHES

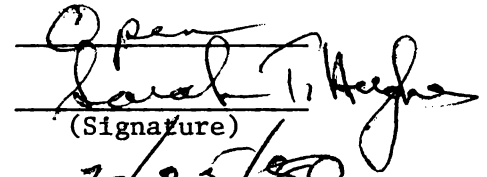
August 23, 1979

Place of Interview: Dallas, Texas

Interviewer: Ronald E. Marcello

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Oral History Collection

Judge Sarah T. Hughes

Interviewer: Ronald E. Marcello

Place of Interview: Dallas, Texas

Date: August 23, 1979

Dr. Marcello: This is Ron Marcello interviewing Judge Sarah T. Hughes for the North Texas State University Oral History Collection. The interview is taking place on August 23, 1979, in Dallas, Texas. I'm interviewing Judge Hughes in order to bring her judicial career up-to-date for the Oral History Collection, since the initial interviews were done with her by Fred Gantt back in 1969. Now, Judge Hughes, I was watching a television program on Channel 13 some time ago, and at one point it seems that you mentioned during that interview that the cases involving abortion, Sharpstown, and the Dallas County Jail were perhaps three of the most important cases that you've dealt with in recent times. Do you still agree with that?

Judge Hughes: Yes, I think so.

Dr. Marcello: Okay, let's talk about some of those cases then. I guess the earliest one would have been the Sharpstown case involving the stock-fraud scandal back in 1971. Can

you describe for me exactly how you, as a federal judge, got involved in that case?

Hughes: Well, it was the sale of securities, and the violation was under the federal securities law, so it was very apparent that I should have jurisdiction of it.

Marcello: Did you know any of the defendants in that case at the time that you presided? In other words, were you very good friends with any of those people?

Hughes: Well, I don't know that I was good friends with them, but I knew Waggoner Carr quite well, and there may have been some others that I knew. Let me look at the list of defendants, and I'll see if there were any others that I did know (refers to her papers). There were quite a few . . . I had heard of John Osorio, and I, of course, had heard of Michael Ling and had met him, and I knew Waggoner Carr pretty well. They, I think, were the only ones I knew.

Marcello: The reason I asked that question was because some of these people were involved in Democratic politics in Texas, and I thought you may have had some association with them from that standpoint.

Hughes: Well, that's where I knew Waggoner Carr.

Marcello: What were your opinions of Waggoner Carr going into that case and perhaps even before the evidence was presented and so on?

Hughes: Well, I was never a follower or friend of Waggoner Carr. I

knew of him only as a state official, but I don't know that I ever supported him except when he was the only candidate on the Democratic ticket.

Marcello: Okay, let's talk about some of the other people that were active in that particular case. Like we mentioned awhile ago, some of the principal defendants were Waggoner Carr and John Osorio, and then, of course, there were others, also. What were your impressions of John Osorio in that case?

Hughes: Well, he's a very smart man. I think in the end he was about the only one that served any time, as I remember. I'm not sure of that. I issued an injunction against these people, but for some reason I think that only John Osorio served some time. Do you remember? I suppose you have read the background material on the case.

Marcello: Yes, it is true that he did serve some time. Let me ask you this. How did you go about serving that permanent injunction against Osorio, Carr, and several others? How did it come about? Can you describe the procedure?

Hughes: Well, I don't know that there's any procedure, except I just heard the case and decided after hearing the case that the injunction should be issued, that they had been violating the securities laws and that they must be restrained.

Marcello: What does a permanent injunction mean to somebody like Waggoner

Carr or Osorio?

Hughes: Well, it means that they can no longer engage in the sale of those securities.

Marcello: In other words, they can't basically practice before the SEC?

Hughes: That's right,

Marcello: The Security Exchange Commission.

Hughes: Yes.

Marcello: How about Frank Sharp? Did you see him in this case and what were your opinions of him?

Hughes: I saw him, all right, but I don't really remember too much about it. You know, this has been eight years ago, and I don't remember too much about the case, except what it was about and some of the defendants. If you'll ask me about the jail case, I know more about the jail case than any other case.

Marcello: I remember from that television interview to which I was referring earlier that your interest in prison reform perhaps does take precedence over just about all of your other interests.

Hughes: Well, as far as I'm concerned, that case is the most important case that I have tried.

Marcello: Why is that?

Hughes: Because I found that the Dallas County Jail was very much in need of a change. It was in deplorable condition, and I

think that under my jurisdiction, it became one of the best jails in the whole United States; and I think if it had continued to remain under my jurisdiction, it would have. It was under my jurisdiction for . . . well, I rendered the first opinion in June of 1972 and had it under my jurisdiction until this last week.

Marcello: How did the deplorable condition in the Dallas County Jail come to your attention?

Hughes: Four men who were confined in the Dallas County Jail brought the case against the Commissioners Court and the sheriff, and they alleged cruel and inhuman treatment because of the overcrowding. There were men, and women, too, sleeping on the floor. They didn't have enough bunks for them, and they didn't have places for them to sleep, except on the floor. Then the single cells were particularly bad. They put them there to punish them, and it wasn't big enough for a man to even lie down in. There was no place for toilet facilities except a hole in the middle of the floor; there was a light burning all night long right in his eyes; there was no place for him to take a shower, to wash, or to do anything. The conditions, as far as overcrowding, were exceptionally bad. Even in the hospital section, they didn't have enough beds. Even those people had to be placed on the floor. So that was how I originally got jurisdiction.

In the case itself, though, I found that the commissioner's court had not abided by a state law of 1957 which required certain provisions of the jail. That law was in effect at the time the government center jail was erected, but they paid no attention to it at all, and they completely ignored it. As a matter of fact, I guess that though I did find cruel and inhuman punishment, the fact that they did not abide by the provisions of the state law gave me a jurisdiction.

Marcello: After you learned of these conditions, did you then perhaps give the county time to clean up its act, so to speak?

Hughes: Oh, yes, I certainly did. I've issued many, many orders in the Dallas County Jail case. One of the things that they didn't have was any provision for exercise. Over the years, there has been a great, great deal done. They had closed the old jail when they built the government center jail, and so I ordered them to open up the old jail. They had used it for storage, but there was plenty of room over there for inmates if the place was cleaned out, which they did. Then, finally, a couple of years ago, they opened up Woodlawn, which is a minimum security jail, so at this time there is sufficient room for everybody in jail to have a place to sleep.

Marcello: What sort of reaction did you get from the county commissioners

and other officials when these things were brought to their attention. In other words, was it outright defiance or simple procrastination and foot-dragging or a combination?

Hughes: Well, in the beginning, they were quite angry. None of the commissioners or the county judge or the sheriff were present in court at the time the case was tried. They just completely ignored me. But over the years, they have become quite cooperative, and finally I would say they were willing to cooperate in everything. The only thing is that they are guilty of procrastination just like everybody is, you know. Unless you require your own children to do things, even though they know they might get a whipping, they will procrastinate and not do them. Well, that's the same way with the commissioners and the sheriff. They need a little pushing now, and that's what I was doing with them.

Marcello: At the same time, were there certain philosophical differences? In other words, I think I'm correct in saying that you look upon jail sentence as being one whose primary aim is rehabilitation.

Hughes: In the Dallas County Jail, there're three types of prisoners: (1) those that are being held for trial, who have never been tried; (2) those who have been tried and given a sentence and their cases are on appeal; and (3) those who have been given a misdemeanor sentence of anywhere from thirty days to

one year. Now as far as those that are being held for trial are concerned, we're not going to try to rehabilitate them. I would say that for those whose cases that are on appeal, and certainly those who have received a sentence, it was my aim to try to rehabilitate them. I think that we did a great many things that would rehabilitate them.

Marcello: How do you see sentencing as a deterrent to crime?

Hughes: I think it is a deterrent to crime. For instance, these people who distribute drugs--cocaine and heroin--if you will give them a sentence of ten to fifteen years, that should be a deterrent to others who want to sell cocaine or heroin. It's the same way with a bank robber. If you just slap him on the wrist, it certainly doesn't deter him. So I would say that one of the principal reasons for sentencing is to be a deterrent to others; but, likewise, the purpose is to rehabilitate them while they're in custody.

Marcello: In the television interview to which I was referring earlier, you at one point stated that in many cases a sentence of more than five years really doesn't do too much good.

Hughes: I think that after they've been there five years, there's not much more that you can do. Now, as a deterrent, you may have to keep them longer, but I think that they usually get out for good behavior or because the parole board feels that they've been there long enough. So not many of them stay

longer than five years, except bank robbers and those guilty of very drastic crimes.

Marcello: What is your attitude toward those who engage in the business of peddling drugs?

Hughes: Well, I think I'm harder on drug distributors than anybody, because they can be so harmful to young people. If young people learn to use drugs, that can really change their whole lives, and I expect that I'm harder on drug distributors than anybody.

Marcello: Getting back to the Dallas County Jail situation, of course, we do know that your jurisdiction over the jail was taken away. How did this come about?

Hughes: Well, the Commissioners Court, through their lawyer, of course, appealed two of my rulings. One was to require the building of a new jail, and the other was with regard to the number of security officers. They felt that that was going beyond what I had been called upon to do. I had finished with the overcrowding; the jail was now up to state standards, and there was no overcrowding. I assume they felt that I had finished my job.

Marcello: Now, even though your authority over the Dallas County Jail has ended, the construction of that jail is still going to continue, however, is it not?

Hughes: Oh, yes. The commissioners and the county judge have said

that it would continue. Of course, as a matter of fact, the people adopted a bond issue for the purpose of building a new jail, so the Commissioners Court is under a mandate to complete the jail. I'm not worried about that. They'll complete the jail.

Marcello: I think this was a statement that was also made by County Judge Gary Weber quite recently, that is, that obviously the construction of the jail would continue,

Hughes: Yes.

Marcello: Which of the county commissioners seemed to be most strongly against the positions that you were taking relative to the Dallas County Jail?

Hughes: Well, of course, in the beginning Judge Sterrett was the one that was most opposed to anything that I did. The commissioners occasionally . . . well, it's not a matter of one disagreeing, but he might disagree on one thing and agree on other things. But Judge Weber has been most cooperative ever since he became county judge.

I would like to tell you some more about what has gone on in the Dallas County Jail. One of the first things that we did was put in a TV. It was color TV, and a good many people on the outside objected. They said, "We don't have color TV! Why should the prisoners have color TV?" Well, the point is that the prisoners had nothing to do, and they

were able now to look at color TV. The sick calls were reduced, and the calls with reference to squabbling and fighting were reduced.

Marcello: And I would assume that somebody of that type probably found that television was the best form of recreation they could have, so to speak, under that circumstance.

Hughes: That's right; that's right. That is, not the best form of recreation, but it was something to keep them busy.

Then we put in closed circuit TV, and those were programs that were done in the jail itself. The prisoners, some of them, are quite religious, and they were willing to put on church services themselves. They have also had a program on "Ask the Sheriff." There were exercise programs that the athletic director put on that they could do--exercise, yoga. There have been all sorts programs and speakers that have been brought in from the outside.

Then another thing that was done was to provide exercise in the old jail. They used the gymnasium, They used a room which they had over there for a gymnasium, and the athletic director would have matches between the men of different cells in basketball and handball. And they had all sorts of calisthenics in there.

Of course, over at Woodlawn, they have outdoor exercise, and they take them out to play handball and volleyball. They

have a vegetable garden which they work, and now that the women are over there, they also are taken out there. So there is exercise.

We have had the hardest time with regard to the government center. That has no exercise at all. They did put in exercycles. We found that the prisoners broke the exercycles to get things to make weapons of some kind. So we were constantly repairing the exercycles, and so we had to do away with that. But finally, these last several months, they have planned for an exercise room, and they are making that space available, which is satisfactory with Al Walsh, the athletic director. It will be furnished according to his wishes, and I think that we'll finally get that done.

One of the things that to me has been very important is the educational programs that we have. The prisoner may get his G.E.D. (General Education Diploma) there, because it's given by the Dallas School District. El Centro has sent people down to teach classes, and you'll be surprised at the number of courses that have been completed by some of the prisoners. Now, they are usually men who are waiting for their cases on appeal, because they sometimes have to wait two or three years. We've had two to graduate from El Centro. They have all kinds of courses--cooking, for instance. Men like to take courses in cooking, and, of course, it's a good thing

for them. They can get good jobs. And then there's typing, shorthand, and other courses that you'd never think that they would take . . . psychology and I don't know what else. Then they have art classes. The picture that you'll see over my secretary's desk out there was painted by men in the jail, and it is really a beautiful picture. They've had exhibits of their paintings both in the courthouse down here and down at El Centro. So those things keep them busy.

Now, recently, for the last year, SMU law students have gone down to Woodlawn and given the men lectures in child care . . . laws relating to custody of children, worthless checks, and all sorts of things that the prisoners might be interested in.

Then we put in what was called the pre-trial release. A bond, of course, is nothing in the world but to insure a person being present at the time he's tried. Well, now everybody is interviewed by a pre-trial release officer, and if they have ties in the city of Dallas, like a wife or other reasons for them not to run away, they are released on their own recognizance. That has worked very well, and that has reduced the number of people in the jail.

Another thing that we have now out at Woodlawn, we have men and women who will go out on work release. They work during the day and come back at night. A great, great deal

has been accomplished.

I believe that one of the things that they appealed from what I had ordered was that the food carts should be heated (chuckle). Well, I admit that doesn't have much to do with the crowding of the jail or the way that the jail should be constructed under the statute (chuckle), but it has a great deal to do with the happiness of the prisoners. You know, if you don't have anything to do, the thing you think most of is food, and if your food isn't hot, you don't like it. One time we actually had a man enclose in a letter a piece of toast that he received that morning. He said that's what he had been fed.

Well, to me, if we can improve the jail to the extent that men and women will leave there better men and women than when they came in, we have done a very good job.

Marcello: What role does Sheriff Carl Thomas play in this jail situation?

Hughes: Well, he is at the head of the jail, that is, the way that it is run. Now, the commissioners have nothing to do with running the jail. They have to do with the construction of the jail, so their functions are entirely different.

Marcello: In general, has Sheriff Thomas' attitude been one of cooperation?

Hughes: Oh, yes! He appointed a man to be the director of the jail who was a professor of criminology, I think it was, at

the University of Texas at Arlington. He has been most cooperative with me.

Another thing that's been introduced was the classification program so that as the prisoners came in they could be classified and determine whether or not they were prisoners that could be sent out to Woodlawn. If they were dangerous, they weren't sent; if they were people that would not escape, had been convicted of certain things, say, worthless checks or driving while intoxicated, they're not going to do anything to other individuals out there. If they escape, they're not going to be dangerous. So that's the type of people that we send out there.

Marcello: Was your decision to assume jurisdiction of the Dallas County Jail a precedent-setting one. In other words, in recent times have other judges in your position done similar things?

Hughes: I think really that mine was one of the very first, but there have been more since then. That, you see, was seven years ago.

Marcello: So in a sense, then, do you see your decision as more or less a precedent-setting one?

Hughes: Yes, I do.

Marcello: Another case in which you were involved since the last time that the interviews were done for the Oral History Collection

involved the abortion case.

Hughes: Yes, I really think that nationally that case is probably the most important case that I have tried.

Marcello: Why is that?

Hughes: Well, it declared unconstitutional the Texas abortion law, which provided that a woman could have an abortion only if her life was endangered. Of course, this has now become a national concern. A constitutional amendment has been introduced--I don't see that it is going to get anywhere--that would prohibit abortion except under very serious conditions.

The two lawyers who represented the plaintiff in that case are both very good lawyers, and one of them has become quite well known. She's Sarah Weddington, who is one of the assistants to President Carter, and I think that when she comes back to Texas, she will in all probability run for some major office.

Marcello: Discuss Sarah Weddington a little bit more. What sort of a lawyer is she, and what sort of a person is she?

Hughes: In the first place, she's a most attractive young woman. I'm not sure, but I think she's in her early thirties.

Marcello: Thirty-four, I believe she is.

Hughes: She is, in addition to being attractive, intelligent and smart. She served in the Texas Legislature before she went

to Washington, and in her second term she was considered one of the most important legislators--one who did the most good.

Everytime she has an opportunity, she comes to Texas and makes speeches, which gives the impression that she . . . when she comes back, she will run for office.

Marcello: You've seen a lot of lawyers, so what kind of a lawyer is she?

Hughes: Oh, I think she's very good. She's not one of these bombastic kinds. She's soft-spoken and . . . she's excellent.

Now, the other lawyer in that case was a former law clerk of mine . . . I think she was. I believe it was . . . let me see if she was (refers to her records). Oh, well, I'll tell you that Judge Goldberg and Judge Taylor were the other two members of the court, and, of course, they're both here in Dallas. Yes, Linda Coffee was the other lawyer, and she is on that second row of law clerks, the second one there (refers to picture). She is excellent as a lawyer in discrimination cases.

Marcello: What was your own attitude toward abortion before you even heard the case--your personal opinions toward it?

Hughes: Oh, well, I was in favor of permitting abortion. Of course, I think men ought to do something about it, not put it always on the women to do something about it. It's more dangerous

for women than it is for men.

Marcello: What particular argument did Weddington and Coffee use in presenting their case? Do you recall offhand?

Hughes: No, I don't remember what it was. It was just unconstitutional, that's all. It was a privilege for a woman to decide what she wanted to do, and it was an invasion of that privilege.

Marcello: Another local case which grabbed the headlines for a while was the so-called Hawkins case. What do you recall about it?

Hughes: Well, it was an important case, also. It was a case brought by a black pupil, that is, his mother, for other black students who had been suspended from school for discipline purposes. It was contended that this was discriminatory, that more black students were suspended than white students were and for lesser reasons. I held that it was institutional racism, but those were not actually my words.

Marcello: I was going to ask you if they were your words or Superintendent Nolen Estes' words?

Hughes: Superintendent Estes was the last one to testify, and that's what he called it. So that's what I called it, too, though I must say that I really didn't know what institutional racism was. But I figured that if he knew, that was all that was necessary. And I held that there should be greater preparation for the teachers to show them what was institutional racism

and prepare them to take some sort of action when those students were to be disciplined.

Marcello: Now, in 1975, you took what was called senior status as a federal judge. What does that mean?

Hughes: Well, of course, federal judges are appointed for life, and even when they retire or become ill, they continue to get their salary. Well, you can take what is called senior status and receive and do whatever you want to do. I like criminal cases.

Marcello: Why is that?

Hughes: Well, you're dealing with people, and I don't like to deal with things.

Marcello: It goes back to the Dallas County Jail again, I guess--what we were talking about earlier.

Hughes: Well, the Dallas County Jail deals with people, and so does Rowe vs. Wade and so does the Hawkins case. But the other case, the Sharpstown Bank, it doesn't deal with people at all. Now, that's the kind of case I don't like. There are a lot of civil cases that I don't like--anti-trust cases, patent cases. There's nothing more dull than a patent case.

Marcello: It's like a historian having to study about a tariff, I think (chuckle).

Hughes: Yes. I wanted to try criminal cases, because you feel as if when you're sentencing them that perhaps you can do something

for them. I always give them something to hope for. I don't give them, say, ten years, and that's , , . I find out what they want to do in the penitentiary. Do they want to further their education or get a G.E.D., or do they want to study some vocation? I send that to the prison authorities so that they will know what to do for them. Then I always, when I'm talking to them, give them some hope. You can do this if you will make up your mind to it, if you are determined.

Then sometimes I talk about their faith in God. Some of them, a great many of them, are blacks, and they will say that they've been born again. If they think they've been born again, I make something of it. I tell them to count on the Lord and put their trust in Him. You're dealing with people. You're hoping that you can get to them and that they will respond to you.

Marcello: At one point, it's been said that you do consider yourself an activist judge, and I think it's probably a good characterization. Would you agree with that?

Hughes: Oh, yes. In fact, I have said it myself. I'm not a student. I don't like to go in that library. You should go in that library of mine and see all the books that there are. There are some judges that like to write opinions and like to study. I don't. I have never written an opinion that I

didn't have to write.

Marcello: If you become a member of the Supreme Court . . .

Hughes: I will not become a member of the Supreme Court.

Marcello: (Chuckle) Let me rephrase my question. When one is a member of the Supreme Court, is it necessary to write the long briefs and so on that you seem to abhor?

Hughes: Personally, I think that the Supreme Court's opinions are too long, but I presume that there are many others that don't agree with me. I think that they could say the same thing in much fewer words. But, again, I presume that you'll find that most people won't agree with me.

Marcello: On the basis of what you said, then, I think that you are implying that you would much rather be serving in the district court than on the Supreme Court, really, in terms of the type of work.

Hughes: I'm sure that if I had ever had the opportunity, when I was young, to serve on the Supreme Court that I would have accepted it with alacrity. But I am sure, also, that I make a better district judge than I would have made a Supreme Court judge.

Marcello: In your judicial career, do you feel that you ever did come close to receiving an appointment on the Supreme Court or having one offered to you?

Hughes: No, I do not think so. In the first place, at the time I

was appointed to the district court, the American Bar Association would not approve me, because they said I was too old. I was sixty-five at the time, and that is the age that they begin not to approve. They said they disapproved because of age; they didn't say I wasn't a good judge. I had been a judge on the state court for twenty-five years. So I do not think I would ever have been appointed. I would certainly have had to serve a few years before going either to the circuit court or to the Supreme Court, and I know that I would have been too old. I don't know of anybody on the Supreme Court that has been as old even as sixty-five. They have been sixty-four, I think, but I don't know of anybody who was sixty-five.

Marcello: That is, at the time of appointment.

Hughes: Yes, that was at the time of appointment. Oh, there's been plenty of them older than that as the years went by, just as I'm older than that.

Marcello: There is supposedly a Jewish seat on the Supreme Court, and there is supposedly a black seat on the Supreme Court. Should there be a woman's seat on the Supreme Court?

Hughes: No, no! There should not be a seat called a "black seat," a "woman's seat," and a "Jewish seat!" At the present time, there is no Jew on the Supreme Court, and there's one black.

I feel sure that if there is a vacancy that President Carter will appoint a woman, but I don't think you ought to call that a "woman's seat." Maybe there might be three or four women; there might be three or four blacks that would be competent. So you should not call it a "woman's seat." It sounds as if it's limited to one seat for women, and, after all, women make up more than half of the population.

Marcello: Would you possibly see somebody such as Sarah Weddington as being a likely candidate for a position on the Court?

Hughes: No, Sarah Weddington would not make a likely candidate. There are several women who are on the circuit court now who would be more likely as a candidate. There is a woman on the circuit court . . . she's from California. She's been on the circuit court for several years, and I think that she has a very good chance of being appointed if there is a vacancy. But there are others as well. There are a number of women now on the supreme court of states, and they would all be likely candidates, too.

Marcello: You've eliminated Sarah Weddington possibly because of lack of experience more than anything else, having not served on the federal bench?

Hughes: And her age. She's under thirty-five, and I don't think that she would be considered competent. She hasn't had enough experience. Her experience has been as a legislator

and as an administrator. She really hasn't had a great deal of experience as a lawyer.

Marcello: Judge Hughes, is there anything else relative to your judicial career at this point that you would like to get as part of the record? Are there any other cases that seem to stand out that you'd might want to talk about?

Hughes: Well, I integrated the schools of Wichita Falls, and I have had absolutely no trouble at all with those. Unlike the schools here in Dallas, which never have gotten entirely settled. I appointed a biracial committee in Wichita Falls.

Marcello: How did this come about, that is, the racial integration of Wichita Falls?

Hughes: At that time, I was handling the Wichita Falls docket. See, the northern district of Texas includes Amarillo and Lubbock and Fort Worth and Dallas and Abilene and Wichita Falls and San Angelo, and I was handling the Wichita Falls docket in addition to the Dallas docket.

Some students through their parents filed this suit, so I handled it. I had two law clerks at that time that spent a lot of time figuring out the lines of the district. I did divide the district as far as the schools were concerned--both the elementary schools and the secondary schools. I think that the thing that made that easier for me was that the school board cooperated. The lawyers told

the school board that the law was as I had handed it down and that there was no use in appealing it. So the case was not appealed. In Dallas, it's been entirely different.

Marcello: So compliance is basically a matter of attitudes of local authorities.

Hughes: That's right. It is. Then the biracial committee that I appointed . . . the chairman of the committee was the president of the bank up there. He's a very fine man. I appointed a couple of lawyers, a doctor or two, ministers, so that it was truly a biracial committee. I have never had any trouble. I still keep up with it, and I call the superintendent occasionally to find out how everything is coming. I consider that an important case that I had.

Marcello: It is interesting how Dallas school officials and authorities continue to appeal and appeal and appeal, and they lose just about everytime, I believe, do they not?

Hughes: They do. The lawyer that the school board had in Dallas was not cooperative, and he was the one who recommended all of these appeals,

Marcello: Who was that lawyer?

Hughes: Warren Whitham. He still represents them. You may have noticed in the paper this morning that the school board decided to do something about this company that had charge of the rental property of the schools and invested their

money and now hasn't turned it over to them. He is their lawyer. Of course, I agree that something ought to be done (chuckle).

Marcello: Evidently, your opinion of Mr. Whitham isn't exactly a high one.

Hughes: Well, I like Warren Whitham all right, but I did not like his attitude. He and I are pretty good friends, but we don't see eye to eye as far as the school board's concerned.

Marcello: Judge Hughes, since 1969 when those last interviews were held, you have had quite an active career, if I may use that word, between the Dallas County Jail and the abortion case and the Sharpstown case and the Hawkins case.

Hughes: And the integration of Wichita Falls schools. I think, if you want to question me, you ought to question me about my attitude with regard to women. That has been a very important part of my life, you know.

Marcello: Why don't you discuss that? Now, again, you had gone into that to some extent back in the earlier interviews with Fred Gantt. Let's continue on with that.

Hughes: I know I did. That's the reason I suggested it. Since then, Congress has submitted the Equal Rights Amendment to the states, and, at this time, thirty-five states have ratified it. They need thirty-eight. I am very much in favor of it and hope very much that, before the time expires, there

will be three more to ratify. Even if they don't ratify it, I think that the women will continue to work toward removing all discriminatory laws as far as women are concerned.

Now, one of the things that concerns me the most is that I think we need more women in public office. From the time when I first came to Dallas, I think one of my first speeches that I ever made was to the American Association of University Women. I urged them to become involved, and I had been urging the various groups to become involved ever since. But, you know, you cannot be elected or you cannot be appointed by just depending on somebody else to do it. You, yourself, have to be involved. I presume that I must have told Fred Gantt about how I got appointed to the federal court, but I don't remember.

Marcello: What role did people like Sam Rayburn, for example, and Lyndon Johnson play in your appointment to the federal bench?

Hughes: Well, they both played a very important part, and so did Senator Yarborough. I had campaigned for Senator Yarborough when he ran for governor and for the Senate, and I had campaigned for Lyndon Johnson when he ran for the Senate. I had campaigned with Sam Rayburn for every Democratic president since 1928. So I knew all of them quite well.

When it came time . . . when I wanted to be a federal judge, as I've said many times, I didn't expect President

Kennedy to look all over the State of Texas and find that I was the most competent lawyer in the State of Texas. I had to have somebody tell him I was (chuckle). So Senator Yarborough and Vice-President Johnson told him, but I really think that the one that finally did the trick was Mr. Rayburn.

Bobby Kennedy, who was then attorney general, took some bills up to Congress, and he said to Mr. Rayburn, "Do you think you can get these bills passed?" Rayburn said, "Yes, if you will recommend Judge Hughes to the President." So I really think that's the way I got appointed. I think that's the way that women ought to do. They're not going to get appointed just on their merits. They've got to know somebody. You take all of these people who have just been appointed to the federal courts in Texas or anyplace else. They didn't get appointed just because they were excellent lawyers, but they got appointed because they knew or had worked for or knew somebody who did know Senator Bentsen. That's the way you have to do. These women who just think they're going to get things by sitting back and waiting for them are wrong! You've got to work for things. You can't get them by just sitting back and waiting.

Marcello: Awhile ago, you mentioned that you had been involved in Democratic presidential politics as early as 1928. Did you perhaps attend the Houston convention in 1928?

Hughes: No, I never attended but one convention in my life, and that was in Baltimore in 1912. I lived in Baltimore, and I went down there and . . . oh, I did attend one other when I was nominated for vice-president (chuckle). That was in Chicago in 1952.

Marcello: You mentioned some of the political personalities that were instrumental in obtaining for you a position on the federal bench. You mentioned Sam Rayburn awhile ago. What were your impressions of Sam Rayburn?

Hughes: Oh, he was a wonderful man. He knew exactly what he wanted, and he went ahead and got it. You know, he was speaker of the House of Representatives of the State of Texas for several years before he was elected to Congress. Then, of course, he was elected speaker of the House in Congress, and he was speaker for quite a number of years. He presided, you know, over a good many Democratic conventions, too. He presided over the one where my name was placed in nomination for vice-president.

Marcello: Did he ever have any comments about that privately?

Hughes: Well, I had to get his permission to have my name placed in nomination, because he wouldn't recognize you unless he wanted to. So, first of all, you had to get the permission of the presidential candidate, Mr. Stevenson, and then you had to get the permission of Sam Rayburn. He said that

he would allow my name to be placed in nomination if I withdrew it immediately (chuckle), which I did, of course. I suppose I must have told this to Fred Gantt, so there's no use in going over it again.

Marcello: How about Lyndon Johnson? What sort of a man was he?

Hughes: He liked women. He liked to dance with women. I think he loved his wife very much, even though he may have had an affair with somebody else. He depended on her a great deal. And he loved dogs. Anybody who loves dogs is somebody that I love, too. I thought a lot of him. There's his picture up there (gesture).

Marcello: Another person that you mentioned awhile ago who was instrumental in your appointment was Senator Yarborough. What sort of a person is Ralph Yarborough?

Hughes: Well, Ralph Yarborough is a man who is a very strong Democrat. He's a liberal Democrat. I think that he would still like to run for office in Texas, but he--like I am--is getting a little too old to continue to run. He looks younger now than he did about ten years ago. He is a very interesting person to talk to. He knows history better than anybody I ever saw. He can tell you all about your own family (chuckle). He has been to a number of the Fifth Circuit conferences, and he always enjoys it, and the people who are around him enjoy having him around because he is so interesting.

Marcello: I'm looking around your office, and I see behind you a bust of Franklin Roosevelt. What does Franklin Roosevelt mean to you as a president?

Hughes: Franklin Roosevelt meant a lot to me. Of course, I did meet him on one occasion. I don't know whether I told Fred Gantt.

Marcello: You did not tell us that, and I would like to hear that because Roosevelt's more or less my hero.

Hughes: Well, Hatten Sumners, who was the congressman from this district, invited me to come up to the judicial reception. All the way up, I kept wondering about how I would introduce myself to him. I always say, "I'm Sarah Hughes," I never say, "I'm Judge Sarah Hughes." But how would he know that I was a judge if I didn't say it (chuckle)?

Then, when we got there, Mr. Sumners and I got out of the taxi and got to the foot of the steps, and someone at the head of the steps said, "Gentlemen first." The gentleman was supposed to introduce himself, and he was supposed to have his wife behind him, you know. So I got up to the head of the steps, and the man up there who was standing right opposite Roosevelt said, "Mr. Sumners." Without asking me who I was, he said, "Mrs. Sumners." So I had gone all the way to Washington to be introduced to the president as Mrs. Sumners (chuckle). I was just

heartbroken (chuckle).

Marcello: When you think of Franklin Roosevelt, what sort of a man or president usually comes to mind?

Hughes: Oh, he was a very strong man and determined to do the right thing for the people. He did do the right thing for the people. He brought us out of the Great Depression, and it was only because of his foresight and forcefulness that did it.

Marcello: He changed, I think, the attitude of the government's role toward the people considerably, did he not, during his administration?

Hughes: Oh, yes. You see, Hoover before him had felt that the government would just run itself, that the people didn't need guidance. But the people do need guidance. It's just the same way with the Dallas County Jail. It's not going to work itself; you've got to keep your hand on it. And so it was with Franklin Roosevelt and that particular time. The government won't run itself; you have to lead it.

Marcello: Well, I think this is perhaps a good place to end the interview since we've had your glowing description of my hero. Judge Hughes, once again I want to thank you very much for having participated in our project. As usual, you've been most candid, and I'm sure that scholars will find your comments quite valuable when they use this information.

Hughes: Well, I don't know about that, but I didn't mind at all.
I'm glad to do it.