Evo DeConcini
Oral History Project:
Arizona Legal History

Interview with Wesley E. Polley
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THE EVO DECONCINI ORAL HISTORY PROJECT: ARIZONA LEGAL HISTORY

HISTORICAL NOTE

In 1985, James F. McNulty, Jr., former U.S. Congressman from Arizona and currently an attorney with Bilby and Shoenhair in Tucson, proposed that the Arizona Historical Society develop an oral history project to collect the reminiscences of senior judges and lawyers in Southern Arizona. As a former partner in one of the oldest law firms in the state, in Bisbee, he had long been aware of the wealth of information and experience expressed in many of his colleague's lives and careers, some of whom had been practicing law for over fifty years. In an effort to preserve and disseminate their stories and observations about the profession, the Archives Department of the Arizona Historical Society/Tucson developed a pilot program focused on Southern Arizona, with the goal of collecting the reminiscences of fifteen to twenty individuals associated with the legal profession over the last fifty years.

The project was funded through a challenge grant made by Roy Drachman and money subsequently donated by members of the Pima County Bar Association and the DeConcini family. At Mr. Drachman's request, the project was named for the late Judge Evo DeConcini, a highly-respected member of the Arizona Bar and a long-time friend.

Most of the interviews were conducted between 1986 and 1988, by Mr. McNulty. Interviews were also conducted by Robert

Palmquist, Jack August, and Adelaide Elm. Additional interviews with judges and attorneys conducted previously for other oral history projects were included with the DeConcini Project, to expand the scope of the project. The narrators, representing both rural and urban practices, were identified for inclusion by Mr. McNulty and other members of the State Bar. They included three judges, sixteen attorneys, the wife of a former state Supreme Court justice, and the legal secretary of one of the oldest law firms in the state. All transcripts and tapes are available to the public at both the Arizona Historical Society and the University of Arizona College of Law.

In addition to preserving the recollections of legal practitioners in Southern Arizona, the Evo DeConcini Legal History Project has spurred the collection and preservation of primary documents relating to legal history, such as day books, client ledgers, correspondence and photographs from law firms and individuals connected with the profession. It is hoped that the DeConcini Project will serve as a model for the collection of such memoirs and historic materials on a state-wide basis.

THE EVO DECONCINI ORAL HISTORY PROJECT: ARIZONA LEGAL HISTORY

SCOPE AND CONTENT NOTE

This collection consists of 43 cassette tapes (60 to 90 minutes in length), thirty-two 1/4-inch audio tapes, and twenty-one transcripts produced for the "Evo DeConcini Oral History Project: Arizona Legal History" by the Archives Department of the Arizona Historical Society between 1986 and 1988.

The collection is arranged in two series: (1) Oral interviews conducted for the project; and (2) Oral interviews gathered from other projects.

Series One consists of fifteen interviews: (1) Charles Ares; (2) Ralph W. Bilby; (3) Thomas Chandler; (4) Elizabeth Daume; (5) Ora DeConcini; (6) Gordon Farley; (7) Martin Gentry; (8) Thomas L. Hall; (9) Virginia Hash; (10) Norman Hull; (11) Ashby I. Lohse; (12) James F. McNulty, Jr.; (13) James Murphy; (14) Alton C. Netherlin; (15) Joseph C. Padilla; and (16) Wesley Polley. Interviews 1, 2, 3, 5, 6, 7, 8, 10, and 13 were conducted by Mr. McNulty. Interviews 11, 14, 15 and 16 were done by Robert Palmquist. Adelaide Elm conducted interviews 4, and 9, and Jack August conducted interview 12.

Series Two consists of five interviews: (17) Harry Gin; (18) Don Hummel; (19) Hayzel B. Daniels; (20) Rubin Salter; (21) Rose Silver. The Gin interview was conducted by Bonita Lam for the "Chinese in Tucson" project; Don Bufkin, Acting

Executive Director of the Arizona Historical Society, conducted the Hummel interview; Richard Harris and Carol Jensen conducted the Daniels interviews; Baiza Muhammad interviewed Salter for the African-American History Internship Project; and Rose Silver was interviewed by Mary Melcher for the "Women and Work: An Aural History," a joint project of the Arizona Humanities Council and the University of Arizona.

The bulk of the collection deals with the experiences and observations of these individuals relating to the legal profession in Southern Arizona over the last sixty years. The interviews document the following topics: education preparatory to the profession (law school, reading law, the bar exam); legal practice during the Depression, and the influence of the New Deal; relationships between the legal profession and politics; the role of judges vis a vis the Bar; the increasingly litigious nature of society; the effect of social changes on the practice of law; the experiences of women and minorities in the profession; and post- World War II changes in the legal system. Of particular interest are anecdotes about particular cases and clients; histories of several old law firms in Southern Arizona; University of Arizona Law School professors and courses of study; opportunities some had to practice law without a law degree; and remembrances of the colorful individuals who influenced the profession in Territorial days and early statehood.

The collection is valuable for its comprehensive look at

the law profession in Southern Arizona over the first half of this century, and its emphasis on the changes which have occurred within the profession during that period.

Wesley E. Polley Interview

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Wesley Polley Interview

Wesley Polley was born in Bisbee, Arizona, March 2, 1912. His father, J.E. "Bert" Polley, was a rancher and law enforcement officer. Polley spent his early years on ranches in Southern Arizona and in Bisbee, where he attended the public schools. He finished at Bisbee High School in 1928 when he married Evelyn Matzell. After school he worked in the mines for Phelps Dodge. When the mines closed in 1930, he got a job as an accountant, first for Dorris-Hyman and then for Union Oil Company in Los Angeles. With his decision to study for the legal profession, Polley moved his family back to Florence, Arizona, where they lived with his parents. He studied law and worked part-time as a prison guard in the state penitentiary. He was encouraged and helped in his studies by friends of his father, Judge William C. Truman, Arthur T. LaPrade and Charles Reid. After passing the bar exam in 1936, Polley worked on the election campaign of Attorney General Joe Conway, who hired Polley as assistant attorney general after the election.

Polley was drafted into the army in 1943 and served until 1945. He then returned to private law practice in Bisbee, handling a number of cases involving water and irrigation law, among others. He also served as Cochise County Attorney from 1950 through 1957.

In 1976 Polley was hired by the Kannigan family to defend them against charges of assaulting and kidnapping three Mexican citizens near Douglas.

This interview deals primarily with Polley's life and work as a lawyer in Phoenix and Cochise County. He speaks at length of his experiences growing up on ranches and presents a picture of life as a rancher during those years.

Polley was the defending lawyer in the Hannigan casein 1976 and speaks at great length about these trials and the background of the Hannigan family. He also successfully defended the Riddlesbarger rape case in Cochise County.

Polley, as one of the few lawyers in this series who studied law on his own, offers a unique perspective on education for the legal profession. He discusses the preparation of recent law school graduates and reflects on changes in the practice of law over the years. The interview ends with Polley's reflections on Cochise County as the birthplace of legal activity in Arizona.

WESLEY E. POLLEY INTERVIEW

This is April 22, 1987. We're at the office and ranch of Wesley Polley outside Bisbee, Arizona, for an interview as part of the Arizona Historical Society's Legal History Project in oral history. My name is Bob Palmquist and we're talking with attorney Wesley Polley. [Adelaide Elm, AHS Archivist, and Tim McIntire, sound technician, are also present.]

Palmquist: Good morning Mr. Polley. Thank you for having us down here for this interview. We want to ask you some questions about your life and about your role in the legal profession here in Arizona during the period you've been practicing, and some of the people you knew and some of the items you were involved with. I'd like to start out, if we could, with a bit of biographical information about you. Could you tell us when and where you were born?

Polley: I was born in Bisbee, Arizona, on March 2, 1912.

Palmquist: And what were your parents' names?

Polley: My father's name was Bert, B-E-R-T, Polley and his first initial was J. My mother's given name was Olive.

Palmquist: And what did your parents do for a living?

Polley: When I was born, my dad was, I believe, constable of the Bisbee precinct, but he was either a deputy sheriff or a constable, or in some official capacity most of the time.

Palmquist: Had your parents been here a long time prior to your birth? Had they been living here?

Polley: They came in 1905.

Palmquist: Where had they come from prior to that time?

Polley: My mother's family was from Missouri and my dad's family was from Texas. My dad rode out here on horseback.

Palmquist: Whereabouts in Texas? Do you recall?

Polley: Around Floresville and Sutherland Springs. That's about fifteen miles south of San Antonio.

Palmquist: Good ride. (laughter)

Polley: Well, of course he'd go from one ranch to the other . . .

Palmquist: Oh, sure.

Polley: . . . and it took him about three years to get here.

Palmquist: Had he been a peace officer in Texas prior to his coming out here?

Polley: No. He left there when he was sixteen years old.

Palmquist: I see.

Polley: He had a brother that had done the same thing three or four years before.

Palmquist: I believe you mentioned before we started taping that you were delivered by a Doctor Nelson [C.] Bledsoe?

Polley: That's right.

Palmquist: Could you tell us a little bit about him?

Polley: Well, there were two mining companies here at that

time. The Phelps Dodge was called the Copper Queen Mining Company and Calumet and Arizona was a separate mining organization altogether. And Doctor Bledsoe was the head of the C and A medical organization.

Palmquist: Was he involved in the practice of medicine here while you were growing up? Was he a long time Bisbee resident, in other words?

Polley: Yes. But as we go along, I didn't stay all the time in Bisbee. I was in Cochise County quite a bit of the time that--in various places . . .

Palmquist: I see.

Polley: . . . on various ranches.

Palmquist: How long of a time were you from the time you were born, in Bisbee itself, the town of Bisbee?

Polley: Well, I lived here until I was six years old, when my dad got involved in ranching out on the San Pedro River, out at Hereford. And then I was there for about three years. Came back to Bisbee for maybe six months or so, and then he got involved in a ranch on the Santa Cruz River, west of the Huachucas, and then we lived there until, oh, I was eleven or twelve, and moved back to Bisbee.

Palmquist: When, the first time that you were in Bisbee, that is until age six, that would have put you here at the time of the Bisbee deportation.

Polley: I saw it.

Palmquist: You saw it. Could you tell us something about that? What do you remember about the deportation?

Polley: Well, we had some friends that lived in a house that--at that time there were no buildings on the other side of the street--so I was out playing on the front porch and I saw these cattle cars and so forth, and then saw all the commotion, but I didn't know what it was.

Palmquist: What type of commotion was going on?

Polley: They were loading the deportees, in the cattle cars.

Palmquist: And did you ask anybody what was going on?

Polley: No. See, it was the middle of 1917 . . .

Palmquist: Sure.

Polley: . . .I was five years old. I wasn't worrying about the world economy and so forth. (laughter)

Palmquist: Right.

Polley: Although my dad was a deputy sheriff at that time, but I didn't know that he was involved in the deportation until, oh, two or three years later, when some of the peoples filed a lawsuit and my dad was--we were ranching in the Hereford area--and my dad was called as a witness and he spent quite a bit of time in Tombstone, attending the trial. By that time I could understand a little bit about it.

Palmquist: Sure. Did he talk about that event in the family at all? Did he tell you anything about it or express his feelings about it one way or the other?

Polley: No. He--as I say, I didn't even know he was in it until three or four years later.

Palmquist: Right.

Polley: He had the same, he was in the same frame of mind, I guess, that a lot of people in Bisbee were. That it was all tied up with the war effort.

Palmquist: Yes. He would have been working for Sheriff Harry Wheeler at that point, wouldn't he have?

Polley: That's right.

Palmquist: Yes. Did you know Sheriff Wheeler?

Polley: I'd seen him when he'd come to the house and so forth, but I didn't know. . . . (chuckles) I knew that he was involved in law enforcement but at that time the, the city policeman and a deputy sheriff and the federal people from the liquor control, nobody wore uniforms and there may be ten or fifteen people in your house, and you didn't make the distinction then that you do now.

Palmquist: Right. Did you know Wheeler at all after that event?

Polley: No. No. I mean I didn't--nothing personally. I learned that he was quite a man.

Palmquist: Yes. By quite a man I gather that you picked up

something about his character or reputation in talking to the people in the area here.

Polley: Well that's right. He was, he . . .

Palmquist: They generally admired him?

Polley: That's right.

Palmquist: Okay. You mentioned moving to a couple of ranches and the last one was on the Santa Cruz River, I believe, and then you moved back to Bisbee. What brought your family back to Bisbee then after ranching on the Santa Cruz?

Polley: (laughs) The bank was--I think it was called the Citizen's Bank and Trust Company, that was financing our outfit--found out that some of its officers had borrowed, temporarily, quite a bit of the cash. And the state banking department closed the bank. And then a receiver was appointed and he called in all the loans.

Palmquist: Yes.

Polley: And that was the end of that ranch.

Palmquist: How large a ranching outfit did your father have on the . . .

McIntire: Stop taping just a minute. (taping stopped and then started again.)

Palmquist: How large a ranching outfit did your father have on each of those occasions? The one in the San Pedro and the later one in the Santa Cruz?

Polley: Well, in terms of territory, Hereford is eighteen miles from here and there are no fences. And our cattle would graze from Hereford to this area in here.

Palmquist: I see.

Polley: And the Mule Mountains that run to the top of the Mule Mountains and then the other way, almost to Sierra Vista.

Palmquist: Yes. And in terms of numbers of cattle, could you tell us anything about how many he had?

Polley: About on an average of a thousand. A thousand mother cows.

Palmquist: Is that considered a large spread or a small spread for this part of the country, or medium size?

Polley: Well. As ranches went in those times it, it was a, average. There were in the area ranches of, much larger than that and then there were many, many, many ranches smaller than that. There were no fences anywhere.

Palmquist: John Slaughter would have still been down around Douglas at the time you were born, wouldn't he have?

Polley: Yes, well he, he lived until I was in my teens . . .

Palmquist: I thought so.

Polley: . . . but I didn't know anything about John

Slaughter.

Palmquist: You never met him?

Polley: No.

Palmquist: Who were some of the other ranchers in the area around your family's ranches when your father was first on the San Pedro and then on the Santa Cruz?

Polley: Well, the big ones were, were the, what's called the Boquillas, that, in fact it, that when we bought into the Hereford ranch we bought it from a daughter of Colonel Greene.

Palmquist: Oh, yes.

Polley: And then the Y-Lightning Ranch, between Hereford and Sierra Vista, that was owned by a man named Frank Moson who was a step-son of Colonel Greene.

Palmquist: Okay. What was Bisbee like, Mr. Polley, in terms of size and in terms of the major industries and employers when you were growing up in this area?

Polley: Well, the only industry was mining.

Palmquist: Sure.

Polley: And there were two, as I say two big mining companies. But in 1930, in that time frame, they merged and became the Phelps Dodge Corporation.

Palmquist: I see.

Polley: But other than that, there were the wholesale grocers and so forth were mostly owned by the people who'd been brought in here to mine, and then

they'd have a, maybe somebody, a relative in the old country that could make it in the wholesale grocery business, or retail grocery business. So, that's about what it was, but the Phelps Dodge had their own stores.

Palmquist: Company stores?

Polley: That's right. And they could get credit from the Phelps Dodge, so a lot of these other stores, they made a living but they didn't get rich.

Palmquist: Did you have any brothers and sisters?

Polley: Yes. I have one brother, that--his history was about the same as mine.

Palmquist: What was his name?

Polley: Marvin. M-A-R-V-I-N.

Palmquist: Is he older or younger than you?

Polley: Two years older.

Palmquist: Was he also born in Bisbee or. . . .

Polley: That's right.

Palmquist: What was . . .

Polley: I had a sister that was two years older than that and Dr. Bledsoe delivered us all. And he got all the paperwork right on my brother and my sister and I like to never got my delayed birth certificate. (laughs)

Palmquist: Oh? Why was that?

Polley: I don't know. It just wasn't done, or it certainly

wasn't recorded in Phoenix so. . . . (laughter)

Palmquist: So they're not sure if you're here or not.

Polley: Well no, I finally, I have an aunt that's older than I am, in Detroit, and I finally got enough affidavits from her that the health department finally gave me a delayed birth certificate. (laughter)

Palmquist: When did they finally get that done? How long did that take.

Polley: Well, when I first decided that I wanted my Social Security benefits, I couldn't without a birth certificate. And I guess it took me about a year to--I mean, she's getting up in years.

Palmquist: Yes. What was your sister's name?

Polley: Lorraine.

Palmquist: What were the schools like in Bisbee, or in the area? Did you go to school here in Bisbee or attend school elsewhere while you were growing up?

Polley: Both.

Palmquist: Both?

Polley: I went to kindergarten in Bisbee, and then the next step was to a one-room schoolhouse in Hereford, and then when we came back to Bisbee, well, we were in the regular public schools. Then when we moved to West Huachuca it was in a series of one-room schools.

Palmquist: These one-room schools, how many students, approximately, did they have in them when you were going?

Polley: Well, at Hereford I would say that, maybe twenty-five students. And in West Huachuca, that, there were never any more than, oh, eight to fifteen, so the classes were, were quite small which worked to my advantage.

Palmquist: Yes.

Polley: That, I'd be in the fifth grade and I'd sit there and listen to the teacher coach the sixth grade and so forth. I had a lot of pre-schooling so the teacher instead of teaching a whole class in a certain grade, she just put me in the next one.

Palmquist: Any particular teacher that you remember as especially outstanding or anybody that has really stuck in your memory?

Palmquist: Yes. That--the neighboring ranch was run by two brothers, and one of them married a school teacher that had grown up in Ontario, California. So when she came out, well she was my teacher nearly all the way through. When she wasn't, well she'd bring another sister from Ontario.

Palmquist: What was her name?

Polley: The last name was Bercich, B-E-R-C-I-C-H. And these, the family name of the herd of teachers was

McCorkendale.

Palmquist: Kept it all in the family?

Polley: Well that's right, but it benefitted me.

Palmquist: You said you got back into the public school system then here in Bisbee. What grades would you have gone through the regular public schools?

Polley: Well, at that time Bisbee had what's called an intermediate school between grammar and high school, and it, it had seventh, eighth and ninth. And your first year in high school would have been the tenth. Well, for some reason in Bisbee they skipped me from the eighth to the tenth. So, I didn't go the full route through junior high school and I didn't go the full route through Bisbee High School.

Palmquist: Oh. How far did you go in the Bisbee High School?

Polley: Well I had three weeks to go to graduate and I got married.

Palmquist: Oh. What year would that have been?

Polley: In 1920.

Palmquist: In 1920?

Polley: No. No, 1928.

Palmquist: In 1928.

Polley: And the policy then (laughs) was: marriage equaled kicking you out.

Palmquist: Oh! (laughter) Grounds for expulsion. I'll be

darned. What was your wife's name?

Polley: Her name was--first name was Evelyn. Her last name was Matzell. M-A-T-Z-E-L-L. Her father was a foreman, mine foreman, for the Calumet and Arizona.

Palmquist: Had you known her all through high school?

Polley: Yes.

Palmquist: Was she also born in this area or was she from outside the Cochise County area?

Polley: No, I think she was born here.

Palmquist: So what did you do once you graduated into marriage and they let you out of high school?

Polley: Well I had to go to work. And I went to work for the Phelps Dodge and they put me in the mechanical department but stationed me under ground. And where this mine tour is now, that was one of the areas that I worked in.

Palmquist: What were you doing?

Polley: I was in a two-man crew that went around all divisions of the mine to do what they could repairing those iron mine cars. If we couldn't repair it we'd put a tag on it and they'd ship it upstairs and would be delivered to the main machine shops.

Palmquist: What type of repair work would you have to do on the cars?

Polley: Oh, mostly boulders would hit the sides and bend

them out and your proficiency with a double-jack was the main advantage. I'd just got through my last of the three years in Bisbee High School football and I was in pretty good shape. So that's where they put me.

Palmquist: So you were the man to handle the double-jack then.

Polley: That's right.

Palmquist: I've gotten through with that.

Polley: It didn't take any brains. (laughter)

Palmquist: I've worked jobs like that in the steel mills. And you actually did work underground then? You were in the mines?

Polley: I worked underground two months. And then they had an opening in their supply department and they transferred me over there. And that was an office job.

Palmquist: As you were growing up had you had any interest in the legal profession or the law at all?

Polley: No. Well, to this extent that, we were always moving cattle. Went on, especially on the West Huachuca Ranch, that there was more cattle in that country than the range could handle. So we were always hunting pasture somewhere else. And I'd get out of school, oh, I don't know, two or three weeks early in the summer and join the roundup crew. And then (chuckles) my dad got the idea that if he'd

remind me every morning when he kicked me out of bed, that if I was a banker I could just roll over and go to sleep. And about eight o'clock he'd ride over there to me again and say, "Now if you were a banker, that you could be just getting up now." And he did that practically daily. He convinced me real early that I didn't want to be a rancher. Because oh, it was cold.

Palmquist: I take it through most of your growing up you did help out on the ranch and do some of the ranching work with him.

Polley: Well, my brother was two years older and so he had charge of the wood cutting and milking the cow and my job was to ride a trap line, first thing in the morning, and then come back and haul in, or pack in what wood that he'd cut.

Palmquist: I see.

Polley: And then we'd ride, oh, three or four miles to school and, just like any other ranch kids we'd rope everything we could catch. And rode the milk calves. (laughter) People wonder quite often how come a lawyer can rope competitively like I can. Well I tell them I was a roper a long time before I was ever a lawyer.

Palmquist: Yes. You showed us a picture out in the outer office there of your doing some rodeoing up in

Phoenix. Did you engage in any rodeo activity when you were young, I mean, as a kid or as a teenager?

Polley: Well when I was a kid they didn't have rodeos. What they'd do was . . .

Palmquist: Yes. It was for real.

Polley: . . . rope the neighbor's calf or something.

Palmquist: I see. Okay, you were working for Phelps Dodge, first repairing the cars and then over, I believe you said, in supply?

Polley: The supply department.

Palmquist: And how long did you stay in the supply department?

Polley: Until 1930 when, when the, what I call, that was the big closure of the mines. They actually closed the mines.

Palmquist: What? Did the ore run out or. . . .

Polley: No. It was back in the Depression and what always closes mines. It's not the lack of ore. It's the lack of price.

Palmquist: And I imagine at that time a lot of miners left Bisbee for other work?

Polley: Well, that's right. And some stayed. It all depended on how big their nest egg was. But I had a wife and a son and I didn't have any nest egg, so I had to hunt for another job.

Palmquist: You mentioned your son. What is his name?

Polley: Well, I've got one son that lives in, near San

Jose, California. He was trained as a, in the Catholic organization. And he actually became ordained. And he decided--I don't know, I never did talk to him about it--but he decided that he'd rather be on the outside.

Palmquist: I see.

Polley: But then I have another son that is County Attorney of Cochise County.

Palmquist: And that's your son Alan?

Polley: Yes.

Palmquist: What was your other son's name? The one that had gone into the Catholic organization?

Polley: Gerald.

Palmquist: Gerald. Was he the first born or the second?

Polley: He was the first. He was born in 1930.

Palmquist: In 1930. What did you do after the big closure and the Phelps Dodge reduction there?

Polley: Well in high school I had concentrated on English and journalism and things of that nature. Although it--I guess you'd call a it major if there is such a thing in high school, it was business. And that's where I first got interested in the law. During the, the bookkeeping courses that--I took commercial law. And that's where I first got interested in the law. But I had done a lot of studying in the accountancy field before that.

Palmquist: I see.

Polley: Do you want to know how I started studying law or why?

Palmquist: Sure.

Polley: When I went to Phoenix, I worked in the furniture store. [1930] The Dorris-Hyman--that was the upper crust furniture store--as a assistant credit manager. And I stayed there for a couple of years and, until I got offered a job in the Union Oil Company, in the Arizona Division Headquarters. And I was, oh, cashier part of the time then later I was head bookkeeper and all in the accountancy end. Well they, you know, decided to close the Arizona headquarters and operate out of Los Angeles. Well they took me with them. And they had also closed the San Diego headquarters and--so out of that labor pool I got acquainted with one kid that had been transferred from San Diego and another one that lived in Los Angeles. Well, each of them wanted to study at U.C.L.A. and I was tired of riding the streetcar. It'd take you an hour to get to work and an hour to get home and I certainly wasn't going to take on something else that would require a couple of more hours of riding the streetcar. So I told them, "No. I've taken the LaSalle Extension University correspondence courses

in accounting and let's go over here to the second-hand bookstore and maybe we can find their law courses." So we did and I bought the course and that's how I got started studying law.

Palmquist: I see.

Polley: But my sister had married a lawyer, here, but he moved to Phoenix.

Palmquist: What was his name?

Polley: Riney B. Salmon. And so I still didn't want to waste the time I'd spent studying accountancy, so I--well at that time, in order to even take the examination you had to have worked for an Arizona CPA. Well there wasn't that much business. So somebody told me to go talk to a certain man that was an accountant and maybe he could figure out some way--he was president of the Arizona Association. [State Accounting Board] And I met him at the Adams Hotel--he was a Tucson accountant--but he was auditing the Arizona Highway Department.

Palmquist: Oh. This was up in Phoenix?

Polley: Yes. So I, we made an appointment and I met him and he listened and well, he told me the same thing. "All an accountant is in Arizona is a glorified bookkeeper." He said, "You can do the work, but you can't find a job." And he said,

"Now, I'm a lawyer," and he said, "I can spend so many hours on this accountancy job and I can spend the exact same number of hours as a lawyer and my bill will be ten times higher as a lawyer than it would be as an accountant." He said, "Well you're crazy. Start studying law."

Palmquist: (laughs) What was this fellow's name? The fellow that gave you this advice?

Polley: Oh, [Richard] Darrow. Darrow, he. . . . So I did, but then I found out to start with that I had examinations every two years, and after those, the next two were held, no one could take the bar examination unless they had graduated from certain schools, and there was only twenty-two schools in the United States. Well there was no way I could do that. But my dad was assistant warden at the Arizona State Prison, so he told me that, "You come on over here and you can live with us and then see what you can pick up in your spare time."

Palmquist: This would have been at Florence?

Polley: Florence, yes.

Palmquist: What year are we talking about here, Mr. Polley? When did your father tell you to come over to Florence?

Polley: In 1934.

Palmquist: In 1934?

Polley: Yes. So I left my job with the Union Oil Company and came over to Florence and studied, but I was supposed to not do anything else. But in those days if a guard who was on a seven-day-a-week shift, if he wanted a day off, he didn't just call in and say, "I want off." He'll have to call in and say, "I want off and so-and-so is going to work for me."

Palmquist: So he had to supply his own replacement then.

Polley: That's right. So, I was the closest one there. (laughter) And I got lots of work.

Palmquist: Oh, so you became an actual guard in the Florence Penitentiary.

Polley: That's right.

Palmquist: What was the place like then? How many prisoners were there and what type of conditions were there?

Polley: Well I can remember. It was in the high seven hundreds.

Palmquist: People there for serious offenses, I imagine?

Polley: Oh everything.

Palmquist: Yes. And what were conditions like? Was it a dangerous job to work as a guard?

Polley: During the time I was there, and my dad was there a long time over and above the time I was there, I never even heard of a guard getting hurt.

Palmquist: No?

Polley: It. . . .

Palmquist: When did your father become assistant warden?

Polley: Oh, back in the, (chuckles) within a couple of years of 1930. He was manager of a Studebaker automobile agency here. Well, when everybody moved out, well that ended . . .

Palmquist: Sure.

Polley: . . . and they transferred him to Phoenix, and he was manager up there for, oh, two or three years, until things got so bad that that agency closed. So he'd had a background of public service and so forth and knew a lot of friends and he got first appointed as guard at the prison and then later yard captain, which is the same as assistant warden. Yard captain is in charge of everything that goes on inside that yard.

Palmquist: I see. So you worked part time when these fellows would call off and designate you as their replacement as a guard. And you were also studying law at this time, is that correct?

Polley: That's right.

Palmquist: What did you have to study? What types of books or materials did you have to use to prepare for the bar exam at that time?

Polley: Well, it's about the same as it is now. I was very lucky. Florence is a small town. And there were

two Florence boys that were in the process of taking the bar, but they were ahead of me and they had either taken it and passed or taken it and flunked, but just talking with them and then Judge Truman, who was a Superior Court judge . . .

Palmquist: Judge Truman?

Polley: Judge William C. Truman was Superior Court judge and--maybe this was before he was judge, maybe this was when he was County Attorney--but he had a deputy county attorney named [Charles] Reid and they took an interest in me. Mainly because a man in Phoenix named Arthur T. La Prade was in the Attorney General's office and my brother-in-law was also in the Attorney General's office. Well whenever two or three assistant attorney generals would be going to Tucson--this was all before refrigeration and so forth--well, they would always come by the house because my mother always had pie or cake and all the milk they could drink. (laughter) And Arthur figured out that just by asking me questions that, by jiminy, maybe this guy <u>can</u> do it. And so then he was the one that convinced Truman and Reid that I could possibly do it and that he'd appreciate giving me help. I'd campaigned for him when he ran for attorney general.

Palmquist: Yes.

Polley: And then I campaigned for a man named K. Barry Petersen, who they went to work for.

Palmquist: When did you do this campaigning?

Polley: Well, the first campaign speech I made, I can remember. I was sixteen years old. (laughs) From then on it was about a full-time job. Because Petersen got elected [attorney general] and then when he didn't want to run anymore, La Prade ran and La Prade got elected.

Palmquist: Yes. Mr. La Prade was afterwards Supreme Court Justice, Arizona Supreme Court Justice, wasn't he?

Polley: That's right. He was a deputy Maricopa County attorney and Maricopa County Attorney and then he was Attorney General and then he was a Superior Court judge, and then a Supreme Court Judge.

Palmquist: Was he an original Arizona native? Or was he from outside Arizona?

Polley: He was a native of Winslow.

Palmquist: Yes. So he sort of convinced Truman, Mr. Truman and Mr. Reid that you had the stuff to make a lawyer. Did you work with either of them or did you work with La Prade in preparing for the bar? In other words, did you clerk with any of these gentlemen?

Polley: Oh no. Every time I'd see La Prade, well he'd give

me an examination to see if I was in, even in the ball game.

Palmquist: Yes. What type of things would he ask about?

Polley: Oh, definition of contracts or--some of those crazy things they ask you in the bar examination, a lot of people know the definition of a contract but they don't know what a contract is.

Palmquist: Yes. And did you, were you working in a law office at all at this time?

Polley: No. No.

Palmquist: Okay.

Polley: But there can only be so many subjects that they can examine you on.

Palmquist: Right. When did you finally take the bar exam?

Polley: I took it the first time in, oh, I guess in the last part of 1935, because I missed it. And then I had six months to study up and get smarter and I took it the second time and passed it.

Palmquist: Where was the bar exam offered? Where did you have to go to take it?

Tape 1, Side 2

Polley: The capitol building in Phoenix.

Palmquist: In Phoenix. And so were you admitted to the Bar then in 1936?

Polley: In 1936. Yes. And La Prade called me up. He'd gotten up earlier than I had that morning and he saw my name as one of the successful applicants. So he called me and bragged on me for about thirty minutes and I kept waiting for him to tell me when to come to work.

Palmquist: Yes. (laughter)

Polley: He said, "Well, you're going to work all right, but it's not going to be in my law office."

Palmquist: Oh?

Polley: And he said that there was a man running for attorney general and he asked La Prade just the other day how La Prade was always able to take Cochise County. And he said, well, he had Wes Polley working for him. So La Prade kept pushing, and so I campaigned for this new applicant, by the name of Joe Conway, and we took Cochise County and all the other counties.

Palmquist: What party was he running on?

Polley: Democrat. That's all that there, in those days that's all there ever was.

Palmquist: And so he became attorney general, then?

Polley: No. By that time he [La Prade] was out of the attorney general's office.

Palmquist: Oh. I see. I see.

Polley: But then I fulfilled my commitment.

Palmquist: Yes.

Polley: And then Conway gave me a job as Assistant Attorney General.

Palmquist: Where were you working as Assistant Attorney General?

Polley: Phoenix.

Palmquist: How long did you work at that job?

Polley: Five-and-a-half years.

Palmquist: So that would have been into 1942?

Polley: 1942.

Palmquist: What were your duties as Assistant Attorney General?

Polley: Well, there were only five [assistant attorney generals]. Compared to the 150 they've got now, but a deputy would be assigned certain departments and I had to, for instance, the Tax Commission, the Livestock Board, the Corporation Commission. And a lot of the outside Maricopa County trial work when a county attorney was disqualified. But then I was treated very fairly by the Attorney General, in that the minute that I had worked in a certain department long enough that I felt I wasn't gaining anything else, well I could ask him and he would assign me to another department, so in the five-and-a-half years I represented every department in the state at one time or another, except the

Highway Department. They had their own private lawyers.

Palmquist: Did this job involve a lot of trial work?

Polley: Yes. There was a, in this group of assistant attorney generals was a man who had been the star prosecutor in Maricopa County. His name was Mark [B.] Wilmer, who is now the Wilmer in the Snell and Wilmer firm. And then, also, that, there was a man named J. Mercer Johnson, who was from Tucson, who had been a deputy county attorney in Tucson. And had a lot of trial experience. Well I wanted to get some trial experience, so I made a deal with those people that I'd do a lot of their dry legal work if they'd let me participate in these cases that they had. And that went on, I mean neither one of them were there the full five-and-a-half years, but they were there long enough that I had confidence that I could go and try a case.

Palmquist: Do you recall the first case you tried? What it was about or anything about it?

Polley: Yes. The first case that I tried in the Attorney General's Office was in Apache County, having to do with illegal branding of livestock. (laughter)

Palmquist: How did it come out?

Polley: Well, I won it because the man who was against me was an ex-superior court judge and he just

inadvertently based his case on a statute that had been amended.

Palmquist: Oh.

Polley: He was . . . . (chuckles)

Palmquist: Probably knew the old one really well and didn't pick up the amendment.

Polley: Well, it's the hardest thing in the world right now, is that someone asks me a question, I'll grab this Arizona Revised Statutes and read it, and I've just got to <u>make</u> myself go back to the pocket parts, because I remember that, how embarrassed that ex-judge was.

Palmquist: Sure. Was that a jury trial or a non-jury?

Polley: No, just before the judge.

Palmquist: Who were some of the judges that you remember appearing before during that period that you were a deputy attorney general?

Polley: Well, Judge William G. Hall in Pima County. You see, Pima County just had one judge. Maricopa had five.

Palmquist: I see.

Polley: And in Maricopa County there was Judge [Marlin T.] Phelps, Judge [George] Rodgers, and Judge [Joseph C.] Niles, [also Howard C. Speakman] and then they increased the bench and Ed Frasier, who had been Chief Assistant Attorney General, got <u>that</u> job.

So, and then from then on it just started building up and right now you wouldn't know a Maricopa County judge if you met him down the street. (laughter)

Palmquist: Too many of them?

Polley: That's right.

Palmquist: Was there any particular case, or cases, that you tried during this period from 1936 to 1942 that was especially noteworthy or unusual?

Polley: Well, I participated in the trial of the Southern Pacific versus the State of Arizona that tested out the right of the state to limit the length of passenger trains to fourteen cars and freight trains to seventy.

Palmquist: Why did the state want to impose that limitation?

Polley: Pardon?

Palmquist: Why did the state want to impose those limitations?

Polley: Well, mostly is that, on account of the danger.

Palmquist: Yes.

Polley: You can just read the paper now and see that, how actually good the state's case was.

Palmquist: And what other lawyers were involved in that case, do you recall?

Polley: Charlie [Charles L.] Strouss was in there as, he was paid by the Brotherhood of Railroad Trainmen. He had participated in a case in Nevada some ten

years before that, and he was about the only one at that time in the United States that had experience, actual experience in that type of case. But we, just the trial part of the case--it was tried in Tucson--was forty-six weeks.

Palmquist: Wow. Who was the judge presiding in that case?

Polley: Judge Levi Udall.

Palmquist: And what was the result of the case?

Polley: We lost it in the Superior Court, won it in Arizona Supreme Court, and lost it in the United States Supreme Court.

Palmquist: Were you involved in the briefings going up to the Arizona Supreme Court and to the U.S. Supreme Court?

Polley: I was involved in the briefings, but my name's not on the brief, because I got the letter from the President about that time. I got drafted. (laughter)

Palmquist: That would have been 1942, I take it?

Polley: In 1942. No. Wait a minute.

Palmquist: Or 1943, perhaps.

Polley: In 1943. I came down here to run for County Attorney.

Palmquist: Oh.

Polley: Mercer Johnson had left the Attorney General's Office to become County Attorney in Pima County.

So I tried to do the same thing.

Palmquist: In Cochise. And did you actually make the election, or did you get drafted before the election took place?

Polley: Well, they were breathing down my neck. I got beat by 850 votes. But I knew they were, that was going to be no defense to a letter from the President.

Palmquist: Right.

Polley: (laughs) You see, at that time county attorneys--and so could assistant attorney generals--engage in private law practice.

Palmquist: Oh.

Polley: So, you didn't know how to handle that because you never knew when you were going to be called, and that wouldn't be fair to a client.

Palmquist: Right. Did you do much private practice when you were working as an assistant attorney general?

Polley: Yes.

Palmquist: What types of cases did you have in your private practice, before going into the army?

Polley: Well, mostly divorce cases, involving personnel in the capitol building.

Palmquist: Oh?

Polley: But then, you build it up, just like you do everything else. If you've done a good job some of your happy clients will tell somebody else, "Oh

well, go to him. He did me all right."

Palmquist: Yes.

Polley: But then, then they, the attorney general sued the Arizona Daily Star for libel during a heated campaign, and the Supreme Court, out of the sky, held out a ruling that the Attorney General was prohibited from taking private practice and therefore so were his deputies.

Palmquist: Oh. When would that ruling have come down?

Polley: Oh, it, it came down, I'd say, around 1940.

Palmquist: You mentioned these divorce cases. Was this still the situation in the practice where you had to prove fault to get a divorce? What types of grounds were normally alleged by people seeking divorces when you were practicing in private practice while being a deputy attorney general?

Polley: Well, just about as foolish as they are now, when you don't have to prove. (laughs)

Palmquist: Yes.

Polley: That was before the two-in-a-family work force, of course, so the wife was always a bum housekeeper or, something. The man didn't come home and--by the time that--even if one party didn't want the divorce--by the time you'd go to court for a couple of days, they'd be begging for it.

Palmquist: Did both parties usually show up at these hearings?

Polley: Oh, yes.

Palmquist: Yes?

Polley: Well, it all depends on--same thing now. How many kids are involved and how much money.

Palmquist: Right.

Polley: Shifting partners didn't seem to cut too much ice. (laughter)

Palmquist: Let's see, you would have been inducted into the military service in 1943, I believe, then.

Polley: That's right.

Palmquist: And was it United States Army that you went into?

Polley: It was the army I finally wound up with.

Palmquist: Yes. And what did you do, or what were you assigned to do, in the army?

Polley: Well, once again this accountancy comes in. They, at the assignment center, they didn't, I guess they didn't think anything about a lawyer because they didn't need lawyers. But they needed a lot of people who knew something about accountancy. So they transferred me into the, to the, well actually it's the finance section of the army. And then the way to explain it, it was just a mobile bank.

Palmquist: Where were you operating out of?

Polley: Well, I was at, took basic training at Amarillo, Texas. And then finance training in Indianapolis. And then the next stop was in, in Portsmouth,

England. And the next stop was in Rennes, France.

Palmquist: I take it that would have been some time in 1944?

Polley: Yes. And then the next one was in Dijon, France. And then next one was in Reims, France. I was in Reims, France at the same time they signed the end of the world war, and I didn't know that Eisenhower was anywhere in the country. (laughter)

Palmquist: Kind of slipped in on you. How long did you serve in the United States Army?

Polley: Until November 20, 1945.

Palmquist: Yes. And after that what did you do?

Polley: I came back to Bisbee and started practicing law.

Palmquist: Where did you have your office in Bisbee?

Polley: Right on Main Street, that, the second floor of what's called the Fair Building. It was, used to be a department store dealing with clothing.

Palmquist: Were you practicing <u>with</u> anybody at this time, or by yourself?

Polley: No. By myself until I got offered the job of Chief Deputy County Attorney in Cochise County, and then I moved, in 1947 I moved to the courthouse. At that time the county attorney and deputies could practice law.

Palmquist: During the period from 1945 to 1947 what types of cases did you primarily have when you were practicing in Bisbee?

Polley: Just general law.

Palmquist: Yes. Anything that walked in the door?

Polley: That's right, and there were, in Arizona there was a lot--on account of the San Pedro River and then the Gila River was fairly close, to where people would get in arguments about it--so that there was irrigation law. And there was lots of mining law. And then, just the ordinary garden variety of law business. But, what I'm trying to say, you had, your business was much more general than it is now.

Palmquist: When you say irrigation law, do you mean disputes over who had the rights to use . . .

Polley: Water rights, and so forth.

Palmquist: . . . use water? What would be the primary issues in a case like that? I mean, what would people be fighting about?

Polley: Who appropriated the water first.

Palmquist: And would these litigants be mainly ranchers or farmers in the area?

Polley: That's right. When they were fighting over with another one or when they were fighting with the mining company or. . . . Now in Kingman and Prescott, those two counties, there were all kinds of mining law involved.

Palmquist: When you say mining law, what types of cases would normally, come your way?

Polley: Oh, claim jumping and, whether one party sunk a shaft and it was on a slant to where, that they were actually mining ore out of the other guy's claim. And promoters not paying their people and you couldn't, by the time I got in it, the real law business had been destroyed. That was lawsuits for employees against the company. When they put in workman's compensation law, well there was very little of that business.

Palmquist: Didn't the compensation claimants still retain attorneys for their claims in the workers' compensation?

Polley: No. . . . The law was actually adopted by the people.

Palmquist: Yes.

Polley: For the protection of the workers. And it didn't do it. All it did was put a price scale on what you sold your arm for.

Palmquist: Yes. So people in that period would mainly go into claims unrepresented. Is that. . . ?

Polley: There wouldn't be any lawsuits.

Palmquist: Okay.

Polley: That's what the workman's compensation law did.

Palmquist: Okay, Mr. Polley, when you went over to the county attorney's office, I take it you were prosecuting cases for the county in that period?

Polley: That's right.

Palmquist: How long were you the Chief Deputy County Attorney?

Polley: About a year and a half. And then the County Attorney went to bed with a cigarette and that was the end of that. But then I got, I think it was in 1950 that I was appointed County Attorney.

Palmquist: While you were chief deputy, do you recall any particularly interesting or unusual cases that you had to prosecute?

Polley: (pause) Well, the main thing I was paying attention to is that in ten years there were three jury cases lost. That the county attorney or the chief deputy tried every case. (tape turned off then turned back on)

Palmquist: Okay, Mr. Polley. We're back on the record again here. And I believe we'd gotten you up to 1950 and your succession to the post of County Attorney for Cochise County. Before we went off you were mentioning, I think, three jury cases that had been lost during the period prior to that.

Polley: That's right.

Palmquist: Why did that concern you?

Polley: Well, that record was almost perfect, but it would have been perfect if we'd convicted those other three. (chuckles)

Palmquist: I see. How long did you serve then as County

Attorney for Cochise County?

Polley: Until, through 1957.

Palmquist: And during that time period could you also work at private practice the way you had as a deputy?

Polley: Well, up until a few days before county attorneys up until that time could take private practice. Well there was a couple of them, especially along these Interstates, that were taking advantage of it. Because if they had a buddy in the, among the officers, they'd know who was in the wrong real quick. So then they had access to the right party.

Palmquist: I see.

Polley: And the State Bar handed down the ruling that kept county attorneys from taking any private practice that had anything to do where a crime was involved. Well, that cuts you down about ninety percent.

Palmquist: Sure.

Polley: It took all the traffic cases. So then when that ruling came down, well, the county attorney job was no good. . . . But then, I joined the firm in Phoenix.

Palmquist: When was that?

Polley: That was in 1957 and the first part of 1958.

Palmquist: What firm was that in Phoenix?

Polley: Well, it, a lawyer by the name of Frank W. Beer and I threw our practices together. Beer and Polley

and that lasted until, oh, I think 1965.

Palmquist: How had you first met Mr. Beer?

Polley: He was an assistant attorney general during the K. Barry Petersen days.

Palmquist: I see. And what induced you to move to Phoenix?

Polley: Well, my son was just graduating from the University of Arizona, and I just sort of figured if I'd leave him a law firm somewhere, I might as well leave it at the top, and Phoenix was where the business was.

Palmquist: Where was your office located in Phoenix?

Polley: In Luhrs Tower.

Palmquist: That was the elevated position you were telling us about before the interview started.

Polley: That's right. That's the room on the seventh floor. That's where I could look out my office window and see those drunks collapse on the floor as they walk out of that bar, air-cooled bar and hit that hot sun about noon. (laughter)

Palmquist: What type of practice did Beer and Polley have?

Polley: A lot of insurance practice. Defense practice.

Palmquist: Defense practice. Do you recall particular companies that you represented?

Polley: Well, the main two was the Lloyd's of London and then there was another company that has withdrawn from Arizona called Pacific Indemnity.

Palmquist: Were these mostly automobile accident type cases or . . .

Polley: Any kind.

Palmquist: Any kind.

Polley: With Lloyd's there was a lot of medical malpractice. And also they had a lot of airplane business.

Palmquist: Airplane crashes or malfunctions.

Polley: That's right. That's right. And then just the ordinary run-of-the-mill business. Although, even then the practice of the law was becoming less general and more specific.

Palmquist: Yes.

Polley: If some of those big firms they might have one man that had been in there for years and had never done anything except work on conditional sales contracts for a bunch of automobile dealers. (laughter) Or if you were a shopping center lawyer, well that's what you were. And it would take up all your time keeping up with things, so you wouldn't, very seldom, ever try a case. It takes so long to get one to trial in Phoenix that everybody finally decides to, "Let's settle this thing."

Palmquist: Did your firm employ other attorneys?

Polley: Well, we had various partners, but Beer had a University of Arizona graduate, he graduated, I

think, the same year that Alan, my son, graduated.

Palmquist: And what year was that?

Polley: Well, either in 1959 or 1960.

Palmquist: Did your son come to work for the firm after he graduated?

Polley: That's right. But then he wasn't getting enough trial experience. So I decided to send him over to the City of Phoenix to where he could get some experience. And he was, made the prosecutor's staff and was trying quite a few cases. Well he was doing so good then they made him head of the department. So pretty quick he got to--he was supposed to come down here with me. Well he, they got to paying him so much money I couldn't afford him. (laughter) But then he got into the anti-trust division of the City of Phoenix. Suing the cement contractors and so forth.

Palmquist: The city had its own anti-trust division at that point?

Polley: That's right.

Palmquist: I see. You mentioned cement contractors. What type of violations were they charged with?

Polley: Getting together and rigging bids.

Palmquist: You mentioned you wanted him to come down here with you. Were you maintaining a dual practice at this point, between Phoenix and Bisbee?

Polley: Well all the time I was in Phoenix, I maintained a dual practice and even right now I've got a somewhat of a practice in Maricopa County.

Palmquist: Do you have an office up there?

Polley: No, but, just like I explained why I don't have a sign out here at that cattle guard. If people want me bad enough they'll find me.

Palmquist: Sure.

Polley: And when they come to that trouble to find you they don't shop around too much about a fee.

Palmquist: You mentioned that most of your business up in Phoenix during the period 1958 to 1965, or a good bit of it, was insurance work. Do you recall any particular cases that were interesting or unusual from this period in your practice?

Polley: Well, now that's one thing that I've given quite a bit of thought to. That I don't think that no matter which side I was working for, I think those clients deserve a little protection.

Palmquist: Sure.

Polley: I will say this, that I got sick and tired of trying malpractice cases.

Palmquist: What made you feel that way?

Polley: Well, just taking a case, reading the file of the insurance company and reading what the plaintiffs have to say, the patients and so forth, it, just

seemed to me that there weren't enough plaintiffs' provisions. There was a couple of places in Arizona, and I'm not going to tell you where either one of them was, that operated strictly butcher hospitals. And the new doctor would tell the people everything that his predecessor had done wrong. And they'd think they had a case. Well, then when it would come to trial that doctor wouldn't testify, or he'd forget or he'd always weaken his testimony. And I got a little disgusted with that, although I was winning the cases.

Palmquist: When you came, I take it you came back down here to Bisbee around 1965 and established an office again?

Polley: Yes.

Palmquist: Where was your office located at that point?

Polley: Well, one of the main reasons I came back is that my practice of, well in Phoenix, of taking long weekends, beginning about Thursday and coming back on a Tuesday--[I'd] be coming down here and try to take care of this ranch--that it wasn't getting the job done. The only time any of the staff would do any work was when I was here. So I finally realized that I can't continue spreading my time. That if I can practice law at all, well I can probably practice it in Cochise County. And that's when, when I bought a lot up there, well right in

the courthouse complex, that I was going to build an office. And then one of my ranches has a nice house--it was the house that I lived in before I went to Phoenix--but it was tied up on a year's lease. So I went, then I had another one down there that oh, I lived in three or four or five months and finally decided well, by God, I spend so much time in the office I'm just going to move up there until things straighten out and I, things have never straightened out to where I wanted to leave. (laughter)

Palmquist: You mentioned that you were spending time in Phoenix and at this ranch. When did you first acquire this place? This is a lovely location here.

Polley: This one I acquired in 1958. And another one in 1955.

Palmquist: Where was that located?

Polley: Well, that was all in the same area down closer to the Mexican border.

Palmquist: I see.

Polley: In fact, both of the others. Then, there are no big ranches that were for sale or if they had of been for sale I couldn't have bought them. I just started getting one and then getting the neighboring one and building it up that way.

Palmquist: When you come back here in the mid-1960's, you mentioned your son had been working for the anti-trust division there in Phoenix. Does he eventually join you as a partner in business?

Polley: He finally decided that he better tag along down here and--at that time I had an office in Sierra Vista, too. So he, he went ahead and joined the partnership and, but he worked out of the Sierra Vista office. And I worked out of this one.

Palmquist: Did you still pretty much concentrate on insurance work or did you have more of a general practice here?

Polley: No, no. I took an insurance case here the other day that, it was the first insurance case that I've, on the defense, that I've taken in a long, long time. But I have represented the City of Sierra Vista and the City of Benson and the City of Bisbee. Of course on their damage suits I'd be on the defense. I've worked <u>with</u> insurance companies, but not <u>for</u> them.

Palmquist: We've talked a little bit about some of the criminal law cases. Have you seen much in the way of juvenile offenders when you've been in practice in Arizona, Mr. Polley?

Polley: That's right. But. . . . Will you people excuse me just one second?

Palmquist: Sure.

(tape turned off then turned back on)

Palmquist: Mr. Polley, before we broke this last time, I was asking you a bit about accused juvenile offenders and was wondering if you had had many cases involving juveniles and if so what types of charges were filed against those kids?

Polley: Well, to start with, I don't have very many of those cases. When I was in the county attorney's office, well, there were juvenile offenders, but I will swear that I can't believe there was as many in those days as there are now.

Palmquist: Did you have a separate juvenile court during that period or were they tried in the regular superior court sessions?

Polley: Well, there was a separate court system. But the ordinary superior court judge would be the judge.

Palmquist: I see.

Polley: And I think it's still that way in Cochise County.

Palmquist: And if they were found guilty or delinquent of the offenses, were they confined in separate facilities or were they confined in the general lock-up?

Polley: No, they had separate facilities.

Palmquist: Okay. During the period after 1965 in which you moved back down here to Cochise County, you've described kind of a general practice that you had.

And you associated yourself with your son, Alan. Were there any other lawyers that were working with you in partnership, or as associates with your firm?

Polley: Well, we had a, a young fellow that--his name was Karl Elledge, that was a--his dad was the manager of the Valley Bank in Sierra Vista--and he started working for us even before he passed the bar. And then he passed the bar and he worked for us, oh, two or three years, and then he was made a partner, but then when Alan succeeded in getting in the county attorney's office, well, I didn't, well I just didn't want to work hard enough to maintain the two offices. So, he joined with another young fellow out there, but I worked with him. Any time I need some outside help well I get him, and then I've got one or two here in Bisbee that I've helped . . .

Palmquist: I see.

Polley: . . . that I can always feel that if I need some help I can call on them.

Palmquist: What would you say that now-a-days the bulk of your work consists of?

Polley: Well. . . . Getting back to irrigation. Now, you know the Gila Indian Tribe has filed a massive lawsuit against everybody who uses water out of the

San Pedro River, and that thing gets hot and then it'll die and it'll get hot. Well I guess it's gotten hot now. They've got everybody on notice that if they've got any kind of a case well they'd better get it ready by the first of August. So there's lots of that work.

Palmquist: Where is that case being tried, or filed?

Polley: Well part of it's in federal court and part's in Cochise County Superior Court.

Palmquist: Mr. Polley, I'd like to ask you about an event that took place in August of 1976 that I've heard referred to as the Hannigan incident, that I believe you were involved with as an attorney on behalf of the Hannigan brothers. Could you tell us who the Hannigans were and where they were located?

Polley: Well, the, George Hannigan had operated a dairy about ten miles this side of Douglas right on Highway 80, oh, for years and years and years, and then he, when they started pushing Dairy Queen he switched over into that business. And then his two sons grew up there in Douglas.

Palmquist: Had you known the family prior to the case coming up?

Polley: I'd known George. Well no, I'd known Mildred Hannigan too. Mildred Hannigan, when I was County Attorney, was Deputy Clerk in the office of the

Clerk of the Court.

Palmquist: I see. She was George's wife?

Polley: That's right. So she, she is still living and the boys are still living.

Palmquist: As I understand it, there were three Mexican fellows involved in this incident that charged George and Tom and Pat with various charges including assault and kidnapping and I believe there was a couple of counts of armed robbery that were filed. Was that filed here in Cochise County?

Polley: The first case was.

Palmquist: Yes. And I think I read something first about an indictment being thrown out, an initial indictment being thrown out in August of 1976 for what my source called "procedural errors". Do you recall anything about that?

Polley: That's right.

Palmquist: Did the Hannigans retain you as their counsel?

Polley: That's right.

Palmquist: And were you involved in the case from the beginning, from the initial stages?

Polley: Yes.

Palmquist: What were the procedural errors that caused the dismissal of the first indictment?

Polley: Well, let me go back . . .

Palmquist: Sure.

Polley: . . . and give some history prior to that.

Palmquist: Surely.

Polley: When I came back down here in 1965, I hadn't hardly gotten settled until a unhappy county attorney succeeded in talking a superior court judge into calling a grand jury. In those days, it wasn't automatic like it is now. That, it had to be, something had to be fairly serious before a superior court judge would call in a grand jury. Well, the judge of the superior court called in a grand jury to hear charges against two members of the Cochise County Board of Supervisors plus the clerk of the Board of Supervisors. And I got hired to represent them. So I had learned, since Cochise County was just aping the Pima County Attorney's offices in handling the grand jury, well I knew pretty well what to hunt for.

Tape 2, Side 1

Polley: Because the Pima County grand jury was making a lousy mess out of. . . . (laughter) So they got out, the grand jury got out about, I guess, something over two hundred indictments and they could, the County Attorney, could get the indictments because there was no opposition.

Palmquist: Yes.

Polley: So, to make a long story short of that, my people never even had to appear in court. I just kept knocking out those indictments. And finally they gave up and my clients never did have to go to court. (laughs) So most of them--by that time the county attorney had become convinced himself that there wasn't anything to the charges. So I knew all about grand jury proceedings, especially in Cochise County. So I just, in the Hannigan case I examined the record and so forth and knew they couldn't get a good indictment. So that's why I knew. But I heard about the affair when I was, oh I was driving from Phoenix back to Bisbee and, and I had the radio on and I heard about this. But I didn't have any idea who it was. But I had done work for George Hannigan. He was a--during my office history I've always been a Democrat. Well George was Mister Republican down here and, for instance, one year I had had a tough race in the primary, the Democratic primary. And here old George goes out and talks a lawyer in Bowie to run against me as a Republican [for county attorney]. (laughter) And he was always doing things like that, but when he'd get in trouble he'd come and hire me. (laughter)

Palmquist: He knew where to come.

Polley: Oh, he cost me a campaign, I know twice. And it just cost me money, that's all. But the, oh I guess there were two or three days he called me and told me that he'd like to come to see me.

Palmquist: What did the incident allegedly involve? What were the Mexican gentlemen saying that the Hannigans had done?

Polley: He said that--the story of the Mexicans was that they came across the line--they lived further in the interior of Mexico--and they'd come across the line and were headed for up around Elfrida, the farming area. And that one of the Hannigan boys was out plowing or doing some kind of equipment work and they came over to where he was to get a drink of water, and he told them to get in his pickup and he'd get them some water. Well he took them over there to that Highway 80 at the Hannigan house. And then their story was that one of the other brothers showed up, Pat, and then George Hannigan had come in from Douglas--he'd gone down there early in the morning to get the mail, and then they had a drug store there that a group of business people would usually get there for what they called their coffee klatsch. Well then they said that they all went back to the ranch and that

they put them back in this pickup and drove them towards the line and dumped them out and that in order to scare them they made them take off all their clothes and they, the Hannigans supposedly burnt the clothes. Well, I believed it then and I believe it more strongly now, that that was just plainly a frame-up.

Palmquist: There were, I believe, also some allegations that they had tortured the Mexicans and I think from the story I read that the Mexicans claimed that one of them, one of the fellows' feet had been burned, or something like that?

Polley: Well, those stories didn't even come from the Mexicans. What happened is that the newspapers, that is the U.S. newspapers, took the material from an Agua Prieta newspaper. No matter how outlandish that the story was. And then they kept doing--they got into it so bad that when they finally got convinced they <u>had</u> been preaching a put-up story they were in so far they couldn't back out, and they just kept on. But there is no way in the world that, that that could have happened like the Mexicans said it happened.

Palmquist: Did George and his boys acknowledge even seeing these fellows at all?

Polley: No.

Palmquist: You got the indictment initially thrown out, but they were indicted again, weren't they . . .

Polley: Yes.

Palmquist: . . . by the Cochise County grand jury? And I imagine they would have had a preliminary hearing?

Polley: No.

Palmquist: No?

Polley: See, that was where the--when the regular grand jury system was put into law--that was to bypass a preliminary hearing.

Palmquist: Oh. At the grand jury proceedings then, did you have a right to do what you normally would have done at a preliminary hearing?

Polley: Oh, no.

Palmquist: No?

Polley: Preliminary hearing is just like a trial. You can make the, you can subpoena all the witnesses from each side and find out and it would be before either a superior court judge or a justice of the peace. And those people were real good in kicking out the junk. Well, the grand jury is not that good.

Palmquist: Right.

Polley: Because they don't hear from the other side. And the county attorney can get <u>anything</u> he wants out of a grand jury.

Palmquist: In working for the defense, did you have any chance to talk to these Mexican guys before the trial itself?

Polley: Yes.

Palmquist: What opportunity did you have to do that? What forum was that in?

Polley: Well. (chuckles) We dreamed up a theory that the Mexicans had identified the Hannigans from two Douglas High School yearbooks. And that gave us the chance to apply to the court for an order that we be allowed to examine those Mexicans, so we, the same as taking their deposition. But we had our own interpreter. Who was under instructions to interpret like they <u>say</u> not like you think they <u>should</u> have said, which was the State's mistake. They got an interpreter from Cochise College who obviously wasn't interpreting right. And when you take--you know, one man can tell a lie fairly successfully. All right? It's harder for two. Well it's harder for three. Well, by the time we got through cross-examining those Mexicans, we had a good case.

Palmquist: You say we. Was this you and your son Alan?

Polley: That's right. Yes.

Palmquist: What discrepancies turned up in their story when you took their depositions?

Polley: Well, they'd lived further down in Mexico all right, but they had been in Agua Prieta for quite a while, living on the outskirts of Agua Prieta with a, I mean where a second-hand junk operation was going on. And that the operator of that junk place hauled them up the line to where they crossed. There was never any doubt about what they were in there for. They were in there to rob some of those houses

Palmquist: In fact, I think it was Pat Hannigan had been burglarized shortly before the . . .

Polley: That's right.

Palmquist: . . . incident had taken place. Hadn't he?

Polley: That's right.

Palmquist: Yes.

Polley: Well, everybody had, down there.

Palmquist: Was the, at trial in, I believe, 1977, did the Cochise County judged preside at that trial?

Polley: No.

Palmquist: Who was the judge in that case?

Polley: A Tucson judge.

Palmquist: What was his name?

Polley: Richard Hannah.

Palmquist: Do you recall why the Tucson judge came down to hear it?

Polley: Well, it wouldn't have looked very well for a

Cochise County judge. Give them a chance to say, "Well, the prosecution layed down on the job," or something. So, and they, a member of the Cochise County Attorney's office sat in through the trial, but the head of the prosecution was the main star prosecutor from Maricopa County.

Palmquist: Oh. What was his name?

Polley: I can't even remember. It starts with an M. [Larry Turoff]

Palmquist: Had you known this fellow before?

Polley: Pardon?

Palmquist: Had you know that gentleman before?

Polley: Oh I'd heard his reputation as being the spell-binder of the state.

Palmquist: How long did the trial last?

Polley: Oh, about, maybe the best part of two weeks. Cochise County doesn't, they may be going into that practice now, but they didn't go in for these one-month, two-month trials. When I was the county attorney, that three weeks was the longest a criminal trial ever lasted. Most of them would last three days.

Palmquist: So this one, even though it wasn't as long as some of them nowadays, it was longer than a lot of them in Cochise County?

Polley: Well, there was a lots of witnesses.

Palmquist: Sure.

Polley: And when you use interpreters, that more than doubles the time consumed.

Palmquist: Right. The elder Mr. Hannigan didn't live to actually go to trial, did he?

Polley: No, he had a heart attack.

Palmquist: I've read somewhere that the prosecution argued that the case, prior to the trial, that the case should go outside Cochise County. It should be tried elsewhere. Is that true?

Polley: Oh, yes, that's always true in any kind of a fairly important criminal trial.

Palmquist: And you and your son Alan tried the case together?

Polley: That's right.

Palmquist: How long did it take the jury in deliberation to reach their verdict?

Polley: I don't know. About a day and a half or maybe two days.

Palmquist: And what happened as far as the Hannigans were concerned, in the first trial?

Polley: Well, they were very happy.

Palmquist: They were found not guilty?

Polley: They were acquitted on all counts.

Palmquist: Now they, we've been talking about the first trial. They were tried again, that is not here in Cochise County, but up in Tucson, were they not?

Polley: That's right. Federal Court.

Palmquist: Yes. How did that case come to be filed? What were they tried for and who was responsible for pushing that case?

Polley: The person that was responsible for pushing that case was (pause) the United States Department of Justice.

Palmquist: And what charges were filed against the Hannigans? What was the basis of their second trial?

Polley: Well, basically the same charges, except that they didn't, they cut out a lot of the junk that the county attorney presented in the Cochise County case.

Palmquist: Now wasn't there a federal statute, though, that they were charged with violating in the second trial?

Polley: That's right. The racketeering statute.

Palmquist: Oh. I think I've heard it referred to as the Hobbs Act. Is that right?

Polley: No.

Palmquist: No?

Polley: No. No--oh, wait a minute. Maybe it was. But it was a federal law that was actually designed to prevent racketeers from tying up interstate commerce.

Palmquist: I thought there was something connected with

interstate commerce about . . .

Polley: Well, how they've stretched this down here by saying those Mexicans came across the line to go up to Elfrida to work for this farmer to help get his produce across the state line. You talk about building something on nothing.

Palmquist: They were illegal aliens, weren't they?

Polley: Why sure they were.

Palmquist: And even given that fact, they were building this case on the interstate commerce grounds?

Polley: Yes.

Palmquist: Did you and Alan represent the Hannigan brothers in the federal court case as well?

Polley: Yes.

Palmquist: What happened there?

Polley: Well, they used a novel approach. Pat had one particular set of jurors. Tom had another set of jurors.

Palmquist: Two juries?

Polley: Two juries. And they all heard the testimony, except one little part where Pat's jury heard some testimony that he had told some waitress down in the Gadsden Hotel that he'd participated in it. And that didn't get to Tom's jury. But Tom's jury heard a little piece of testimony that <u>he</u> had made some silly statement like that. And the, they

heard the same arguments, the same everything and then each jury deliberated separately.

Palmquist: What was the final result of these two. . . .

Polley: The final result was Tom's jury acquitted and Pat's jury convicted.

Palmquist: Oh. And so on basically the same evidence, you had one go one way and one go the other.

Polley: That's right.

Palmquist: Who was the federal judge that heard the case?

Polley: Bilby. [Richard M. Bilby]

Palmquist: Is he the Bilby of Bilby, Shoenhair and Dolph, that law firm?

Polley: He's one of the younger generations. He's the <u>son</u> of Ralph Bilby.

Palmquist: I see. How long did that federal court trial last?

Polley: Well, it lasted longer. I mean, the Tucson trial and the Phoenix trial I didn't appear.

Palmquist: At either Tucson or Phoenix?

Polley: No. There was no way that I could leave this law business unattended for that length of time.

Palmquist: I've read that there was also an attorney named Alex Gaines involved?

Polley: That's right. He was a young Tucson lawyer that I thought could help us. Mostly in federal court procedures.

Palmquist: Right. What happened to the brother that was

convicted? Was there an appeal taken?

Polley: There was an appeal taken, but the, it was overruled and then he was sentenced to about three years in prison. And then after a certain length of time, so many months, well he had the opportunity to serve the rest of his sentence on probation. And he wouldn't do it. He didn't. . . . Because, I mean it was a hard decision to make, but it was smart.

Palmquist: So he served out his time then?

Polley: That's right.

Palmquist: Are the two brothers still in this area?

Polley: Yes.

Palmquist: Still at the family ranch?

Polley: Well, the family ranch is the headquarters of Dairy Queen Corporation . . .

Palmquist: I see.

Polley: . . . so that they own all of the Dairy Queen outlets in Arizona except those in Maricopa County. So, they operate some of them themselves. They lease out others and it's a full-time job.

Palmquist: I'll bet. I believe you mentioned earlier, Mr. Polley, that you had handled on the defense side both of the major criminal cases that had taken place in Cochise County in recent years. Was the Hannigan case one of the cases you were . . .

Palmquist: That's right.

Palmquist: What was the other one?

Polley: Well, there was actually I think two more. Probably the best work I ever did was representing the Board of Supervisors. (laughs)

Palmquist: Oh?

Polley: But when I was county attorney there was, a man came out here from Chicago. He had a factory back there where he made cosmetics and, oh, products that females would buy. And he was building a great big house out in the foothills of the Huachuca Mountains. Well, he was charged with, well before that. . . . (laughs). He'd already built barns and he had all the equipment to perform this intricate mixing of the ingredients and one of the main ingredients was urine from a pregnant mare. (laughter) So he had a bunch of Arabian mares out there. And then he decided to build a house. [ca. 1948-1950] So he was building this mansion out there and he had a full-time carpenter from Phoenix working on the house and they had a sixteen or seventeen-year-old daughter. And, I guess, oh, this guy knew that all the rest of the carpenters and the cowboys and everyone else were enjoying her favors, so he took her to Nogales. And then they tried to shake the old man down for,

I don't know, one or two million. And old Riddlesbarger, he was a Dutchman or something, but he wouldn't go for that shaking down. Well, they, ordinarily a criminal charge gets filed and then a civil suit follows that. Well this one was opposite. They filed a civil suit before the charges were filed. Well, this girl was in Tucson romancing a bunch of soldiers and the Tucson sheriff's office got some information by asking the girl, "Well you've done it with this guy and you've done it with this one. Who else have you done it with?" And, boy, she mentioned Riddlesbarger. And that was the end of the small case. All the soldiers, you've never heard of them again. So Riddlesbarger hired me to defend him on the civil cases. Well, the civil case and the criminal case, the facts are all the same. So that went on and then Riddlesbarger got acquitted. That's when Frank Beer handled the case in court in Tucson because I couldn't. Frank Beer represented Riddlesbarger in the criminal case when Riddlesbarger was acquitted. Well, then I was able to beat the civil cases.

Palmquist: Did you have a jury trial on that?

Polley: Yes.

Palmquist: How does operation with the . . .

Polley: But what to explain a little more about trial procedure. The time that it actually went to trial that I had been retained on the civil cases, and I spent most of the time in Tucson. When there'd be a weekend recess well I'd just stay in Tucson instead of coming back here. And I had read every rape case that had ever been reported in Arizona, and made a list of the ones that were reversed and why they were reversed. So while the jury, the criminal jury was out deliberating, we told the presiding judge and convinced him. We had thirty-three reversible errors. (laughter) In that case. And he just threw up his hands. He didn't care whether--he knew that if the jury came back with a conviction he was going to take some more heat.

Palmquist: Yes.

Polley: So he was just as happy as the defendant was when the jury came back with acquittal.

Palmquist: Thirty-three. That's quite a list.

Polley: Well, if you've got a man who can pay for the time, you can do that on any case.

Palmquist: Sure. How did his operation with the cosmetics come out?

Polley: Oh, he, the Catholics were against him, all the time, because it had something to do with contraceptives and so forth, but he kept his place

out here for years and years and years, but right after this trial he went to Africa. And he was in some kind of farming operation. And I guess he just died a natural death. (pause) But he hired me even after the case was over. The main pusher of this case was the under-sheriff in Pima County and old Riddlesbarger hired me at $100 a day, and in those days $100 a day was a good fee . . .

Palmquist: Yes.

Polley: . . .to somehow work up a case against this under-sheriff. And, boy, I thought, "I'm going to really get rich on this one." Because there was no limit to it. Well, that doggone under-sheriff, I guess the next weekend, was up in Mountain Lemmon somewhere on a search and rescue deal and fell off a rock and killed himself.

Palmquist: Oh. There goes the defendant. (laughter)

Polley: There went my case.

Palmquist: You were mentioning something during one of our breaks here, about the progression you had seen in the general run of defending criminal cases from the criminal case to the civil case and on through. Could you repeat that again?

Polley: Well, it seems to me that in the last five years that these law schools are putting out a, a better class of graduates. It seems to me they get out of

law school and get themselves, it's usually a public job, public defender or deputy county attorney, and then they'll stay in there maybe a year and then they'll either get with a older firm or just start out on their own. And they're better able to handle themselves now than they were ten years ago.

Palmquist: We had talked briefly earlier about the, I think also during one of the breaks, about the John Page Cattle Company. And I was wondering if you could, had you ever dealt with that organization or with a fellow named John Page? Are you acquainted with that outfit at all?

Polley: I'm acquainted with it. But--they always had some big promotion going somewhere. I guess--and they had deals with the Land Department.

Palmquist: What type of promotion or deals are you talking about?

Polley: Just land development.

Palmquist: What period of time was this?

Polley: Somewhere between 1937 and 1942.

Palmquist: Mr. Polley, you've mentioned about what you thought of the caliber of the law student or young lawyer coming out of the law schools now. Could you sum up, perhaps, areas of the law that you've seen change the most and whether you think these changes

are good or bad? What's changed most in the practice of law since you've been in practice?

Polley: Well the main thing is that you can go up in Superior Court--well last Monday I went up in Superior Court, on a civil matter, and the good Judge [Richard] Winkler has a criminal calendar just before the civil calendar starts. And when I opened that door, all that hit me was orange. The jail uniform up there is orange. So I had to sit there and listen to the rest of that calendar and I'm telling you that it was <u>all drugs</u>.

Palmquist: All drug cases.

Polley: Now that's something that we never had to contend with. And it worries you.

Palmquist: Really.

Polley: There's a clamor to see that everybody is punished by imprisonment. And it happened when I was in the Attorney General's office on drunk-driving cases. The legislature amended the drunk-driving law making confinement mandatory. And they followed exactly the same thing. Some of the people that were clamoring the most for mandatory sentences then wanted the legislature to not give the prisons any money. Not finance the sheriff. And here they're doing it again. But that is what is of concern to me.

Palmquist: Getting off the topic a little bit here, all of us, I think here, that have been visiting with you today have remarked about what a lovely location this is and lovely house. Could you tell us a little bit about this place. When it was built and who built it?

Polley: Well, John C. Greenway, as soon as he got back from San Juan Hill in Cuba--he was a mining engineer then--well he came--I don't know whether he was here before the Spanish-American War, but right after the Spanish-American War he was here as an engineer and he was head of the Calumet and Arizona western operations. He couldn't stand to see all that water pumped out of the mines and wasted, so he decided that this house should be built [ca. 1905], that barn and three more just like it should be built and I think there were six more silos, and they, they farmed about three thousand acres using that mine water. Well, then the Phelps Dodge took over the C and A and the place was still a show place, but in 1929 it was a wet winter and this tailings dam up here sprung a leak and it poisoned all the land. Well I guess that water went through about a mile and poisoned everything and so nothing was done about it and nothing was done about it until about five years ago the Phelps Dodge had a

bright idea and they made me a proposition. They said that, "We're pumping that, we're not going to let these mines drown, so we'll pump that water if you'll get some ditches and dikes and so forth ready to take care of the water to be sure that it doesn't travel off either your land or Phelps Dodge land." And I said, "Well fine." Because I've noticed that where that water that's supposed to be poisoned runs down here, grass starts growing.

Palmquist: Yes.

Polley: So, I said, "Fine." It takes about three years to put that water on this poisoned land and get some growth. Well, we were in operation and here one day last year they call up and said, "Well we're going to give you a week to change from an irrigated farmer to a dry farmer; that we're not going to pump that water." And they haven't.

Palmquist: While we were driving up your road here we noticed off to our left a couple of what looked like towers that . . .

Polley: Those are silos.

Palmquist: Silos?

Polley: They would cut this feed green and fill it in those silos and then that's what they, they would feed their cattle during the winter.

Palmquist: Well, sir, I appreciate very much your consenting

to . . .

Polley: But now the Phelps Dodge is not sure that--they think now that unless they do start pumping that water it's going to start coming into the bottom of that pit.

Palmquist: Yes.

Polley: But they told me I can have the water as long as I pay the pump bill. And we were talking with me and the city together and they said, "Well, between the two of you it'll be a little bit better than a million a year." (laughter) Based on what it costs them to pump it. Well I went back to dry farming.

Palmquist: Yes. I would too. Mr. Polley, we really appreciated you taking the time with us today and consenting to be interviewed. I've learned a lot from it and I'm sure the interview transcript will be useful.

Polley: Well, can I tell one thing?

Palmquist: You bet.

Polley: That is, it's fair to say that the law business of Arizona was <u>born</u> in Cochise County. That, there was a firm that represented the Calumet and Arizona, the head of that firm was a guy by the name of Cleon T. Knapp. Well, when everything started happening in 1930, that's when Cochise

County started going down the drain, when they closed those mines. Well, Knapp, and he had a partner who was Deputy County Attorney named B.G. Thompson, they sent to Tucson and started the firm of Knapp, Boyle and Thompson. Well Boyle was here too. Well, the Phelps Dodge was represented by a firm called Ellinwood and Ross. Well, that now, has turned into the firm of Evans, Kitchell and Jenks and so forth. There was another couple of fellows down here. One was Fred Sutter, who was a politician, and oh, a member of the State Senate and so forth and a fellow who worked with him was named Walter Roche. Well, he moved to Phoenix and joined some federal offices, Armstrong, Morrison, Kramer and Roche. Then the firm of Strouss, Salmon, Jennings and so forth, another one of those law factories up there. Riney Salmon, my brother-in-law left here and went up there and started that firm.

Palmquist: So you're kind of spreading out from here all over the place.

Polley: This was the only place there was any law business.

Elm: Did you know of Allen English? Was he way before your time?

Polley: He was, well not way before my time, but I never did see him try any cases. He, I mean he has the

reputation of being the Cochise County spellbinder. Both in success in the law and success in drinking.

Palmquist: Yes. (laughter) How about Mark Smith? Your dad know him, or have any dealings with him?

Polley: Well, he was more in the . . .

(tape ends suddenly)

End of interview.

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