

BOB: Did you ever have an opportunity to meet A.C. Townley and L.L. Griffth and ^{William} Lemke?

JUDGE DAVIES: I knew them all! When I was ~~was~~ about ¹⁴ ~~fourteen~~ years old, they were living in Fargo at that time. Mr. Townley was ~~President~~ ^{President} of the Non-Partisan League. I had a job in the headquarters in the old Pioneer ^{Life} ~~Light~~ Building, which is still standing, across from the old post office building, and I used to drive to Townley in the summertime and Lynn J.

Frazier at the time was Governor of North Dakota. I remember him quite well. The last time I saw Mr. Townley in the late 30's he wanted to sell me some solution to rejuvenate batteries. He was on his uppers then; he was in financial difficulty. He was a remarkable man for his time. I'm sure you know from radio and television. Everybody could spot him in his crowd--A.C. Townley. ~~I can remember that as a boy even though I didn't~~

~~know what he was talking about at the time.~~ I remember one instance I thought was very interesting. Lynn Frazier was Governor of North Dakota and I guess I was in odd times. I did odd jobs. For example I'd get the mail four or five times a day and whatever a flunky, a young boy, had to do around headquarters. But I remember one day Mr. Townley pickin' up the phone and calling Bismarck. The conversation went something like this: Mr. Frazier was Governor. "Lynn, this is A.C. Got a meeting tom~~or~~row at ^{2:00} ~~two o'clock~~ here in Fargo." Down went the telephone. Not, "will you be there," "convenient for you," or anything of the sort. I thought at the time that's a rather abrupt manner ~~in~~ in which to summon the governor of the state. ~~That~~ That may have been the way he talked, but that's exactly what he said and the next ~~morning~~ morning the governor was in for the meeting. ~~I~~

~~didn't know Mr. Lemke nearly as well. Of course I knew ^{who} he was. He and father were friends.~~ I worked for Lynn J. Frazier. He took me to Washington with him in 1928; I wanted to go to law school there. I had been there as a fraternity representative the year before and like every other young man, I 'spose, from out o' town I said, "I'd like to go to school here. If you got a job, let me know!" Of course he said, as I'm

~~sure he did to~~

~~anyway his re~~ many others, "I will!" And to my amazement that summer he sent me a telegram to report to Washington to ~~date~~ ^{take} me for the job. I had a job as a policeman, uniform, Capitol Police.

New ~~CAPITOL POLICE SEGMENT OMITTED~~

BOB: Some people have described Lynn Frazier to me as a nice fellow, but rather unsophisticated and perhaps a dull person. How would you describe him in terms of his personality and his ability as a legislator?

JUDGE DAVIES: Well, he was a very nice, clean, honest, decent man, but very dull--I would have to say. I conceived him to be totally without ~~an~~ imagination and I thought he performed his duties in a perfunctory ~~and~~ manner. You had to be here, ^{so} you were there ^{and} you vote; but as far as any depth ~~of~~ ^{to} his thinking, I never could see it. It was never very apparent to me. It probably isn't a very nice to say about him from your work, but that's the way he struck me. A very decent, honest man, but outside of the Frazier-Lemke Act, which I believe was mostly Mr. Lemke, I can't recall --even at this late date--any legislation of which he was the author. There may be some strictly of a minor nature.

BOB: What do you think was his appeal to the voters? He was recalled as governor in 1921 and then he managed to be reelected to the Senate about seven years later. How do you explain it?

JUDGE DAVIES; Well, he was a big, honest, open-faced, decent sort of man and he appealed to them; that's all! He didn't make a lot of promises. He took to the platform and made some open-hearted speeches: "I want to go to Washington," and they sent him to Washington. Aside from the platform that was enunciated by the Non-~~partisan~~ ^{partisan} League I don't think he ever had any of his own that I ever heard of. I'm not aware of any. A.C. Townley ~~reputedly~~ ^{reputedly} demanded ~~repudiated~~ ^{repudiated} - / anyway, they took him off the farm at ~~Hop~~ ^{Hopple}. They said he was a very ingratiating sort of a fellow, very honest and decent, and this is the kind of man we want for governor! ~~I'm sure you know the~~ ~~history~~ ~~took him off the farm and brought him in.~~ ~~And that's~~ ~~hypocritical~~ ^{that}; that's about it! I've heard my father tell that story many

times; other men tell it too!

BOB: This may not be a very fair question, but how would you describe A.C. Townley's personality? ~~if you knew him well enough to describe it?~~

JUDGE DAVIES: Well, I always thought he was a very dynamic man! He knew what he wanted to do and proceeded to do it. He could not tolerate mediocrity. ~~When~~ When you were told to do something, right or wrong, you did it! He was a great administrator! I think that was his greatest appeal and he was no slouch when it came to talking to farmers. He could really spellbind them, which he obviously did! Those were very difficult

days. ^J You can't envision the times ~~days~~ when you ^{were} going out ~~here~~ to ^{Dazey,} ~~Barry,~~ North Dakota, with a horse and buggy or maybe a Model-T Ford ^{and} ~~when~~ you were not sure if you were going to get from one town to another because there were no roads to speak of, you know? And his organizers were going right out there and getting ^{their} ~~there~~ -- what was it -- ^{316.00} ~~sixteen~~ or ^{318.00} ~~eighteen~~ dollars or whatever they got for the membership of the League. I recall very well that part of my duties when I was working ~~my~~ summers ~~over here~~ for the League ~~in the Pioneer Building~~ was getting the mail. I'd dump it on a table and there'd be girls and men slowly opening the envelopes and they couldn't even make out ~~from~~ from whom the money came, sometimes. They couldn't make out the checks and sometimes, of course, there'd be currency in it and they just couldn't make out who sent it. They accounted for it. I mean they ~~just~~ just had to put, "unknown;" I mean they ~~just~~ just couldn't decipher the sender of the letter. I remember that quite well because George Totten, Jr., was in the office at ~~that~~ that time and ~~he~~ later became, ~~as you per-~~ ~~haps know,~~ Treasurer of Hennepin County, Minnesota, and only recently died over there. His father and George Totten, Jr., were very active in the movement in North Dakota.

BOB: There's still some historical controversy over A.C. Townley and the League. ~~and~~ ^S Some historians have described Townley and some league members more or less as "shysters". Was there any dishonesty? Was there any personal gain made from membership fees and so forth?

JUDGE DAVIES: I never knew and I never heard of anybody, at least in his own group, ever saying that A.C. Townley was dishonest. He had a total disregard for money! I doubt if he ever carried any money with him! I recall one time he and Governor Frazier driving up to Crookston. They were on the Minnesota side of the river. I can't even tell you the occasion

for it. ^{Anyhow,} ~~and~~ he ~~wanted~~ wanted some apples from one of the small towns along there. He said to Lynn, "You'll have to stop in and get some apples. I haven't got any money." And it wasn't because he was tight; he just never carried any. I discussed this with my father and he'd become vehement ~~about~~ about it. He said ~~that~~ A.C. Townley was widely misunderstood. He never made a dime, nickel, dishonestly. I don't think that he ever took a salary more than was necessary to keep his family going. I never knew him to have any money. He certainly didn't live in the style of which men of affluence are accustomed.

P You may recall when they drilled for the oil at Robinson, North Dakota--you've heard that story--they drilled a dry hole, Townley and his people, "Oh, he took us!" I don't know--think they used a divining rod or ~~what device they took~~ ^{something,} but he was way ahead of his time. I don't think there was any oil in Robinson, but there was plenty of it in North Dakota. He said he made a lot of money; he didn't make anything! And my father used to tell me about that too. He ~~was~~ said that he really ~~was~~ sincerely thought and believed that there was oil in North Dakota and, of course, subsequent events proved him to be true and correct. I don't know ^{anyone} ~~any~~ except his political enemies, who constantly would think that, of course. I don't know of anybody ~~that was~~ close to him that ever ~~was~~ accused him of being dishonest. That he had men in the field that were dishonest I have no doubt ~~it~~. The reason I have no doubt is because I've watched these memberships come in and saw that it was very difficult to figure out who got 'em, and human nature being what it is I suppose that somewhere along the line there were men with sticky fingers. But I don't even know that to be the case, but I suspected it was! I always did suspect that, but they'd be minor people. Now there may be some others that were in difficulty. That was a bigger operation in those

days, you know? I mean running around collecting memberships for these farmers and I'm sure you know that it became a very powerful political organization. Of course at that time they moved into the **R**epublican column and some years later they moved over into the **D**emocratic column. They were that, of course.

~~BOB: Did you ever know L.L. Griffith?~~

~~JUDGE DAVIES: No, just by name. I don't believe I ever met the gentleman. Course, he's long, long, dead, isn't he?~~

~~BOB: Ya, he died relatively young.~~

~~JUDGE DAVIES: I don't believe I ever met him; ~~well, I don't believe I ever met him.~~~~

BOB: Why do you think the League lost its popular hold on ~~the~~ people by the *early* 1920's?

JUDGE DAVIES: Well, I wasn't very old then, but I recall ~~listening~~ *of* listening to discussions ~~of~~ *of* men involved and I got the impression that the farmers got a little tired of one-man rule in the person of A.C. Townley. That's ^{only} the impression I got because in 1920 I was only ¹⁶ ~~20~~ years old; that's the impression I got from listening to other men in the office. My father was in the office here too, you know, and when a boy runs around the office in the knickers, you're not going to be to careful what you say in front of him; ~~and~~ they'd keep on talking and ~~you get to hear those things~~ *and* I kept right on listening. ~~That's the impression I got;~~ *That's the impression I got;* but whether it's valid or not, of course, I can't tell you. But without any doubt--later on he tried to come back, but it was a hopeless cause. Farmers were doing too well; they didn't need any gospel by that time. He's been compared to Alex McKenzie, but the men I knew that knew Alex McKenzie and knew A.C. Townley--that knew them both--said that A.C. Townley by far the better ~~an~~ organizer, by far the better leader, ~~was~~ *was* much more glamorous--if I ~~will~~ *may* use the word--~~was~~ *was* a more ~~figure~~ *figure* than Alex McKenzie ~~ever was.~~ *was and I never knew Alex McKenzie.* ~~That's the impression I got.~~

~~BOB: Do you recall any discussions that ~~involved~~ your father ~~and~~ the~~

~~other men had over problems in raising or in selling state bonds to finance the mill and elevator and the consumer stores and so forth?~~

JUDGE DAVIES: Just very vaguely. I can't even remember the names of the stores they did open! Does the name Briton mean anything to you?

BOB: Brinton yes!

JUDGE DAVIES: Brinton! It seems to me that they did have some stores, but my recollection is very vague. I don't know how that came about and I don't recall any discussions in that area.

BOB: What happened to A.C. Townley and Lemke both later on in life? They became very conservative. ~~Townley, you know, was always denouncing Burdick as a Communist in '56 or '58.~~

JUDGE DAVIES: I have no idea where that split had its origin. They were both very headstrong men. Mr. Lemke was a very smart man, as you know, I'm ~~sure~~ ^{sure -- a very smart lawyer}. He always looked as though he slept in his clothes, but he had a very fine mind. Later on he and Townley didn't see things the ~~the~~ same way. ~~There~~ There was a fight for control as there always is; that's my recollection.

~~BOB: Did you know Usher Burdick OMITTED~~

BOB: Bill Langer is another man that I've had many differing ^{opinions} descriptions of. What sort of a man was he? Sometimes he's described as a crook and sometimes as the farmer's friend personified.

JUDGE DAVIES: Well, William Langer was a different breed of ~~the~~ man. He's probably as smart a politician as the state of North Dakota has ever known, but let me tell you how I ~~first~~ ~~met~~ ^{met} Mr. Langer. I was in the City Hall at municipal judge at Grand Forks in the early ^{30's} ~~1930's~~ and some of ^{those} ~~the~~ people came to me and said, "Mr. Langer is a candidate of the Republican Party for Governor. He's going to speak at Grand Forks. Will you introduce him?" Well, I'd been watching the newspapers and everytime he'd appear you'd find it under ~~Clydia Pinkham~~ ^{the Lydia Pinkham ad} on the back page somewhere and so, "Well," I said, "there must be some good in this man. ^{They're keepin'} ~~There~~ keeping him down like this!" So I said, "Ya, I'll do it!" And that's where I met

him ~~the~~ the night I introduced him in Grand Forks. Of course I knew him up to the time of ~~his~~ his death. He ~~was~~ ^{was a} man, of course, and I make no bones about it and everyone knows it that he was most responsible for my ap-
 pointment to the federal bench. We ~~like~~ ^[judges] like to be coy about it and think the President of the United States appointed us, which is technically true; but I'm sure when the President of the United States appointed me, he never heard the name before. He appoints a great many United States judges, marshalls, ambassadors, and U.S. attorn~~ees~~ ^{ees}---the whole thing. He was a very very brilliant man! In all the years that I knew him and I sat with him on the State Board of Pardons I never knew him to tell me something that was false, that I found to be false, never knew him to ~~te~~ tell me a lie, and I never knew him of my own knowledge of anything to be the slightest bit improper or crooked---ever! I'm well aware of the stories they have told about him, but my ~~personal~~ ^{personal} experience ~~was~~ ^{was} quite the other way---never.

BOB: Did you ever have an occasion to go campaigning with him or to see him at a number of campaign appearances!

JUDGE DAVIES: Well, I was in a campaign one time that I recall very well down in Richland County with a man by the name of Joseph B. ~~Bridgson~~ ^{Bridston} of Grand Forks who subsequently fell out with the senator and as a matter of fact ~~tried~~ tried to keep him from keeping his seat during the war years in the Senate. We were campaigning down in Richland County and my recollection is we had about 18 dates to fulfill and, of course, the senator was never on time! We were always ~~a~~ little bit late. He'd get somewhere and then, of course, he'd never want to leave! It was a very exhausting trip for me! I didn't want anymore of ~~that~~ that because at the end of the day---while he was older than all the rest of us---he was in better shape than any of us! He just loved to meet people; he generally did! He had a tremendous, remarkable facility for remember~~ing~~ ^{ing} names! He used to always defeat me; I could never do that! I have a great problem; I always did all my life remembering names! I had to associate with something in order to ~~remember~~ remember it! But he'd get out in

a town, I don't care where it was and ~~you~~ know, ^{John} Bill or ~~John~~ or Tom or Mac by his first name--maybe his ~~his~~ last name. He did that consistently and constantly! I never knew how he did it. He campaigned strenuously, ^U which I think was one of the secrets of his success. It was a man-to-man ~~man~~ offense! He went to the people! I don't care whether it was a small town or a big town; it didn't make any difference to him. He spent just as much time in a little town as he would in Jamestown or Fargo or Grand Forks. It didn't make any difference to him. But the difficulty was in getting him away! He ^{id. have} ~~had~~ another appointment at such and such a time and people waiting, ^{exclusively} ~~extensively~~ waiting to hear him! He didn't care; he was enjoying himself! He did love people! There's no question about it!] He had a delightful sense of humor. He was a great practical joker! He scared the hell out of me one time! I didn't know that he was a very poor car driver and I had a little Pontiac and I was in Bismarck at a meeting of the State Board of Pardons and it developed that he was going to Fargo. And I don't know where his car was or his driver was, ^{but} he says, "Well, if you're ~~going~~ going, I'll go in with you!" I ~~was~~ said, "Alright." So we got out to the car and he said, "Gee, I've never driven a Pontiac! Let me take a wheel at it." And there was a fella in the back seat. His name escapes me--I may think of it later--doin' like this to me: "Don't! No! No! No! No!" But I didn't know and I let him drive my car and, by God, by the time we got to Steele I was perspiring! He had the car all over the road and he was laughing and looking ^{malloy} around and that unlighted cigar in his mouth! Oh, the man's name was ~~Malloy~~ that was in the back seat. ~~Malloy~~ who was, I think, ~~Securities and Exchange--not Securities and Exchange. I can't remember the title that he had in Bismarck.~~ Well, the ^Senator wanted to stop at Steele. Of course, by this time I'd had it up to here and I thought, "Gee, I don't know if I carry enough insurance to go on like this with a man driving that way!" So when we got out there, I moved to the driver's seat and locked the car while ^{Malloy} ~~Malloy~~ gave me one fine lecture for being so foolish. He says, "Don't ever let him drive! Don't you know he's a

maniac behind the wheel? He's turned over a couple of times!" Governor Langer came out of the office. He had been visiting and he started rattling the door. He was mad as hell because I wouldn't let him drive! I said, "Oh, no! No, no." He grumped all the way to Fargo 'til he got over it!

~~BOB. ~~What~~ Oh?~~

JUDGE DAVIES: He said, "you don't trust me do you?" I said, "Not with my car I don't!" I discovered later that he was one of these men that would drive a car ^{[like this]:} He would look around and visit around and take the cigar out of his mouth and ^{be} all over the road! Just a very poor car driver! Now that's fine on the track where you can get some ~~control~~ bumping, but I didn't enjoy it in my car. ~~And Maloy, he was very pale when~~

~~we got to Steele, North Dakota!~~

~~Reasons for supporting him.~~

~~BOB: Did you know Fredwell Twitchell?~~

JUDGE DAVIES: No, I just knew who he was; that's all. I was gonna say, you see, I didn't know any of these men from after we came back to Grand Forks from Great Falls, Montana, 1920. After that I was in school and in college here and in Washington and I came back to try and scratch a living and practice law. And my contact after that was absolutely minimal except with Senator Langer--would have been Governor Langer. Then Mr. Langer when I first met him. We became good friends and some way or other I always stood with him. I just liked the man; I guess he liked me! We got along very well! I didn't always disagree with him! I can remember a measure that he was a sponsor of--I think it had to do with the graduated land tax. I'm not sure just which one it was, but he was running around North Dakota referring to me as Little Sir Echo. There was a song out about that time--"Little Sir Echo?" So I met him and I said, "Bill, you got a hell of a nerve to do that!" I said, "Don't you do that in Grand Forks!" And he said, "I'm not a damn fool! I'm not gonna do it in Grand Forks." And he just laughed! He didn't like the position I took. I said, "We're not going to go for that!" I think that was the measure. I may

be mistaken, but it was a measure. We beat that measure 14 to 1 in Grand Forks County and I think almost the same down here and they beat us state-wide about 5 to 1, but I called him up and I told him. I ~~was~~ said, "You know, I don't know where you dreamed this one up, but I can't go with you on this. I want to tell ya; I'm at the head of the local committee that's going ~~was~~ to fight that measure!" "Go ahead! Go ahead," he laughed! He wasn't bitter about it if he knew where you were on a matter. I don't think he liked ~~it~~ for you to give an impression on a matter and ~~do~~ ^{do} another, of course. But I do think--at least in my case--he respected you for telling him. "This is what I'm going to do" and ~~then~~ ^{then} proceeded to it! But he was something else again!

PP One time I was trying to get some professional businessmen in Grand Forks to realize that Senator Langer--Governor Langer--wasn't any kind of a monster! I said, "You guys don't even know ~~him~~ him! I'll tell you what I'm gonna do. I'm going ~~was~~ to set up about three, four tables of bridge in my home the next time he comes to town--and he plays bridge after a fashion--and I want you to meet him. I don't care whether you support him or not--don't support him! Just come and meet him! ~~Well, then~~ Don't make all these decisions 'til you've met him!" So, sure enough, later on he said he'd come up and enter into a bridge ~~game~~ game. I said, "Listen, Governor, don't tell me you're going to be there at ~~8 o'clock~~ ^{eight 8:00} and you're not going to be there at ~~5 o'clock~~ ^{eight 8:00} because I've got ~~twelve, fourteen~~ ^{12, 14} men there, all businessmen, lawyers, and doctors, that have never met you and don't think a hell of a lot of you! I just want them to meet you so that they know you're not some kind of a ogre!" He ~~was~~ ^{said he'd} be there and he was there! Well, we started playing--I'd never played ~~bridge~~ bridge with him before! We started playing and I was his partner one of these rounds. I guess he had dealt and he said, "Are we playing Bismarck rules here?" I said, "I don't care!" I ~~didn't~~ ^{didn't} know what the Bismarck rules were. "Is that alright with you men? Is that alright with you doctor?" "Yes," from the other side of me. I looked at my hand and ~~oh!~~ Do you play bridge?

~~BOB: Yes, slightly.~~

~~JUDGE DAVIES:~~ My hand is full of face cards--tremendous hand! He says, "Bismarck rules o.k.?" I said, "O.K.!" And he laid his hand down and he didn't have a face card and in Bismarck you don't play if you haven't got a face card. I said, "The hell with your kind of rules! After this we play every hand!" But he just laughed and thought it was great! The point is, after he ~~was~~ left--he visited with those men, of course. Then I'd meet these men on the street and they'd say, "Well, you know, I had an entire ~~di~~ different opinion of that man!" I said, "I tried to tell you that! If you meet him and talk to him--you've heard of Langerism like you've heard of Communism and Socialism and Bolshevism, ~~and his have been getting to you!~~ You never stopped to consider that the man just might be another human being that you might or might not like!" Well, we kept it up until he carried the county in Grand Forks County. They had to like him when they met him because you couldn't dislike the man! They didn't always agree with him, of course, and some of them supported him shamefacedly. That is they wouldn't be telling everybody, but they were supporting him privately. It wasn't considered a thing to do in those ~~days~~ days to support him, you know, for a great many of the people. I didn't give a damn!

COMMENTS ON LEGAL PROFESSION

BOB: Do you think there's been a change in the legal profession in North Dakota? Are the standards higher now than they were earlier in the state?

JUDGE DAVIES: Yes, I do, but I'm sure a lot of people wouldn't agree with me because we are as much of a lying profession as lawyers and it isn't only the Watergate fall out. ~~and~~ If you graduated from the law school or are admitted to practice, you do have an examination. Even I think they're becoming increasingly more--not more difficult but they're screening them more. But, of course, we have people perhaps shouldn't be practicing law; but as you watch the newspapers you'll see we have some doctors, some accountants, men in all the professions that shouldn't be practicing their profession! There are so many of us; we're so exposed! For example so

many of our people in the legislature, in the Congress, were exposed to it. Where do we rate? I think along with used car salesmen in popular esteem. I saw that somewhere. There was a rating by professions and we didn't do very well on that. I don't even remember where I read it. But I think the State Bar Association of North Dakota, which is, by the way, the first of the integrated bars in the United States--1923--I believe.

BOB: ~~Oh?~~

JUDGE DAVIES: ~~Ya, the first one!~~

BOB: I didn't know that!

JUDGE DAVIES: Yes, they made a determined effort to try and keep their house in order. We didn't always ^[we were] succeed because perhaps a little timid about talking to one another about these things, but they're getting tougher and tougher and they should be! For example they have a fund--I'm not aware of the details of it--where if some lawyers, for example, should ~~abscond~~ ^{abscond} someone's money, there is a fund that the State Bar has set up that makes that available if the ~~person~~ lawyer is in the wrong. Apparently all of them don't carry malpractice insurance and it's ~~inducted~~ ^(?) indoctrined to you. Although my understanding now is--in my day is that they rarely carried any. I probably should have, but a great number of them carry it. I guess they're all innocent mistakes that cost you a lot of money! For example I'm examining an Abstract of Title for you. You want to purchase a building over here and I overlook a mortgage for \$15,000 and tell you to go ahead and you get the title of it; I'm going to have to pay that \$15,000 mortgage, that's my fault. That's ~~my personal responsibility!~~

~~personal responsibility!~~ No, I have repeatedly said and I've yet to see any bar any better than North Dakota. And you think that's strange because ^[may] we're a small state, but it's true. For example I recall a case. I had the case; it went to the United States Supreme Court. Phillip Vogel of the Vogel Firm here in Fargo took it up to the Supreme Court. He'd never ~~ar~~ argued a case up there until then! I select him because I happen to think of him. He's a very accomplished lawyer! It didn't bother him one bit to

go to the Supreme Court anymore than it would to go into my court, or my son's court, municipal court or any other court! He was very fine and there are a great many of 'em like that in North Dakota! People seem to think that you got to go to a big city and get a big name to try a law suit! In North Dakota I could name man after man that's capable of trying a very complex law suit! I don't care whether it's an ~~an~~ trust or what it involves! They're very capable---broadly speaking. Of course we've got some I wouldn't want to try ~~any~~ kind of a case with, but I mean in the main. And I've told this to other bars too! I sincerely believe it! If some of our lawyers came into court as ill-prepared as I've found 'em ~~on~~ both coasts, we wouldn't get along very well together and they just don't do that here---the good lawyers. They're well prepared, they know what they're ~~doing~~ doing, and how to try a law suit. You think that's ~~a~~ little strange for a small state, don't you? But why should it be? They're intelligent men; ~~they're~~ ^{they're} well-educated; they work! They just don't look at those books; they go into them! People have said to me many times, "Do you know what's in all those books?" I said, "I certainly don't! I'm not trained to do it, but I am trained to know where to go to find what I have to learn to handle a particular law suit that I'm trained to do!" My goodness, some of those books I'm sure I've never opened! We have thousands upon thousands in our ~~general~~ general library downstairs. Some of these here are just the workative books. No, I've got a high respect in spite of the fact that every once in awhile we come up with a man that did wrong and it will ~~happen~~ happen again. It's happened before! But they tend to publicize it when a lawyer does it because they say, "Well, he's trained! He should know the law!" Of course he knows the law! But they forget that we're frail; we have all the qualities of a human being that any other profession has! ~~That~~ We're just men; feet of clay. We do things we ~~shouldn't~~ shouldn't do, but we seem to get a lot more publicity out of it! I think you'd agree to that. Lawyers, when they get into some sort of a ~~jam~~ jam, they're well publicized. And perhaps we should be; ~~because~~ because of all the people that know what is right and what is

~~wrong we either know or should know or certainly can find out. And if I can't, how can I expect a man like you who hasn't had any legal training to know! What did you take your degree in by the way?~~

~~BOB: I have a Masters Degree in history.~~

~~JUDGE DAVIES: Have you ever gone through the O. C. Libby Library?~~

~~BOB: Oh, ya, in Grand Forks? Oh, yes!~~

~~JUDGE DAVIES: I know Doctor Libby very well. He was still there when I was an undergraduate.~~

~~BOB: Oh?~~

~~JUDGE DAVIES: No, sir, you've got a man in Bismarck. William R. Pierce, one of the fine lawyers in this state. You've got one in Dickinson, Theodore C. Kellogg. He's practically quit practicing. I just happened to think of these neames; I know there's many other very fine lawyers. Just lost one up at Devils Lake, Mac Trainer(sp), and Clyde Duffy. They could go into any ~~any~~ court--get 'em prepared! They're not afraid of anything! They know they're ~~just~~ dealing with men and with people and with laws inacted! Nothing frightens 'em. We've got young people--we've got young lawyers that won't come into Federal Court. There's something different about it; there's something odd! I don't know what frightens 'em! I've had quite a time with some of them! It's just absolutely foolish! "you get yourself a case! Try one of these cases. Don't get yourself a big case that you can't handle! Take one that you either can't win or you can't lose! That's the kind of a case to try! And you'll find out that if you study our rules of civil procedure, there very much like yours except we had 'em first! There's nothing mysterious about ~~the~~ Federal Court anymore than a State Court. A court is a court! It's just the way there set up; that's all!" And once thy came they've told me I wonder why I was afraid to do this! I said, "I wondered too! Now I knew that if you came in and tried a case you'd find out there's nothing mysterious about trying a case in a Federal Court." It is because, ~~that~~ I'm sure, the greatest share of liti gation is in State Courts and some of our lawyers have never had ~~occasion~~ ^{occasion} to~~

into Federal Court; that's all. And it's like anything else; you don't know anything about it! You're kind of leery about it. You don't know so you're kind of afraid of it--nothin' to it!