

Arkansas Supreme Court Project
Arkansas Supreme Court Historical Society

Interview with
Justice Donald L. Corbin
Hot Springs, Arkansas
July 27, 2015

Interviewer: Ernest Dumas

Ernest Dumas: All right. I am Ernie Dumas and I'm interviewing former Associate Justice Donald Corbin. This interview is being held at his home on Lake Catherine near Hot Springs, Arkansas, on Monday, July 27, 2015. The audio recording of this interview will be donated to the David and Barbara Pryor Center for Arkansas Oral and Visual History at the University of Arkansas. The transcript, and any other related materials will be deposited and preserved forever in the Special Collections Department at the University of Arkansas Libraries at Fayetteville. And the copyright will belong to the University of Arkansas and the Supreme Court Historical Society. Judge, state your name, your full name.

Donald Corbin: Donald L. Corbin. Donald Louis Corbin.

ED: Louis. L-O-U-I-S? Corbin. C-O-R-B-I-N.

DC: Yes.

ED: And indicate that you are willing to give the Pryor Center and the Arkansas Supreme Court Historical Society permission to make a transcript available for research purposes, or whatever.

DC: Yes sir.

ED: Judge, let's start from the beginning with your birth. I think you were born March 28th...

DC: 29th.

ED: 29th. 1938. So whatever the source of this is, is wrong. You were a justice of the Supreme Court for...

DC: Twenty-four years.

ED: Twenty-four years. And you were in the judiciary... on the Court of Appeals for...

DC: Ten years.

ED: Ten years, so essentially twenty-five and...

DC: A total of thirty-four years of service as an appellate judge.

ED: Thirty-four years as an appellate judge, which probably comes pretty close to a record—not close to George Rose Smith, but it's way up there in longevity among appellate judges in Arkansas. No one is ever going to approach George Rose Smith.

DC: I think I'm about third.

ED: So you were born March 29, 1938, at Lewisville?

DC: No.

ED: No?

DC: Hot Springs.

ED: Hot Springs—in Garland County.

DC: Garland County.

ED: And who was your father?

DC: Louis Corbin.

ED: What was his middle name?

DC: E.

ED: Louis E. Corbin.

DC: Well, he always hated his middle name, Emerson. And then when he died, I found his birth certificate and his name was just Louis Corbin. He always hated the name Emerson, but he always signed his name “Louis E. Corbin.”

ED: And your mother?

DC: My mother was Mary Louise Sheffield Corbin, and she was born in Lewisville, Lafayette County.

ED: OK. How did they meet?

DC: She came up visiting her sister, who lived here in Hot Springs. Dad was working there as a market manager and they met and married several months later.

ED: So what did he do? He was a...

DC: He was a butcher. He was a market manager, for Kroger, for many years and then when he went in the Navy and got out of the Navy he went to work for Safeway Stores in Texarkana.

ED: So that was his life. That’s what he did...

DC: My grandfather—his father—was a doctor, a surgeon, and he lost his money or something in the bank crash of the ‘twenties, so he trained his three sons as butchers. And he had a meat market and a meatpacking plant, a store, here in Hot Springs. And he trained his three daughters as schoolteachers at Ouachita. The reason for Ouachita, Ouachita Baptist University—the reason they went to school there is that his mother’s brother was one of the original people, or the founders, of Ouachita Baptist University. Conger. She was a Conger.

ED: So your mother’s name was Conger. No...

DC: No, my grandmother, my maternal grandmother.

ED: Again, what was your mother’s maiden name?

DC: It was Sheffield.

ED: S-H-E-F-F-I-E-L-D?

DC: Yes sir. My grandfather, William Riley Sheffield, at age... as a young teenager, was a drummer boy in the Confederate Army. That sword over there [pointing at the fireplace] he picked up at the Battle of Shiloh. And, when his first wife passed away, he came to Arkansas. He had three sons by his first marriage. One of his sons dropped off and went to Tennessee. That’s where they were from, Tennessee. He and his other two sons came to Arkansas. He came to Lafayette County. My grandmother, Mama Sheffield, my maternal grandmother, was a Temple. She contracted polio as about an eleven-year-old and was crippled... learned how to walk by hanging on to the tail of a mule and let it drag her around the yard there. She was one tough lady. She was one of the first women in politics in Arkansas. She ran for county treasurer in Lafayette County and she lost that race. Everybody said it was stolen from her. Maybe that’s true and maybe it’s not, I don’t know.

ED: It could happen.

DC: It could happen in those days.

ED: Yes.

DC: Anyway, she was sixteen years old when she met my fifty-five-year-old grandfather. They married and they had six children. William Riley Sheffield, my grandfather, passed away with the oldest child, the sixth, being eleven, and my mother was eight or nine

months old. They were big farmers. They farmed about six hundred acres... a thousand-acre farm. When the Depression came along, my grandmother was there trying to raise six kids by herself. She had help from two black families, the Gleesons and the Lees, whom my grandfather had brought from Tennessee with him, when he moved from Tennessee after the war, in the late 1800s. I think they had formerly been slaves of my grandfather's family. But they had freed them before the Civil War started. The Gleesons and the Lees provided the Sheffields, my grandmother, and later with me... They were the nannies. The men worked in the fields for wages for my grandmother. My grandfather gave each of them, the Lees and the Gleesons, a forty-acre tract of land. In the 1970s, they struck oil on those two forties. We were unitized into it. I drew a pretty nice little check for myself. They drew a much larger check. The Gleesons, when I moved back to Lewisville to practice law... I had a brain-damaged child, who was allergic to the four-in-one shots for pertussin, and it fried his brain. He was born in 1966, the year I graduated from law school. Betty Ruth Gleeson took care of him for me and my then-wife up until his death several years ago. So there's always been a closeness with those two black families. Lee would see me walking down the street. He picked up... This was after he had the oil wells, mind you. He picked up the garbage and trash in Lewisville. He had a mule and a big old green wagon that he used to go around town picking up trash and garbage. He would see me walking down the street going to meet someone for coffee down at Turk's drugstore and he would yell out at me, every morning during the week, "Hey, there, Mr. Donnie Boy, I recognize that walk anywhere. You walk just like your granddaddy. I'd know your hide in a tanning factory."

ED: "I would know your hide in a tanning factory"?

DC: ...in a tanning factory. He said that every morning, when he saw me walking down that hill?

ED: Your mother, was she a housewife? Did she raise the kids? Or did she work outside the home as well?

DC: She worked also. During World War II, Dad was drafted into the Navy and they stationed him in San Diego [California] as a butcher. Before he left, the manpower here and I guess in the United States was diminishing pretty rapidly with the men going off. He trained her as a butcher before he left and she took over as the butcher at the Kroger Store where Dad worked when he went into the Navy. Then Mother and I followed him on out there about a year later and she worked in grocery stores. When Dad got out of the Navy, we moved... We went to Texarkana. First, we went to Lewisville with my grandmother, and then we moved on over to Texarkana because Dad was hired by Kroger as a market manager. Kroger hired my mother then to do the first prepackaging in Arkansas, I guess. She was in the cheese department, where she cut cheese and wrapped it and put it in the counter, and so forth. Dad was the butcher, the market manager, there. Well, Kroger went out of business and Safeway came in, and Dad went to work for Safeway. Mother... We moved back to Lewisville.

ED: Give us some time frame. How old would you have been?

DC: We moved back to Lewisville... Let's see. I started first grade in Hot Springs at Ritz School.

ED: Rick's School?

DC: Ritz School. R-I-T-Z, I think.

ED: Ritz School.

DC: It's right there on the Malvern highway.

ED: OK.

DC: Then I went to Jones part of that first grade. Mother and I went to San Diego. I went to the second and started the third grade out there when Dad was in the Navy. We moved back to Arkansas at the end of the war, and I went the latter part of the third grade and the early part of the fourth grade at Texarkana. My mother bought the Little Palace Café in Lewisville from my uncle Donald, my namesake.

ED: What was the name of the café?

DC: Little Palace Café.

ED: Little Palace Café. Was it the only café in town?

DC: No.

ED: How big would Lewisville have been then?

DC: About sixteen hundred population.

ED: What is it now, do you think?

DC: It's probably a thousand now. The county then was close to ten thousand. It's probably six or seven thousand now.

ED: Lewisville is the county seat... or is it Stamps?

DC: It's the county seat.

ED: Stamps is in Lafayette. They're the two biggest cities?

DC: Yes. Stamps, Bradley, Lewisville, and Buckner... and Canfield.

ED: I've never heard of Canfield. Were you an only child, by the way?

DC: I was then. I had a brother who was sixteen years younger than me. He's dead now. My mother's competitor was my Aunt Wanda Sheffield, who had the Famous Café, right across the street from her.

ED: The Famous Café?

DC: The Famous Café. She was married to my uncle, Glen Sheffield, my mother's brother, who had a grocery and liquor store in Texarkana. He was a character. He had gone to work for Bitternut Bread Company in Stamps, and his route was all around Bradley and the Bradley Bottoms, as we called it, in the lower end of Lafayette County. He had slot machines in back of his bread truck and made extra money off of that.

ED: Slot machines in the back of his bread truck? So you'd go into the bread truck to play the slots?

DC: He was a character. He was a big gambler and he also loved to shoot craps. Mr. Jess Smith at Garland City, which is just...

ED: Jess Smith?

DC: Jess Smith.

ED: J-E-S-S?

DC: Uh-huh.

ED: At Garland City?

DC: At Garland City. Reputed to be the maker of Garland City Pride, which was a moonshine that was sent to Chicago. He also had a ferry there, which, when my mother was a little girl, someone... They were putting a bridge across from Lafayette County over [the Red River] to Miller County to Garland City. Somebody blew the bridge. Mother said it blew her out of the bed, and she was about ten miles from the place.

ED: Dynamited it?

DC: Yeah. Everybody... Well, I'm not going to say, because I don't want to slander that guy. I don't know. But Mr. Jess Smith was the one who owned the ferry. [laughs]

ED: So, suspicion was cast on him.

DC: Suspicion, whether it was well founded or not I don't know. Anyway, we moved back there and I stayed and I graduated from high school then. I went back for the fourth grade and stayed through high school.

ED: You stayed at Lewisville from fourth grade through high school?

DC: Yes sir.

ED: So your brother was born about the time you graduated from high school.

DC: I think I was about a sophomore or a junior in high school.

ED: What was his name?

DC: Glen Raymond

ED: Glen Raymond?

DC: Glen Raymond Corbin.

ED: G-L-E-N-N? Two Ns.

DC: No, one.

ED: G-L-E-N. Glen Raymond Corbin.

DC: He was named after my Uncle Glen, my gambling uncle, my mother's favorite brother. Although I was named after Donald, her older brother. He had a son named Donald, so the way the family kept up with us, Uncle Donald was Big Don, his son was called Little Don, and I was called Donnie. That's the way the family kept up with us.

ED: So, that's how you became Donnie?

DC: Uh huh.

ED: We should say here that you're commonly called Donnie.

DC: Everybody in the family knows me and started calling me Donnie Boy.

ED: OK. Now tell me about school in Lewisville.

DC: In Lewisville? I was not all that conscientious student. I played football and I played track.

ED: What was the football name—the Lewisville...?

DC: The Lewisville Red Devils.

ED: The Red Devils.

DC: I lettered four years there, ninth, tenth, eleventh and twelfth grades.

ED: What position did you play?

DC: Blocking back in the single-wing formation.

ED: So you operated out of the old single-wing formation, where the tailback always took the snap and always passed or ran. Occasionally, he would hand off to the wingback...

DC: And sometimes to the blocking back. I called the cadences.

ED: You were supposed to be the one who dived in and plowed under the linebackers...

DC: And block, and I did. It was something.

ED: Did you score any touchdowns?

DC: I think I scored one. I intercepted the ball one time...

ED: You played defense as well? You played on both sides of the ball?

DC: I intercepted a pass and this guy hit me and I got turned around and ran seventy yards. A dear friend of mine, Herschel Kitchens, who was the only other guy in Lewisville who could come anywhere close to catching me because I was so fast, caught up with me running the ball—he must have slowed me down—and said, "You're going the wrong

way, Corbin.” I had to turn around, reverse my field and run another seventy yards back to where I came from. I think they tackled me on the one-yard line because I just gave out.

ED: Did they begin to call you “Wrong Way Corbin”?

DC: Yeah, I mean... I think coach was afraid to give me the ball after that. Anyway, I was quick. I was fast.

ED: So you ran track as well. Were you a sprinter?

DC: I went to the university and I was going to run track up there. They had me running in the August heat. I went in and registered and I came back and gave coach... What was his name? Bid...

ED: Bidwell. The track coach up there. Something like that. [He was Ab Bidwell.]

DC: He asked me what my schedule was going to be. Are you going to get up in the morning at four or five and run cross-country? I’d been doing that for a month up there and I was all cut up and bruised and scratched from running through the mountains up there in August.

ED: Running cross-country.

DC: I was a sprinter. And I said, “When do I start working out of the blocks?” He said, “Oh, about January.” Huh-uh. I called my mother. I said, “Mother, I can’t do this.” So I went through rush and became a frat rat instead.

ED: Did you play basketball in high school as well?

DC: No, I did not. I was a dribbling dude, but you could stand back and let me shoot that ball all day and there was no way I could get that thing to go in the hole. I still can’t. When my kids were growing up, I didn’t even try to play HORSE with them. They liked to play with me because they could beat me. Anyway, here’s a little thing you probably don’t know about me. I was in the Future Farmers of America and I was on the poultry-judging team. I won district, I won state, and I won national, and I got a Gold Medal for being the top scorer in the national contest.

ED: Poultry judging?

DC: Judge dress-market poultry. We judged them whether they would be a good layer, a good egg layer. We also candled eggs.

ED: What is candling eggs? I’ve heard of that, but I’ve forgotten...

DC: You take an egg and you put it up to a shining light. You can see the yolk. As I remember, you look to see if you had a space about like that [between thumb and forefinger] right at the top between the yolk...

ED: About a half-inch or so?

DC: Yes. And you look for blood spots. If you had blood spots, you grade it and give it a low grade. You could use B eggs for cooking and so forth but A eggs are the ones you eat. You eat A and AA eggs. They are usually very solid and got that air space there. It’s pronounced. As I remember—that’s been sixty years ago, or fifty.

ED: So you were...

DC: National champion chicken judger. [laughs]

ED: All right. I didn’t know that.

DC: I got interviewed on the radio, Ernie. And he asked me... Of course, there were three of us on the team. And he said, “Well, do you have chickens?” My grandmother did.

ED: Yeah.

DC: I said, “Yeah, we have a few running around the house.” My mother heard that. “Donald Louis Corbin! You know better than to say things like that.” I said, “Well, there are chickens out there.” She said, “Yes, but we don’t have them running around the house. They’re out there in the chicken yard.”

ED: So, was that when you were in high school? You were a poultry judge in high school.

DC: I was a senior.

ED: What did you excel in in high school? Any courses?

DC: Having a good time.

ED: So you graduated in probably...

DC: ’56.

ED: ’56, and then went to the University of Arkansas at Fayetteville. Did you have any idea then what you wanted to do?

DC: Not really. I really had no business being in school then. I played, partied, and my grades were horrible. I finally... There is a part of my life I don’t want to go into. I went into the Marine Corps. I was going through Marine officers training. That would have been between my junior and senior years there.

ED: ROTC?

DC: No. It was called platoon-leaders class.

ED: Did you stay in the university?

DC: Sir?

ED: Did you stay in the university straight on through to graduation?

DC: No, I dropped out and didn’t go back for a couple of years. I did my time with the Corps, outside the Corps. It started off in the Marine Corps officers training. I ended up going to work for... I’m not at liberty to tell a whole lot about that. I served my country. I thought I was going to be a career Marine Corps officer but I ended up going to work for my mother, and my mother by that time... Mom and Dad had moved to Texarkana, and she owned the collection agency, Credit Bureau. ArkaTex Credit Bureau.

ED: ArkaTex?

DC: I went to work for her, collecting bad debts, me and my first wife, who Mother introduced me to.

ED: In time, we’re talking here about...

DC: We’re talking about 1961. I worked for my mother and dated Loretta, my first wife... Loretta Icenhower.

ED: Loretta E-I-S-E-H-O-W-E-R?

DC: I-C-E-N-H-O-W-E-R. Loretta Icenhower.

ED: Loretta—L-O-R-E-T-T-A.

DC: She was a schoolteacher.

ED: In Lewisville?

DC: No, in Texarkana. We were living in Texarkana then.

ED: OK.

DC: She and I married in ’61, and I worked for my mother for a year. Loretta talked me into going back to school. So we went back that following summer.

ED: Back to Fayetteville?

DC: Fayetteville. I got there for summer school. I took a full load and made a four-point. I had to. When I went in Arts and Sciences up there to register, this secretary for the dean of Arts and Sciences pulled my transcript out and says, “You’ve got to be kidding! You’re

going to go back to school with these kind of grades?” [raising his voice] God, everybody in that room heard what she said. I mean it embarrassed me to no end. But it was a good thing for me, because it challenged me then. So that’s the reason I made a four-point. The following year I took anywhere from sixteen to eighteen hours per semester and I think I made one B—the rest were A’s. Then in summer school I made a four-point again, and was taking upper-level classes. And I got accepted to law school.

ED: So you got your AB degree, or BA degree, in nineteen...

DC: It would have been 1963 or 1964, somewhere along in there.

ED: What was your major?

DC: History and sociology.

ED: History and sociology.

DC: I had always... Well, Nick Patton and Johnny Patton were good friends of mine...

ED: They were lawyers in Texarkana?

DC: Nick is, was. Johnny is a doctor. He’s an anesthesiologist. He first went to the Air Force Academy, the first class at the Air Force Academy—Johnny did. Anyway, their daddy was a lawyer there in Lewisville, Mr. Will Patton.

ED: P-A-T-T-O-N.

DC: Hmm. Hmm. I had such awe and such respect for that man that I thought, “I want to be like that.” So, always in the back of my mind I had a hankering to be a lawyer, but I didn’t know whether I could go to law school or not, whether I could do it or not. But I got accepted and I worked... I had a laundry and cleaning route at the married students’ housing, Carlson Terrace. And I drove a school bus. My wife taught school.

ED: For the Fayetteville schools.

DC: Uh huh. She got pregnant with our firstborn, Byron. In those days, because she was pregnant, they made her quit that last semester because she was starting to show. They don’t do that now, but they did in those days. I went to Texarkana National Bank in Texarkana to borrow money to go that last semester of law school. I walked in there and Norm Roachell was the bank vice president or something that I sat down with. And that man let me have thirty-five hundred dollars on my signature to finish up that last semester of law school. About eight years later, long after I had practiced law and paid that thing off, I went in there to borrow money and he made me put up everything. I said, “What is this? I came in here as a law student and you let me walk out of here with thirty-five hundred dollars cash on my signature and now here I am and I want to borrow two thousand dollars and you want me to mortgage everything I’ve got.” He said, “You’ve got it now.”

ED: So you got your law degree in...

DC: ‘66.

ED: ’66.

DC: Summer ’66. Byron was born that summer. It was a three-day exam, bar exam. I got home on a Wednesday night. Loretta met me at the door and said, “We’re going to Lewisville and have this baby.” He was born that night. And then I went to work for Byron Goodson, who is the great-uncle of John Goodson.

ED: Was he a lawyer?

DC: He was a lawyer in DeQueen. He gave me my first job, and I worked for him from August to November of ’67. When Mary Jane Patton, Nick and John’s mother, called me and said: “Donnie, Nick is going to work in Texarkana with Boyd Tackett. We’ve always

had a lawyer here in the Patton Abstract office. I'd like for you to come home, if you would consider it." I thought about it and I did, so I went back and she put me into practice there at Lewisville.

ED: Tell me about that practice. Was it a solo practice?

DC: I was a country lawyer. I did everything. A lot of things I didn't have any business doing, but in the country the people expect you... They know YOU. I'd try to send them to a big-time Little Rock lawyer on some issues that I didn't know about, that I was scared of, that I didn't have any training in. "Huh uh. I came here to hire you. You're the one that's got to face me every day."

ED: So you took on anything that came...

DC: Anything that came through. When I realized that it was beyond my reach, or I thought it was, I would try to encourage them, to get them to go to a specialist, but that's not the way they are in a rural area. They know who you are, and they want you to be responsible.

ED: Of course, some of those will be criminal cases. You did some criminal casework?

DC: I did some. I prosecuted some for the city.

ED: You were kind of the city attorney as well for Lewisville?

DC: That was my first race, political race, for city attorney of Lewisville, Arkansas. I won it. I won all my races. I never lost a race. I probably lost in winning them.

ED: So you get elected city attorney. Basically, you go to Municipal Court. You prosecute all the...

DC: I prosecuted all the DWIs, broken taillights, cracked windshields, overpossession, untaxed liquor...

ED: But you also did a little criminal defense work...

DC: That's right. If I didn't have the case, I'd take the other side. It's like the railroads. I represented the railroads down there, too, but if I didn't get the case, the collision case, the railroad would hire me to help defend.

ED: So you'd sue the railroad, and you'd defend the railroad.

DC: Yeah, yeah. Today, they would question that, I guess, because of the appearance of impropriety perhaps. But in those days...

ED: Somebody had to do it.

DC: Somebody had to do it. But it would give me a little bit of an edge against the railroads, though, when I had a case, because I knew those old guys. I knew what they were capable of doing.

ED: Do you remember any of your early cases? Did you represent some drunks, burglars?

DC: Mr. Goodson there in DeQueen got real ill, so they were calling lawyers to come and hold court in his place. They sent for me to come up there and hold court for him once. This old boy had been charged with this, and this, and this, and this—DWI and what have you. I found him guilty and I was getting ready to give him a break. He started yelling and screaming and saying, "I see you're...that's stupid..." I said, "I'm not through yet. I'm giving you ten days in jail." The word was out that Donnie Boy came to DeQueen, he put everybody in jail and went home. That was one of the funniest things I remember. Cases that I remember?...

ED: Any big judgments. These railroad cases, were they accidents where people were injured on the railroad...

DC: Usually... I'm trying to think... I settled an awful lot of cases for big money. One of the biggest cases I settled, I represented a black family who were concrete finishers. They were over at Dangerfield, Texas, putting in an IP plant over there—an International Paper Company plant. They were making concrete pads for those pods, they call them... I've forgotten what they did there. Anyway, they had done about three or four of them and they were doing another one and PAPCO, which was one of their construction companies, for International Paper Company...

ED: PAPCO or PAFCO?

DC: PAPCO they called it. P-A-P-C-O. They were filling those pods, those tanks, steel tanks, with water to see if they had any leaks. Well, one ruptured and it hit the other one, and it was just like a domino thing. It was like a tidal wave went through there. About fourteen people or so were drowned, one of whom was my client. They lived up there in Howard County. The thing about it is, I have represented just about every one of those black families of people that got killed, DWIs and what have you, but they wanted me to come up there to talk to the families and I wouldn't do it. You have to come to my office. Other lawyers didn't have any compunctions about going. I didn't and I lost a lot of money by not doing that. I would have gotten all of them. I would never have had to work a day in my life if I'd gotten all of them. I just couldn't do it. I got the case of the family with the three daughters. They came to my office and I represented them. My fee out of that... I've forgotten how much I got then... but I ended up with a 25 percent fee and that was a lot of money in 1975 or so.

ED: Sure.

DC: I had a general practice. I made money practicing law. The real money that I made was on timber sales, buying land and selling it. A client will come in and say, "Donnie, my neighbor has got an eighty, and I want the forty that adjoins me. Would you be interested in taking that north forty (or that south forty or that west forty, whatever the case may be)?" I'd call the bank and, "yeah." A dear friend of mine, Bill Triplett—who's dead now...

ED: Bill Triplett? T-R-I-P-L-E-T-T?

DC: Yeah. T-R-I-P-L-E-T-T. He was a mover and a shaker and head of People's Bank and Loan Company. He was a Realtor also. So he would take a forty or an eighty or whatever it was and he would put it in a block and sell it to a timber company and block it out. Maybe I'd pay \$150 or so for a forty-acre tract, \$150 an acre, and sell it for \$200 or \$300. I'd keep it six months and make the deal. When I ran for Court of Appeals, I had put off doing my tax returns for that year, 1980, until the election was over. The primary was over with in late May. I went in early June to see my accountant to do my taxes, and he said, "Congratulations, Donnie Boy, do I call you 'judge' now?" I said, "No, 'judge-elect' maybe, I think." "What does this job pay," he said. "I don't know." "You don't know?" "No, it's pretty good, I guess—it's a judge." We pulled the statute book out and started looking at it. I think it was like forty-something thousand [dollars] that year. He said, "Is this all?" I said, "Yeah, I guess so." "You can't afford it." "What do you mean I can't afford it?" "You're going to get \$40,000 net?" He said, "You've committed economic suicide."

ED: Did you not have a clue about that?

DC: Huh uh. Not at all.

ED: Did you think maybe it paid a hundred something thousand?

DC: Well, I don't know about a hundred thousand, but I thought it would be a decent salary. Wow. It was an eye-opener. It was a stroke. But I managed it. It's the best thing I ever did.

ED: You made pretty good money for a country lawyer.

DC: I made a lot of money. I keep telling these kids nowadays, go to a rural area. You don't have to go to these high rises. Go to the country, go to a rural area. You can make money. There's money to be made there.

ED: Let's don't jump ahead yet to the Court of Appeals. You practiced law at Lewisville. How long was that.

DC: About fourteen years and then... I built a new office building in Stamps about '76 or '77. Dr. Lee had the only clinic in the county. He duck hunted with me. We were duck hunting one morning... He was my doctor, our family doctor.

ED: What was his name? Dr. Lee?

DC: Willie J. Willie J. Lee.

ED: He was a family doctor there at Lewisville?

DC: Family practitioner. A great doctor. A very fine doctor. Now, I got elected to the legislature, the House [of Representatives]...

ED: In 1970.

DC: Yeah. I beat an incumbent. I'll tell you a story about that.

ED: Well, we want to talk about when you decided to... But you built an office at Stamps...

DC: Yeah, but I became a legislator before I did that.

ED: All right. So in 1970 you had been practicing law for...

DC: Since 1966.

ED: About four years.

DC: Only about two of it there at Lewisville. I was there in Lewisville and I got a call from Mike Kinard...

ED: From El Dorado. K-I-N-A-R-D.

DC: Magnolia. He's now a Court of Appeals appointed judge. And from... Lord help me... Gayle Ford.

ED: Gayle Ford?

DC: He was then a lawyer then in Stephens. He became a judge at Mount Ida. But that day Kinard was in Magnolia and Gayle Ford was in Stephens practicing law.

ED: Now, Gayle Ford's first name is G-A-Y-L-E.

DC: Yeah. Ford. F-O-R-D. Great judge, a great trial judge. He became one at Mount Ida. Good guy. They had tried a lawsuit there in Magnolia. Mike Kinard's then wife was secretary of the Democratic Central Committee in Columbia County. They paid my filing fee...

ED: To run for the legislature...

DC: Then we had a gentleman's agreement. Columbia County got one [member of the House of Representatives] and Lafayette County got one.

ED: The district at that time included both counties.

DC: Two counties had two representatives.

ED: The gentleman's agreement was that we won't... [run a candidate against the candidate for the seat from the other county].

DC: That's right. You ran in both counties. I ran against Gladys Martin Oglesby. I didn't know it at the time. Those suckers set me up.

ED: Gladys Martin Oglesby was a state representative. She lived at Magnolia...?

DC: No, she lived at Stamps.

ED: She lived at Stamps. That's G-L-A-D-Y-S M-A-R-T-I-N O-G-L-E-S-B-Y.

DC: Yeah, she was the Lafayette County reporter on that radio station. I'm trying to make a living here. I can't do that. So Kinard tells me, "Some of your friends in Lewisville should be coming in there right about now telling you they're getting you filed in Lafayette County." Sure enough, I looked up and there was old Pat Robinson, who was a mean old lawyer.

ED: He was. Old right-wing lawyer, too.

DC: Oh, yeah. He had represented Lafayette County for twenty-something years as a state representative. Gladys Martin had beaten him. Gladys Martin had beaten everybody that ran against her. She beat Nick Patton like a yard dog and other people who should have won, compared to me. Anyway, Vance Judd, George Turner and eight or ten of my friends there in Lewisville said, "You've got to go to Little Rock and finish filing." I said, "I can't do this. I can't afford to be..." "Yeah, you can."

ED: Had Gladys already filed?

DC: Oh, yeah. I got there the last minute to file.

ED: The day of the filing deadline, in April.

DC: I was ignorant. I was totally, absolutely ignorant. I didn't even realize I was running against her. I get filed. I get home that afternoon late and I'm sitting drinking a coffee and my friend Bill Triplett and Vance Judd come walking in and say, "What are you doing sitting here?" I said, "I'm having a cup of coffee. Have a seat." "You've gotta get busy." "Get busy doing what?" "Campaigning!" "Why?" I said, "*What?* What are you talking about?"

ED: You didn't know you were running against her?

DC: No! No! I was running against an incumbent? Gladys Martin had beaten everybody like a yard dog. I said, "My gosh, what have y'all got me into?" Well, then the male machoism... I knew she was going to beat me but I didn't want it to be a wipeout. I wanted to make a good showing anyway. Well, Nick Patton was running for state senator in that district at the same time. Everybody in Lewisville and Stamps went to his win party. I had just that bunch that got me to run who stayed at my deal, at my office. We were getting the results there. The first box came in from Canfield. I lost that box like sixty something to three. Ha, ha, ha, ha, groan. Pat Robinson says, "Congratulations!" "For losing a box by more than anyone's ever lost that darned box?" He said, "No, you've won the election." "Now, how in the world...?" He says, "As Canfield goes, goes not the rest of the county." Then, from that point on... I ended up carrying Lafayette County by something like twenty-nine votes. But I ended up carrying the whole race, counting Columbia County, by something like sixty-something percent, big time.

ED: Columbia County was much the bigger...

DC: It was much larger, much more sophisticated, more metropolitan and they were ready for a change. They wanted a young lawyer. My grandmother—I told you she was one of the first women politicians—knew everybody in Lafayette County. She sold Watkins products out of the back of her car over the whole county and everybody knew her. She also helped me pick all my juries. When she went into the nursing home, that's when I decided to run for the Court of Appeals. It was time for me to hang them up and get out of there. Anyway, I won that state representative's race and those ten years in the

legislature—my time there—has probably been the most enjoyable ten years of my life. I loved it. For a country trial lawyer that forum was the thing. You can blow and go. You can say anything you want to. You have to be real careful. Although I really upset Herschel Friday [senior partner of the Friday Law Firm in Little Rock] one time because I got after a bond bill or something. I said, “Those bond daddies out running up and down the halls like Herschel Friday...” I should never have mentioned his name, but I did. Bob Dawson... Did you ever know him? Judge Dawson?

ED: Yes. Fort Smith. [later U.S. district judge]

DC: He was working for [Governor David] Pryor then. He was floor leader. He said, “There’s Donnie Boy. Herschel Friday! Jesus Christ on the cross.” Oh Lordy.

ED: So, 1970, the Democratic primaries were in August...

DC: I took office in January 1971.

ED: Auby Rowe of Texarkana was the other representative [from the district].

DC: Right, my first term. Then they redistricted us and I had all of Lafayette and the southern half of Miller County, which would have been Fouke... I had the country club set in Texarkana.

ED: At any rate, let’s set the scene. You get elected and there’s also a kind of tide. 1970 was a pivotal election year because you had Dale Bumpers...

DC: It was probably the most exciting, those first few years, ’71, ’72, ’73, ’74, Arkansas was coming alive. You could feel the heartbeat of this state, and it was throbbing. I was glad to be a part of it.

ED: In that ’70 election, Dale Bumpers was elected governor. Winthrop Rockefeller, a progressive Republican governor...

DC: Once I got through the primary I then helped Bumpers. I made some speeches for him all across south Arkansas.

ED: Did you know him before that summer?

DC: Huh uh. But I met him and I liked him.

ED: In that same primary that you got elected, you had a big field of Democratic candidates [for governor]. Hayes McClerkin of Texarkana was in it. You probably knew Hayes.

DC: Yeah. That’s who I started off being for.

ED: Yeah, everybody down there was for Hayes.

DC: He was speaker of the House then, too.

ED: He was speaker of the House.

DC: Faubus was back in it. [former Governor Orval E. Faubus]

ED: Faubus was running again. Joe Purcell, the attorney general, was running. Bob Compton from over at El Dorado...

DC: Who was another good friend of mine.

ED: So you had all kinds of divided... [loyalties]

DC: Yeah. It was like, hide. I supported Hayes, though, at that time and then in the runoff I switched over to Bumpers. I got behind him.

ED: He was running against Faubus in the runoff.

DC: One funny thing. During my race for state representative, there was a big speaking rally at the fairgrounds in Magnolia in Columbia County. Faubus was there and everybody just filled it up. They had come to hear Faubus speak. When he quit speaking the darned place just emptied out. I’m looking at the stragglers. Gladys Martin gets up and speaks ahead of me. I never will forget her speech. “I just love to come around in these hot summer days

and visit with you on your front porch and help you shell those purple-hull peas” I came behind her and I said, “I’ve shelled all the purple-hull peas I want to in my lifetime. My mother and grandmother had purple fingers for months. I’m not going to help you shell your peas. I’ll be your legislator and I’ll try to do a good job there but I’m not going to be a pea sheller.” The crowd loved it. They went wild. But I never ran anybody down. Every race I ever ran I tried never even to mention their name. People tried to talk to me about her and I said, “No, I’m running on my merits. If I can’t win it on the basis of who Donnie Corbin is, I don’t want it.”

ED: That was Dale Bumpers’s policy throughout his life as well. It worked for him and it worked for you.

DC: I didn’t think about it working. It’s just who I am.

ED: Ordinarily, it doesn’t work.

DC: No, there is no reason on God’s green earth that I should have had the success that I’ve had in the political arena. Paul Danielson [associate justice of the Supreme Court] told me the other day, “Donnie, you ought to run again. We’ll get rid of that 70-year-old rule [a statute curtailing the state pension of a judge who is re-elected after the age of 70]. You could get re-elected easily. I can’t, but you could.” I said, “There is no way.” He said, “Yeah, you could.” I’ve got more friends than I really deserve. God, they’re loyal to me. I’ve won my races because of other people—my friends. There was one article I was reading the other day. A lot of people have said this about me. “He’s not the smartest judge who’s come down the pike, but he’s honest, he’s conscientious, and he means well.” That’s who I am, Ernie. I’ve been accused of a lot of stuff by my detractors, of being a politician and what have you. Obviously, I am a politician. I’ve been successful at it. I’ve been extremely lucky.

ED: That year, Dale Bumpers was elected and you have a new breeze blowing through...

DC: Rockefeller, you know...I don’t know whether you know this, but when [Winthrop] Rockefeller got elected that first time so many of us who were coming out of the law school at that time—Jody Mahony, myself, Jim Hannah, just any number of us—we were all Democrats but we all wanted to get rid of Faubus. I even supported John Paul Hammerschmidt against the congressman—I can’t think of his name.

ED: Jim Trimble [James W. Trimble]

DC: Yeah. He was a good man. It just about broke my partner Byron Goodson’s heart. He was a yellow-dog Democrat. My grandmother wouldn’t speak to me for the longest because she thought I voted Republican. I went to see her right before she died, Ernie. She was about 93 then. Her mind was still just as sharp as a tack. I was telling her about a lawsuit I was handling. There were a bunch of Yankees involved in it. “Yankees?” she said. “Donnie Boy, I was eighty years old before I realized that Damn Yankee wasn’t one word.” She had watched Union troops come up on horseback right at the end of Reconstruction. The word would get out that they were coming from Shreveport, cavalry troops, and everybody hid their silverware, food, cows and chickens because they would steal them. She didn’t like Yankees.

ED: The same year that you and Dale Bumpers get elected, the House and Senate both underwent big changes. Steve [A.] Smith of Fayetteville—that freshman class...

DC: Jody Mahony [Joseph K. Mahony III of El Dorado]...

ED: Jody Mahony and Rudy Moore [Rudy Moore Jr. of Fayetteville]. He might have been in that group, too, or he might have been two years earlier.

DC: He came with us. There were thirty of us, and most of us were lawyers. Bill Holloway [of Lake Village]...

ED: And nearly all of them pretty progressive.

DC: Yes.

ED: A new governor. That 1971–73 legislature was probably the most productive legislative sessions in Arkansas history in terms of progressive change.

DC: Yes.

ED: You passed taxes, an income tax, kindergartens, all kinds of education reforms, [free] high school textbooks...

DC: The kindergarten stuff came later because I was involved in that.

ED: It was in 1973 that you authorized [state funding of] them. It took some time before they really got funded.

DC: I pushed in that area. Mental health was a big thing, too. I pushed through a two-million-dollar appropriation for Arkansas Children’s Hospital. Betty Lowe was the medical director then and was the pediatrician for all my kids.

ED: Who was that?

DC: Betty Lowe? L-O-W-E?

ED: Yes.

DC: She’s deceased now, but she was the medical director there. She was, like, number one in medical school here and then she went to Massachusetts and was number one in her field. She was a pediatrician. Anyway, she called me and I was co-chairing with [Senator] Max Howell [of Little Rock, later of Jacksonville] a committee on delivery of services to the youth of Arkansas. We were studying all the agencies—state, federal, local, private—trying to figure out what services were given to children in Arkansas, handicapped children and so forth. She said we need to establish a neonatal care unit here at the hospital. “We’ll save a lot of babies’ lives, Donnie, if we can get that through here.” So I made it a committee bill and I ran it through and got [Governor] Clinton to designate it as an administration bill. Well, I went in and got the substantive bill [authorizing establishment of the program] passed, but then we were looking at the appropriations. They didn’t run it—the appropriation bill for it. He [Clinton] was pushing a Human Services bill where he established regional developmental-disabilities programs. Really, it was another way of Jacksonian politics, where he could get a lot of his friends jobs. That was an \$18 million appropriation and I tied it up on the floor of the House. I got [Representative] Lloyd George [of Danville] to... The governor sent word he wanted to talk to me... No, Rudy Moore and Steve Smith [aides to the governor] sent a message they wanted to visit with me. So I got Lloyd George to take over, to get the floor. I went on down there [to the second floor] to meet with them [Rudy Moore and other staff members]. I said, “I’m going to tie it up; I’m going to kill the bill.” He [Moore] said, “Well, what do you want?” “I want the appropriation bill for Children’s [Hospital] for that neonatal-care unit to go through, that two-million-dollar appropriation, and then I’ll turn this bill loose if you want me to.” Then—it may still be that way—the wall [in the governor’s office] didn’t go all the way up [to the ceiling] between their office and Clinton’s, and Clinton’s voice came over the wall, “Let him have it.” Because I told them I’m going to go call a press conference when I get through beating this bill and tell them what a lying son of a bitch your governor is. You know, I was one of his floor leaders. When I got back up there [to the House chamber] John [E.] Miller [speaker of the House]

said, "Do you want to run that appropriation bill?" I said, "Yeah." That thing whizzed through. I walked it down to the Senate and got [Senator] Bob Douglas [of Texarkana]—not Bob Douglas but Wayne...

ED: Wayne Dowd [of Texarkana].

DC: Wayne Dowd, who was my then senator, got it and ran it through the Senate.

ED: And that's how you got the neonatal unit for the Children's Hospital.

DC: Saved a bunch of lives in this state. The funny thing about it was, though, when they had the big dedication of the unit they had this big stage out there, I was invited. I was sitting down there in the front row of the audience. On the stage up there was Bill Clinton. Bill got all the...

ED: The credit.

DC: Betty Lowe was up there and... But it didn't matter to me. I didn't care who got the credit. I got the thing through. The main thing was I got it through. There were just so many things I enjoyed. One time, [Senator Guy H.] Mutt Jones [of Conway] was a power over there. I think we were in a special session and he was running through a bill that would give Arkansas Educational TV color, which [at that time] was only in Pulaski and Faulkner counties and a couple of other central Arkansas deals. We didn't even have it in the rural areas. I tied the bill up. They said the only time that Mutt Jones ever left the floor of the Senate during a session was when he came to see me. I mean he was red hot. He had those little red cowboy boots.

ED: Yeah, he always wore those little red cowboy boots.

DC: I mean he was hopping mad. I said, "Why am I going to give you color when we don't even have black and white in Lewisville?" "Donnie," he said, "I'll tell you what I'm going to do. If you'll let my bill go, I promise you, you will have statewide educational television next January. I'll introduce the bill and I will run it through myself." I knew that if he ever told you he would do something he would kill himself before he backed off of it. And God dang, he did. The next January he ran that thing through. It wasn't a bit of trouble. That thing passed like... You know, I had all the rural representatives with me. So we got that through. He [Jones] recognized you for doing something, whether good or bad, and he would send you a rose. My rose that he sent me the day after I blocked his bill had so many thorns in it that every time I picked the darned thing up it drew blood.

ED: Yeah, he would bring a box of red boutonnieres to the Senate that he would pin on the lapels of people he happened to favor that day, for some reason. Occasionally, he would pin one on me down in the press section.

DC: Where he found that thing that had so many thorns on it I so nor know. You could not pick that sucker up without it drawing blood. He was something else. Anyway, he nailed me.

ED: Do you remember any other bills you handled? I'm sure you handled a lot of them, although you were a freshman in 1971.

DC: Rudy [Moore], me and Steve [Smith]... One of the major bills was the Rural Medical Practice Act to get doctors to... retire a certain part of their debt from medical school if they agreed to go to a rural area and practice medicine. We ran that through.

ED: That was one of Bumpers's big things...

DC: Yes.

ED: To improve access to medical care in rural areas. It was loan forgiveness, wasn't it?

DC: Yes. Each year they served they retired a year of debt.

ED: He [Bumpers] also ran this thing to let osteopaths practice in Arkansas [have hospital privileges and be able to prescribe medicine]. It took many years...

DC: That was [Representative] Mack McLarty's big bill. [McLarty, of Hope, was later White House chief of staff under President Bill Clinton.] I was a little dubious about that bill for a while because I didn't know what an osteopath was. But it turned out we had two at Hope, right up the road.

ED: We have quite a few in Arkansas now.

DC: I backed off of that when I found out some of my people were going to them. I tied it up for a while but then I let it go. Boy, Mack didn't like the legislature. He just did not fit into it very well. But he was a good friend.

ED: So you were pretty good ally of Dale Bumpers.

DC: Yeah, all the way through. Now, I was voting against a lot of his bills my first session. I came from a very conservative place. It was so bad there for a little bit that he called me. He said, "Donnie, have I offended you some way?" I said, "No, you're doing a great job, governor." He said, "Well, you're voting against me..." I said, "That's my people. I'm voting their interests. I don't have any choice in the matter." He said, "I understand, go on up there and do your job." I said, "Well, you're doing a great job and I'm for you." All his races—when he ran for the Senate [in 1974], I supported him, against [Senator J. William] Fulbright, and I always did. I got crossways with [Governor David] Pryor. I introduced Pryor to Barbara [his wife, the former Barbara Lunsford]. Barbara was my first date at the university.

ED: Oh, really.

DC: He was smitten with her. I had her at an SAE party. He said, "Do you mind if I talk...?" "No, go right ahead..." You know, I didn't care...

ED: So you were all contemporaries up there.

DC: Yeah. He was a little older than I was. He was an SAE, and I was, too. It was an SAE party. Now, Barbara was sweet. I just love her to death. She's good folks. But I did not support him against [Senator John L.] McClellan [in 1972]. That really angered him. One good friend of mine, Jack Williams [of Texarkana]... Jack Williams, of course, was one of my mainstays in Miller County and was a fraternity brother of mine also, SAE, whom I had rushed. I got him to pledge SAE. But I was trying to get navigation on the Red [River], which was very critical, we thought.

ED: Navigation on the Red River.

DC: Uh huh. The big Red. So we knew that McClellan was the key to it. Now, John Stroud [of Texarkana, later an appointed justice to the Arkansas Supreme Court], who had worked for McClellan, went for Pryor. Of course, McClellan won. [State Senator] Bob Douglas and I ran through a Red River bill in the House and set up a trust to put money in to be able to meet matching requirements for federal monies. Then I went to D.C. with a whole delegation of people—John Stroud was with us along with... the lawyer from Hope who killed himself? Committed suicide, with Clinton...

ED: Oh, Vince Foster.

DC: Yes, Vince Foster—his daddy was on the Red River board that we established. And... I can't think of his name—he was a lobbyist for the railroads, from Lewisville... He was big friends with McClellan.

ED: I know who you are talking about. I can't think of his name either.

DC: Coleman.

ED: Fred Coleman.

DC: Fred was with that group. We get there and Mr. Fred comes out and he says, "The only man the old man will talk to is Donnie Corbin. Donnie, go on in there. The man wants to see you." Well, I felt kind of bad because, you know, Stroud was really the mainstay of the legal stuff we'd put together. I didn't know a damned thing about levee law, drainage districts or anything like that. Anyway, I went in there and the senator said, "What do you want?" I told him, and he said, "I'll get it done in the morning." So, sure enough, he ran the appropriation through. When Fred met with everybody, he said, "The old man insists, though, that Donnie Corbin be the lawyer for that group." Well, who I am. I knew that Stroud was the lawyer with the experience who needed to be there. I said, "Let Stroud do it and I'll be the water boy. When he needs something, I'll carry water for him. But he needs to be the lawyer for the thing." Now I gave up a pretty darned good fee by doing that. But that's who I am, Ernie. A lot of my friends, Bill Triplett, down home, thought I'd lost my mind for doing that. But it was bigger than I was. I had strong indications that we really needed that river traffic to get our products and our crops down and I wanted to make sure that it got through. It was more important than I was. But it ended up... That last governor, he raided that thing, that fund, and then this last time they got it all; they wiped it out. It had millions of dollars in it, accumulating, building, since the 'seventies.

ED: That was [Governor Mike] Beebe?

DC: Beebe got it. Some of those senators got it this last time, spent it all on something else. I don't know how they did it. I don't know how anybody does anything anymore. It's a disappointment. They got the navigation to Shreveport. The next thing was to go from there to Index [north of Texarkana]. I don't guess it will ever happen now.

ED: Somehow in my mind I'd connected you with the battle over, I guess it was over the Joint Budget Committee, the power of the Joint Budget Committee. A group of legislators—they called them "the white lights" who protested the power of the Joint Budget Committee. You know, Max Howell, Knox Nelson and a handful of them spent all the money.

DC: That was [Senator] Nick Wilson [of Pocahontas].

ED: Nick was a part of that. Were you a part of that as well? They would vote "present" [lighting the white lights on the roll-call board instead of the green for yes and red for no].

DC: It was mainly handled in the Senate. They were the ones that whipped it through. Nick pulled together a coalition with Bill Walmsley [of Batesville] and that bunch. I don't think we ever got to vote on it in the House. They knew. They could see that it was going to pass in the House, because we had the votes to do it over there, so they capitulated. Max gave in. Of course, Max, as usual, always got something for something. Of course, Nick came out of that thing with a heck of a lot more power. Of course, he pulled in [Representative] Earl Jones [of Texarkana], who was in the House with me and was my roommate then. That committee and, I think, Ernie Cunningham [Ernest G. Cunningham of West Helena]. I think Buddy Turner [Representative Grover W. "Buddy" Turner of Pine Bluff] was on it.

ED: You were a maverick in the House. You were considered a maverick over there. I remember Nick Wilson telling me once that Max Howell got irritated with you about something. He was fussing about it and he couldn't think of your name at the moment and he said, "that little, that little black-haired shit."

DC: [laughs] Yeah. But, you know, Max became one of my biggest cohorts. When I started trying to get money for the Court of Appeals, he ran all that through for me. We got space, extra law clerks. He didn't like law clerks but he got them, he gave them to us. I got along with Max. I could make all of them mad. Tom Glaze [Justice Thomas A. Glaze] was one of the dearest friends I ever had, but I could piss him off in a heartbeat. He would get so mad at me he would turn red... Ernie, I don't know how I've been able to stay where I've been. It's a big surprise to me every time I think about it. When you look back on it, my opponents never were all that strong. But I didn't know that when I was running.

ED: You beat Gladys Oglesby in 1970 and they reapportioned the legislature for 1972...

DC: I ran unopposed...

ED: This time you were running in Lafayette County and part of Miller County, including part of Texarkana?

DC: Yeah. I had the country-club set. The Texarkana Country Club south. Fouke. I had the Fouke Monster.

ED: Did you ever have an opponent again?

DC: No.

ED: In five terms?

DC: No.

ED: Five terms in the House of Representatives.

DC: And I had the votes to be speaker in...

ED: 1980?

DC: The next one.

ED: It would be the '81 session. If you ran again.

DC: Yeah.

ED: Is there anything else we needed to talk about in the legislature, individuals... Bill Foster was the...

DC: Now, Bill Foster did not like me.

ED: No?

DC: Not at all. No. He did not like me at all.

ED: What was the foundation of that?

DC: He was a governor's man.

ED: He was.

DC: Well, I basically was an obstructionist, or at least I slowed everything down so that everybody could look at it a little closer and try to get amendments on a bill to make it more palatable.

ED: That's how you were known. You were the obstructionist.

DC: Yeah, one of my best friends still cusses me. He's a lobbyist. He used to head up the [Arkansas] Poultry Federation. Don Allen.

ED: Don Allen.

DC: Don Allen. He said, "You sorry little shit! You give me more grief." But he has supported me in every election. He says, "There's one thing about it. I know what I'm going to get when I get you." He said, "Many times, we were cheering you on, but silently." One of the biggest things... Steve Clark had this bill that affected corporations and how they did business. I mean it was a sleeper. It ran through the Senate.

ED: This was when he was attorney general.

DC: Uh huh. Julie McDonald—did you ever know Julie Mac?

ED: Yes. Sheridan. [now Julie Cabe]

DC: Dear friend of mine. She was working for him. She was his person. She met him [Clark] at the airport. I pulled a first. We had interim committees. I was opposing the bill and I was telling what was wrong with it, but it needed work and there were certain inherent dangers in it that we don't know about and that they're not telling you. I built in their minds out there listening to it... "But rather than kill this bill," I said, "Mr. Speaker, would you entertain me for a motion?" He said, "What's your motion, Mr. Corbin?" "I want to refer this bill to the Interim Committee on... the Economic Development Committee for study." And, boy, that thing went through like a bullet. 99 to 1 or something like that.

ED: To refer it to an interim committee.

DC: For study.

ED: For two years.

DC: I knew I had killed it for two years. But it was dead then for sure. Jody Mahony and [Representative] Kent Rubens [of West Memphis]... What a lot of people didn't know—Ray Smith [representative from Hot Springs] figured it out at the tail end of the session. We were working in cahoots with one another. They were two of the smartest guys in the world. They were the ones together who figured out how I could kill that bill. We came up with that plan and it worked. But Julie Mac goes to pick up Steve at the airport. He says, "Well, how did things go?" She said, "Well, on our corporation bill, what have you, now you see it and now you don't. Corbin pulled another disappearing elephant trick." And there it was. Oh, Lordy. And then there was that bill that Earl Jones was so big on.

ED: The Texarkana tax-exemption bill?

DC: Oh, God, that thing drove me nuts.

ED: I bet.

DC: I mean, of course all my people wanted it and all of my rural folks wanted it, too, in Miller County.

ED: It exempted people on the Arkansas side at Texarkana from the state income tax [and substituted a one percent sales tax].

DC: Yeah. And so that last session I introduced a bill to go to a straight sales tax across the state. I had everybody nervous about that bill. I was nervous about it as well. I really didn't want to pass the damned thing, but I had to do something to appease my folks at home. I was making an effort at least to give them the same benefit—to do away with the income tax and adopt the sales tax. They finally killed it, as it should have been. We should never have passed that bill [exempting Arkansas-side residents of Texarkana from the income tax] to start with. It was for Earl, though, and I helped him pass it. I had to. I didn't have any choice but to do it. My senator was for it, too.

ED: Earl always felt like it was something he had to do, too. [Texas side residents of the city did not have a state income tax.]

DC: Yeah, he didn't have any choice. He and I were roommates. He would say, "Donnie, you're going to have to do something because it's going to get you beat if you don't. That had something to do—that hanging over my head. I was looking at a divorce at the time. It was 1979. I had just built this humongous house at Lewisville. I had looked around at those people, Max Howell and so forth, who had been there for twenty or thirty years, and I didn't want to be that way. I had a lot of power. I was like thirtieth in seniority,

which was then a lot of seniority. I was looking at being the speaker. That would have been nice, but there were any number of things, a pending divorce. I announced early on to the people of Lafayette County that I wasn't going to run for re-election. Then it was like, "What am I going to do?"

ED: When you announced that you were not going to run again, you were not contemplating, at that moment anyway, running for the Court of Appeals?

DC: No. But then I couldn't find a job. No one could afford to hire me at what I was making in the practice of law. So what am I going to do? I don't know whether you know this or not, but Bob Smith is one of my oldest and dearest friends. We were in law school...

ED: Bob Smith, the Little Rock lawyer?

DC: Vann Smith...

ED: Vann Smith's brother. [Pulaski Circuit Judge Vann Smith]

DC: Bob Smith is one of the best constitutional lawyers in the state, a very fine man. He's top-notch. He lobbies now for Stephens Inc. and what have you. He's always been kind of my subconscious... I always run things by him. "Don't do that, Donnie. You don't want to do that." He's really just a fine, fine man. I love him dearly. He said, "Why don't you run for that Court of Appeals spot?" I said, "What?" Well, the people had just voted for a Court of Appeals the time before [1978] and we set up enabling legislation for it.

ED: The governor made the original appointments. They were all to be phased out starting in 1981.

DC: Yeah. He [Governor Clinton] appointed Jim Pilkington from Hope and one of my contemporaries, a real fine lawyer, a man I had total respect for.

ED: Yeah, a wonderful man.

DC: And he encouraged me to do it. He said, "Donnie, why don't you run for the Court of Appeals?" And I did. I had always thought that I would run for... I was waiting really, looking at running for chancery judge. Royce Weisenberger was going to retire the next time. I had extended his term. It had never been done before. I got away with it. Those were four-year terms and I ran it to six. The lawyers wanted him there as a judge.

ED: This is Royce Weisenberger?

DC: Uh huh. From Hope, Arkansas. A real fine, fine judge. I was looking at running for his slot when he retired. I got to thinking, "I ain't that smart." [laughs]

ED: Not smart enough to be an appellate judge?

DC: Huh uh. "I don't know whether I can do that or not? I don't want to make a fool out of myself." I never will forget that as I was going around that eighteen-county [Court of Appeals] district, I stopped in Prescott, Arkansas. One of my fraternity brothers—he's dead now, a real fine lawyer—said, "Donnie, what makes you think you can be an appellate judge?" I said, "Nothing."

ED: So, who...?

DC: Joe Swatty was my opponent.

ED: Joe Swatty?

DC: Joe Swatty from Sheridan, Arkansas.

ED: S-W-A-T-T-Y?

DC: I'll tell you a story about that, too. Corbin's got stories. I had come to a legislative committee session, an interim committee session. I had been to seventeen of the eighteen counties. It was the last day to file. Up to that time, nobody had filed against me. I was getting ready to go. We got through with the legislative committee session early. We

thought it was going to last all day. It had started at 7 that morning and by 8:30 we were through. I was getting ready to go home and I said, well, I haven't been to Grant County. I need to go by there and meet the lawyers and let them know who their new Court of Appeals judge was going to be. I walked in his office. He said, "Is it that time now?" I said, "Yeah." He jumped up and said, "Well, I've always had a hankering to be an appellate judge." He got up and got up there... He paid me back for filing against Gladys Martin Oglesby on the last damned day.

ED: So you got him to file the last day?

DC: Yeah. If I had gone on home I wouldn't have had an opponent. It cost me a lot of my own money—which I didn't have. Through Smith's recommendation and Jim Pilkington I ran for it and again I was lucky. I was successful.

ED: You won pretty big, as I recall.

DC: I always win big.

ED: I remember you came by the *Arkansas Gazette* and I was on the editorial page. I wrote an editorial endorsing you. It probably got you two votes in southwest Arkansas.

DC: [laughs] No, it got more than that. I had friends that have taken care of me all the way down the line. They have protected me from myself. I think it always comes down to, as one of my friends told me: "You always want to do the right thing. You're never thinking about yourself. You're always thinking about how you can make it better for someone else. That comes across." He said, "People know that, realize that." You know, campaigning across this state, I'd go by a Walmart store at Fort Smith, Arkansas, and see that thing working like a hive of people. How in the hell are they going to know who Donnie Corbin is? So you can see, Ernie, why it is a shock to me why I've always been elected. Hell, how did they know to do that?

ED: There are 700,000 people going to vote in this election, so how did you get 400,000 of them?

DC: Yeah. How did I do that? It's been a mystery to me.

ED: So you won that election handily. Were there any incidents in that election?

DC: I got about 60 percent. All of them have been about that.

ED: Did he [your opponent] get out and demagogue things? Did he say "I'm going to execute people"?

DC: I don't know what he did.

ED: You get some judicial candidates who go out...

DC: I saw him a few times, but he was like I am today, a doddering old man. He did not come across all that well.

ED: I had never heard of him. Nobody had heard of him.

DC: I stayed out of his county then. He carried his county, just barely.

ED: So that was about it?

DC: Yeah. Bob Lancaster [a newspaperman of Sheridan], who's a dear friend of mine... and Bill Lancaster [his brother] is a friend of mine. They said, "Donnie, if you come up here and work we'll carry this county for you." Ultimately, in later years, when I was on the Supreme Court, I always carried Grant County big because of the Lancasters... and Julie McDonald. Hell, I guess I am a pretty good politician.

ED: Yeah, you're a great politician.

DC: I got elected.

ED: Well, Tom Glaze got elected [to the Court of Appeals] in the same election, right?

DC: Yeah. He had opposition. He had strong opposition.

ED: I've forgotten who ran...

DC: I think he even had a runoff, too. I could tell you. I've got it over there.

ED: Yeah. I've forgotten who he ran against that first time. But he was a chancery judge. He had already been elected [chancery judge], in '76 or '78.

DC: It was him [Glaze], and it was Lawson Cloninger from Fort Smith, who was a municipal judge over there.

ED: George Cracraft...

DC: Fantastic, wonderful man. World War II hero—flew bombers, got the Distinguished Service Cross twice, Flying Cross twice. The two people who had the greatest influence on me, on my legal career, have been Will Gladden and George Cracraft. Cracraft was one of the finest, finest judges, lawyers, men I've ever known. I loved him dearly.

ED: He was kind of a legend. Everybody on the Court of Appeals revered him.

DC: Jim Cooper, who was originally from Little Rock but he was in Heber [Springs] and got elected there.

ED: Melvin Mayfield... of El Dorado.

DC: I'll tell you about Melvin. Melvin was my circuit judge. Mike Kinard is on the other side from me in a personal-injury case. He represented a timber company that ran over my client. Well, Melvin sets a pretrial hearing there in Magnolia, in November. Mike calls me two days before and says, "Donnie, I just looked... My client, the insurance company, says they want me to depose this medical doctor that you've got here. I've read his report. I understand he'll say the same damned thing when I interview him, but I need to go ahead and do it, if you don't mind. That being the case, before I can depose him, I can't get a reporter there before next week some time. Would you object then if we just continue this pretrial?" I said no. As was the custom then, you wrote a letter and sent it to the clerk's office to put it in the file there, advising the trial judge that discovery wasn't completed and you wanted to continue the case and you wouldn't be there for pretrial. So I went on and went duck hunting that morning. About 9 o'clock, I heard, "Mr. Corbin! Mr. Corbin!" I looked up and on the front of a john boat with the caretaker of my duck club was my secretary. She said, "Mr. Corbin, come, you've got to get to Magnolia." "For what?" "A pretrial with Judge Mayfield. Mike Kinard called and said you've got to get there." I said, "Did he write a letter?" She said, "Yeah, but Judge Mayfield is not paying any attention to that. I've got your suit and clothes." So we jumped in my car and I dressed in the back of my Olds... my Buick that I had at that time. She was driving a hundred miles an hour the twenty-three miles to get to Magnolia. I walk in and Melvin is in chambers. He's at the end of this long conference table. Kinard is sitting over like a wet sparrow shivering on a cold day. I said, "Judge, I sent you the letter saying I wouldn't be here today because we had..." And he said, "I'm the one who sets pretrial, and I decide who appears and who doesn't," which is his rule to do that. I said, "But judge, under your rule..." He said [angrily], "I'm the one who's running this court, not you lawyers. I don't know why you lawyers start lecturing... Why, you're not even through with discovery!" And he took his file and ssshft!... That thing was almost like an axe. It slid down and it hit me and took the wind out of me. Hit me with that ...and it was about that big.

ED: This was the file of the case?

DC: Yeah. Well, I got out of there. I went back to Stamps. I got on the phone and called Marcus Halbrook [director of the Arkansas Legislative Council] I said, "Marcus..." This was November and we were going into session in January. I said, "Marcus, I need a bill drawn up. I want to move me from the Nineteenth, Melvin Mayfield's circuit district, over to the Eighth District, which is John Goodson's." Marcus said, "Donnie, aren't you jumping out of the frying pan into the fire?" I said, "I don't know, but I've got to get away from here." So I ran that bill through and nobody opposed it. They ran that thing through for me, to get me out of there.

ED: Get you out of his district.

DC: It was almost like getting out of the frying pan into the fire. Of course, I could get along with John, but...

ED: Well, of course, that was the essential Melvin Mayfield. The story always was that all the lawyers down there supported him for the Court of Appeals to get him out of the courtroom down there.

DC: Yeah. Melvin was a perfectionist. He was learned in the law and I would never accuse him of favoritism or self...

ED: Aggrandizement?

DC: He was trying to get the right result. His problem was that he couldn't turn loose of anything. He worked long hours.

ED: It had to be his way.

DC: Right. He was mean, bombastic. He came into conference one time and threw stuff at us in our judicial, Court of Appeals thing. He was different.

ED: Your description of him fits everybody's description of him who served with him, that he was brilliant, he was hardworking and always tried to do the right thing, but his...

DC: He wore us out with cases piling up. We had such a heavy docket on the Court of Appeals that he would get eight, ten, fifteen cases behind, so by the time he'd start to let those cases go, we had gone on and seen another jillion cases. We would have to go back and reread the briefs and figure out whether he was right or not. He worked us to death. Well, Cracraft became the chief judge. Melvin resigned. Then Cracraft got in bad health and he decided he would get out. That's when [Chief Justice] Jack Holt called me down and offered it to me.

ED: You became the chief judge.

DC: It was like painting a target on me. Boy, Melvin and Cooper would team up and were doing things and spending money I didn't know we had. So I got Larry Jegley, who was the chief's staff attorney, to computerize my docket and computerize our appropriations and earmark it where the money was being spent and how much we had, like January as against what we had on hand in February. I then had knowledge and I got control. I liked to drove them crazy because I knew more about it then than they did. I was able to block them until... [Court of Appeals Judge] Judith Rogers comes along and we had a budget to do your office with, which was more than adequate. She wanted to spend more on a desk. I said, "Judy, you can't do that." I sent it back. It ended up she went over budget. That's what Bob Brown beat her on [for a Supreme Court seat], someone with cobwebs all over her office furniture and stuff [a cartoon].

ED: That was the big issue in that race—her decorations.

DC: I would never have done that to get elected. Never. Judy came in to see me one day and called me a... What's the word, when you're male-dominated?

ED: Macho?

DC: Is that the word? It's derogatory. Anyway, I was guilty of putting her down because she was female and it flew all over me. I said, "Judy, I ought to pick you up by your pantyhose and throw you out that window." She said, "Donnie Corbin, I love you." [laughs] From that point on, she didn't vote with me but she covered my back with those two. She'd let me know what they were up to. Now, they were good men. Cooper was a good man. God, he was a dear friend, but... Judy then let me know when they were up to some shenanigans. I call them shenanigans—they were not anything illegal... Just inner-office politics. I liked Judy. Judy was a hardworking judge. She was always prepared. She was crazy as a loon at times, but I liked her. I liked everybody I ever served with. Melvin was always someone I was dubious of. Someone told me they ran into him at a nursing home the other day and called him "Judge" and he told someone, "He's calling me Judge, am I a judge?" He's apparently losing it, bless his heart.

ED: Is he back down at El Dorado? I guess he is.

DC: No, he's here—in Little Rock. One of those homes out there. I was thinking I would go out and see him, but I haven't done it yet. [Judge Mayfield died several weeks later, September 5, 2015.]

ED: So...

DC: I'm telling you a bunch of junk.

ED: No, this is what we're looking for. It's good.

DC: It's not very judicious. My wife, if she were hearing all of this, would be after me.

ED: If it were all judicious stuff, it wouldn't be interesting. It wouldn't be worth doing.

DC: My law clerks have been begging me to write a book. I'm not going to do it. I read Glaze's book [*Waiting for the Cemetery Vote*]. I read Clinton's book [*My Life*]. I read the Arkansas part of it.

ED: That was too much. You didn't read all of that book, surely.

DC: I read the first part of it, the part about Arkansas. I stopped. I didn't go into the presidency. But there were so many things that I was personally involved in, that I was right in the thick of, that he just ignored me. In Glaze's book, one of the things in there was the deal about me and [Senator] Nick Wilson, that he [Glaze] was going to report him [Wilson] to the prosecutors. I didn't know what Glaze had on him. I said, "Glaze, be careful, this guy [Wilson] is a dinosaur." I said, "He doesn't get even, he goes for get ahead. So know what you're doing. If you've got the goods on him before he does this or you'll..."

ED: Pay the price.

DC: "... you'll pay the price." He thought I was afraid. Glaze did, according to the account of the book. Of course, what you told me was that he was starting to slip along then. That was probably just the way it came back to him. For all those reasons and for just what I read of Clinton's book, I'm not going to write a book. I'm afraid I'll get it wrong.

ED: Well, Clinton got a lot of stuff wrong. I wanted to write him a letter and say if there's another printing you need to correct this and this and this. One of them had to do with the Supreme Court on the sodomy case. The Arkansas Supreme Court—you and Annabelle [Imber] and Bob Brown—threw out the Arkansas sodomy law [*Jegley v. Picado*, 2002] a year before the U.S. Supreme Court did. [Clinton's autobiography, *My Life*, credited the U.S. Supreme Court with undoing the Arkansas sodomy law in *Lawrence v. Texas*, 2003.]

DC: There's a story behind that. I have some legislative history on that.

ED: We'll get to that. We'll get to it when we get to the Supreme Court [part of his life].

DC: I made *Playboy* [magazine] on that deal.

ED: [laughs] Anyway, I guess Glaze was your closest friend on the Court of Appeals because you went on together.

DC: We had been acquaintances for years, but we really became close friends. I loved him dearly. Like all of us, he had some frailties, some weaknesses, but you can look over them when you see all the good. He was a tremendous man. Anytime... I had a major heart attack in February '81 and the first person, other than Dorcy, that I could register on...

ED: This was, what, a month after you go on the Court of Appeals?

DC: Yeah.

ED: You have a major heart attack. Had you had any previous heart stuff?

DC: No.

ED: I had one twenty years before you did.

DC: Wow! I was forty or forty-one.

ED: I had mine when I was thirty-one.

DC: You *were* young. I didn't have any surgery done then. Then I had a major attack in '90 and I had a five-way bypass then. But Glaze was always there. I'd wake up and he'd be there. "Are you OK, Corbee? CorBEE? [laughs]

ED: But you had divorced by this time, but you had not married Dorcy?

DC: No, I had done both and had married Dorcy back in '81.

ED: OK. Tell me about Dorcy.

DC: Dorcy, she is...

ED: What was her name?

DC: Kyle.

ED: Dorcy Kyle. K-Y-L-E. She was from... ?

DC: Hot Springs and Little Rock. Her mother was born to Italian immigrants who had just come over and settled in New Jersey. They were from different places in northern Italy, but I can't remember where. They met after they were in the U.S. and married. So Dorcy grew up going to the seashore just down from Atlantic City. Anyway, her father... Her mother met her father in Panama. It was around the time of World War II and she was a nurse there and he had been in the Marine Corps. They married and she moved... How they came to Hot Springs I don't know. They had five kids and her dad died when Dorcy was thirteen months old and the oldest was eleven years old. Dolly and Walter are both lawyers, well Walter has engineering degrees and was a commercial pilot too. Billy was trained as a teacher, and Ricky is a neurosurgeon. And Dorcy is a lawyer.

ED: Dorcy is D-O-R-C-Y. Was she already a lawyer when you...?

DC: No. I convinced her to go to law school. Those Kyles are some of the smartest people you will ever know in your life. They're smart. They're book smart and Dorcy's got more street smarts than the rest of them. And Ricky somewhat. Dolly is something else. That's a whole story there. She was one of Bill Clinton's people.

ED: Yes.

DC: She gave me five great kids. They're all up there, they're marvelous, they're just unique—all of them are.

ED: Let's right now identify those five, in the order they came.

DC: OK. Kyle Corbin is the oldest. He's a registered nurse and graduated from the U of A. He's a charge nurse on the intensive-care unit in a Denver area hospital. He just got married to Amanda Jones last year and she is a R.N. too. Then there's Jennifer, my oldest daughter. I swore her in last year as a brand-spanking-new lawyer and she's a deputy prosecutor for Larry Jegley [prosecuting attorney for the Sixth Judicial District]. She just got moved up. She's going to have her first jury trial tomorrow. I want to see that so bad I don't know what to do, but I don't want to go in and make her nervous.

ED: No.

DC: Then Allison is married to Addison Anthony, Steve and Gay Anthony's son, John Ed Anthony's grandson. When Addison took Allison to meet John Ed Anthony, who was a fraternity brother of mine—we were at the university together—he said, “Allison Corbin—is Donnie Corbin your grandfather?” Allison said, “No, he's my dad.” [laughs]. She has a degree in biology and a masters in public health and loves her job as a photographer. She is really talented. Then there's Slater, who's at home with us now. He's going to graduate this summer at UALR, finally. He made good grades; he just couldn't make up his mind about his major. He's been in school for eight years. He was the Marine and will major in history. Then Ashley—she has a degree in Spanish and French, also from the U of A. All my girls did Rotary exchange programs and have lived in different countries for at least a year and traveled a lot. Jennifer lived in Spain for a year and Mexico for over a year. Allison lived in Italy for a year and Ashley lived in Belgium for a year and Mexico for a year. Anyway, Ashley lives in Denver now and is working for a new company up there. Four graduated from the University of Arkansas and Slater's gone for UALR, like his mom. They've all got good hearts. They are damn good Democrats. They're yellow-dog Democrats, although Allison married a Republican. We told him that it's a social disease and we'll cure him if he stays around the family enough. They're all opinionated. They're very active. The two oldest girls are heavily involved in volunteer work, too. They're both on some kind of board there, Children's Hospital, doing something there, I'm not sure what. Jennifer is doing a fundraiser or something for one group. I can't keep up with them. They're just busy.

ED: So you've got five kids...

DC: No grandkids. And we're ready. A few years ago, before any of them got married, they were all home and Dorcy says, “All right, kids, I'm ready for some grandbabies.” They said, “Mama, were not married.” She said, “I'm beyond all that now. I want some grandbabies. Get busy!” So, we'll see.

ED: Back to the Court of Appeals. Although it had been in existence for two years before you went over, it was still finding its way, what its role was.

DC: Yeah.

ED: So you were having to establish a proper role for...

DC: It was frantic. The work load then, with six judges... My last year on the Court of Appeals, I wrote one hundred twenty-something majority opinions. They say you should never write more than thirty-five or forty a year. I was doing that plus per curiams plus...

ED: Dissenting opinions?

DC: Dissenting opinions and concurring opinions. You know, twelve and fourteen hours a day seven days a week.

ED: Did you bring work home at night?

DC: Oh, yeah. They would put the briefs in a folder with one of those big rubber bands around it. Dorcy says she can still hear the sounds of those rubber bands being taken off the briefs at 4 in the morning, it used to wake her up. And sometimes I'd even have to take them on vacation with us. When we'd go on vacation, sometimes I carried work with me then, too. When the kids' activities break was within a couple weeks of the time the court started back up then I'd have to take cases with me even on vacation.

ED: Because the Supreme Court had established a system where you had to stay current, so the Court of Appeals had to do the same thing obviously.

DC: Of course, the Supreme Court [justices] were writing about two opinions, once we were established. When I went down there, moved downstairs to the Supreme Court [in 1991], I started writing two majorities a week, where I had been doing three and four. With rule changes and what have you—they [Court of Appeals] got more judges when they went to a twelve-member court—we shifted caseloads to them, certain levels. On criminals, we [the Supreme Court] kept only the life cases and death cases; all the other criminal cases we shunted off to them, which reduced us to where... Once we did that I would write one majority every other week. What I didn't understand was that I was spending the same amount of time and I went to see [Justice David] Newbern. I said, "Newbern, what is going on here? Down there [at the Court of Appeals] I was working twelve-hour days but I'm doing the same thing here." "Donnie," he said, "at your level and who you are, you're going to spend the same amount of time on a case."

ED: But you were getting the harder cases. You didn't get the *Lake View* cases, for example, on the Court of Appeals.

DC: Yeah. Most generally, they were the law-school exam cases where, hell, nobody knew what the answer was. You were just trying to figure it out. Hopefully, the lawyers did a good enough job of briefing it for you. You could see what other states had done in that area and you could try to pull from that, or what would fit in Arkansas. Nowadays they aren't there everyday.

ED: You mean the Arkansas Supreme Court now.

DC: Yeah. Wednesdays and Thursdays...

ED: They're off at home or wherever.

DC: Yeah. In the old court, people expected us to be there. I was always busy. How do they get by without being there? How do they do this? They must be a heckuva lot smarter than I am, which wouldn't surprise me.

ED: They let the law clerks do it, I guess.

DC: I mean, I used my clerks. I relied on them heavily. I've always been blessed with good ones. I've always had really fine clerks. They made me look good. That was their job. When I'd hire them I'd say, "Your job is to make me look good." So when I would get crossways with them on a case they would say, "Remember what you told me, Judge." I'd say, "What's that?" "You wanted us to make you look good. Now leave me alone." [laughs] God, I have been so, so lucky. Maybe the last two years I was there had to be miserable...

ED: So you spent ten years on the Court of Appeals.

DC: Four of them as chief judge.

ED: Then in...

DC: In 1990 I was elected to the Supreme Court.

ED: It was in 1989, I guess, when [Justice] John Purtle... Did he retire or did he just resign?

DC: He gave me time... He was still there when I got elected in 1990, when I ran my race. He was still on the court down there. He resigned shortly after that. But he gave me time to get my committees together all around the state and I got one pass-around that summer before he retired.

ED: He came to you before he...

DC: He called me.

ED: ... before he announced publicly that he was not running, that he was retiring?

DC: He said he and Glaze had talked; he didn't care what Glaze wanted because he was crossways with Glaze, but "Glaze mentioned that you would be a good choice to come down here. So if you are interested, I'll hold off announcing that I'm not going to run to give you time to put your organization together." And I did. I got my committees set. In fact, I ran a full-page ad the week of the filings, or something, with all these lawyers who had pledged their support all around the state. There were a few lawyers whose names didn't get on the ad and so we had added a line in the ad apologizing to the lawyers who were not listed because of time and space restraints. Doing that ad early was Dorcy's idea. A full-page ad. There was a guy who was going to run against me. He saw that ad and he filed against [Justice] Steele Hays instead. [laughs] Steele called me and said, "You sorry little outfit." [laughs] I love Steele Hays. He was a good man, a good judge and a hard worker.

ED: So you didn't get an opponent.

DC: Huh uh.

ED: Then I think Purtle resigned and Governor Clinton appointed somebody to finish his term.

DC: He appointed John Stroud or that judge from Arkadelphia. I can't think of his name.

ED: It was Otis [H.] Turner.

DC: Yeah, Otis Turner.

ED: I think he filled out for a few months.

DC: Now, I tried to get Otis to run for the Court of Appeals before I ran. I thought that was who would be my opponent. I had supported Otis for a judgeship, a trial judgeship. He wouldn't run against me. Just looking back, I was at the right place at the right time. I had the right people and I was lucky, really lucky.

ED: You go on the Supreme Court in January 1991 and at that time Jack Holt would have been the chief justice. Glaze would have been there.

DC: Steele Hays.

ED: Steele Hays was there. Bob Dudley was there.

DC: Bob Brown came on, too, at the same time.

ED: And David Newbern. And there would have been somebody else. That's six.

DC: No. [counting on his fingers] Holt, Glaze, Dudley, Brown, Hays, me.

ED: Newbern. I think we've named them all.

DC: Now, Newbern and I were SAEs together and he held it against me for a long time that I short-sheeted him when I was a freshman. He said, "I've been waiting on you to get on this court, Corbin."

ED: So you had some relationship going way back with some of those judges. Obviously Tom Glaze and...

DC: Steele's son—Steele Jr.? *Gazette* reporter.

ED: Steele Hays. *Gazette* reporter.

DC: He and I were big buds. We duck hunted together, longtime friends. He wrote some nice things about me.

ED: He's now back in Washington.

DC: Is he really?

ED: Yeah. We talk every few months. He comes down and sometimes stays with us.

DC: Tell him when you see him or hear from again I'd love to see him.

ED: He'd been down in Atlanta for some years, but they went back and now live in Washington.

DC: Now Brown... I really knew of Brown. I didn't think much of Bob Brown, frankly. He seemed like a blueblood. To his face I called him a blueblood.

ED: He's a different kind of...

DC: I like Bob Brown. I didn't really know him then. I just knew of him. I didn't want to... although I supported him against Judith.

ED: Judy Rogers.

DC: Dudley I had known through legislative days because, being on the House Judiciary Committee, I had to handle a lot of the judges' bills and so forth, so I dealt with him in that regard. We had been friends for a long time. And he's now the stepgrandfather of my daughter Allison.

ED: That's right, he married...

DC: John Ed's [Anthony's] ex-wife, Mary Lynn. He came to my going-away party, my retirement party at Allison's house. We've been friends for a long time. I knew him long before I went on either one of the courts. I knew him as a legislator. Of course, I knew Steele. Jack [Holt], I knew him through lawyering. I tried cases against him and what have you. So I had known him professionally. And liked him, and liked him. He's fun to try a lawsuit with.

ED: It was as pretty congenial court, wasn't it?

DC: Very conscientious. Very motivated to try to get the right result correctly, the appearance of propriety. You didn't dare go into that conference room unprepared. They would eat you alive. It was more professional and predictable in the way things were run.

ED: But when you get a majority...

DC: When you get a majority... I don't know whether it will ever get straightened out or not. I'm afraid what is going to happen... But I'm concerned about what is going to happen with our profession. You know, my legislatures were circuses, but you still had people who had knowledge and were trying to get good legislation through. They didn't want to get blamed for something bad. The John Millers and so forth were there. Ray Smith [Ray S. Smith Jr. of Hot Springs], Buddy Turner [Grover W. "Buddy" Turner Jr. of Pine Bluff]. They were in the power structure but they didn't abuse it. Now, the Max Howells... and the guy from Pine Bluff...

ED: Knox Nelson.

DC: Yeah... were abusive in a way and yet the good they did, Ernie, far outshone any of the bad stuff. I'm not so damned naïve that I didn't realize that they were up to stuff. Even Bill Foster [William F. Foster of England], he pulled some real shenanigans, nothing illegal or anything. He was an effective legislator. I just didn't agree with how he did it.

ED: All the governors always loved him because...

DC: Oh, yeah.

ED: You were familiar with how the Supreme Court worked—you had been at the Justice Building: the routine of how cases were assigned...

DC: That was George Rose Smith...

ED: George Rose Smith's system...

DC: We had a system, then, that was the envy of the nation. Because of that system, we were able to handle a very heavy caseload and that was a reason... that a really serious study by the Chicago School of Law people, true legal scholars... They said, surprise of all surprises, we came in—the Arkansas Supreme Court—came in number two. We called them to talk to them. Had they known that we had just gone to nonpartisan races we would have been number one. California was ahead of us. Still, George Rose Smith had that effect on that court. And we lost it. We lost it

ED: Well, let's talk about that period of time you were on the court, '91 to January 1, 2015. Some really, really big, earthshaking cases, came down during that time. Politically divisive...

DC: Are you talking about the Court of Appeals or the Supreme Court?

ED: The Supreme Court, after you went on there.

DC: I'll tell you one major one. They had that initiated act coming out of northwest Arkansas to do away with ad-valorem taxes. [Amendment 4 of 1998 would have abolished all ad-valorem taxes, replaced them with a sales tax and required a popular vote on all further tax increases.] The case was assigned to me. Glaze came to me and said, "Donnie, you're in the midst of a race (I did have opposition and I was right in the middle of a hot race) so let me take that case and write it for you." I said, "Nah, thank you, Tom. I can't do that. I'm asking for this job and I've got to take the bad with the good." He said, "I knew you'd say that." I said, "Then why did you even ask me, you sorry shit." He said, "I'm just testing your mettle to see if you're still there." It was a unanimous decision though. I handed it down, knocking it off the ballot. I got in the car and went to northwest Arkansas. I got on the radio. My daddy even called me. He said, "Son, you know how much money you cost me?" So I called Dorcy. "Dorcy, I'm going to lose this race. Boy, they are in arms up here in northwest Arkansas over my decision." She said, "Donnie, you know, you asked for that job. You just have to take it. You'll find something else to do if they..."

ED: This would have been 1998? Was that about right? You ran in 1990 and then...

DC: I ran in 1990 and got a full eight-year term and I drew an opponent...

ED: In 1998.

DC: Yeah. That Court of Appeals judge ran against me. Frank... What the hell was his name? Anyway, he was...

ED: I'll look it up.

DC: He was Courtney Henry's boss. She clerked for him. [Justice Corbin defeated Judge Frank Arey in 1998. Courtney Henry, later Justice Courtney Goodson, was elected to Judge Arey's seat on the Court of Appeals.]

ED: So he was a judge from northwest Arkansas?

DC: A judge. [Gov. Mike] Huckabee appointed him a Court of Appeals judge for a vacancy, I think.

ED: This was a case in which they had an initiated act [actually an initiated constitutional amendment] on the ballot...

DC: To do away with ad-valorem taxation. It was pretty popular all over the state.

ED: Wiped out the ad-valorem tax altogether.

DC: Yeah.

ED: They got petitions circulated to get it on the ballot and [it was thrown off] on the grounds that the ballot title was misleading...?

DC: Yeah, we kicked it off on that basis. I stood out, like a deer in the headlights. [laughs] But, you know...

ED: Did he file against you after that decision?

DC: No. He was running against me. And, boy, he hammered me with it, too. When they quizzed me about it up there, even, I said, "Hey, y'all sent me there to call it fair and square, and to the best of my information, belief and knowledge I found it to be unconstitutional. And the other six judges agreed with me. If I changed my vote to please you, what am I going to do about this guy over here?" You see, my whole career as a judge I worried about, what did that losing party think? Those lawyers, did they believe that at least one intelligent, reasonable individual looked at it closely and tried to work their way through it? You don't have the privilege of knowing that. That's who I worried about. And still do, looking back.

ED: So that was a risky case, politically, but you had many others.

DC: I had others but I can't remember all of them.

ED: Even if your name was not on the opinion, you were on the case. You voted that way...

DC: I was heavily involved, of course, in the Memphis Three case. I was involved in that pretty heavily.

ED: Let's talk about the Memphis Three case. This was the case where three kids, three little boys, were killed in West Memphis. Their bodies were discovered. Three young men—three teenagers—were arrested and convicted of murder, first-degree murder. One of them was to be electrocuted...

DC: Damien Echols. He was the oldest; he was like sixteen or seventeen.

ED: He was the oldest and got the death penalty.

DC: Yeah, he did get the death penalty. He sat on death row for eighteen years.

ED: The others stayed in prison all those years, but they didn't get the death penalty.

DC: They got life sentences.

ED: That was an internationally famous case.

DC: I had letters coming to me from all over the world.

ED: It goes up to the court a couple of times.

DC: Oh, a bunch of times. One whole summer, before we even heard the case, all kinds of motions were filed to *nolle prosequere* it, to extend the time, to strike this testimony. I mean I spent my whole summer recess, me and my law clerk at the time... Instead of getting our summer vacation that six-week period we worked the whole summer working those motions up, responding to them and letting everybody on the court know what I had done and why. So we just worked the whole summer, on that case. That was before we even got to a decision. Then we come back, when we get back in session I just knew that case would be assigned to me because I had all the time in on it, but it got assigned to Bob Dudley [Justice Robert H. Dudley].

ED: So the clerk assigns the cases in the order in which they come? ...

DC: Death cases are assigned on a rotating basis. It just always seemed strange to me that I didn't get the case because I had a whole summer invested in it. I was ready to write the

majority opinion. So I didn't have any trouble with it. Dudley conferenced it and the way he explained it fit right in with my notes and what I had. He did a good job.

ED: You upheld the convictions. Was it unanimous or did Steele Hays dissent... ?

DC: I think Steele... Steele would never vote on a death case. He always voted no. He would reverse. I think he was the only one. I'm not sure...

ED: Was he still there at that time?

DC: I think so. I don't remember

ED: It was either 7 to 0 or 6 to 1...

DC: There was no more than one vote against it. If Steele was there he would have been a no. [Justice Steele Hays retired in 1994 and did not participate in the West Memphis Three cases. In the first case, an appeal of the conviction of Jessie Lloyd Misskelley—*Jessie Lloyd Misskelley Jr. v. State*, February 19, 1996—Chief Justice Bradley D. Jesson wrote the opinion for a unanimous court. In the appeal of the convictions of the other two—*Damien Wayne Echols and Charles Jason Baldwin v. State*, December 23, 1996—Justice Robert H. Dudley wrote the opinion for a unanimous court upholding the convictions and sentences.]

ED: Steele was opposed to the death penalty through and through.

DC: Right. One thing, too, they were asking that the case be separated, to go back and be retried individually. But the evidence that they used to convict at that time was really strong. It has been a long time ago but if I'm remembering right, two little girls testified that Damien Echols came into the skating rink a couple of nights later and was bragging about it, that he was one of them who did it... That's hard to get around. That came into evidence. Now, when that case came back to us the little girl said she was lying. He didn't tell her that at the time. Then with the DNA, all that evidence, that the blood that was on one of them's T-shirt was not a kid's blood. It was animal blood.

ED: But you didn't know that when it came up the first time.

DC: No. Not the first time. When that case came back to us, the evidence just turned completely, the evidence just went SCHWOOOP. I think that case probably helped Fogleman get elected.

ED: He was the...

DC: The deputy prosecutor.

ED: The deputy prosecutor.

DC: That case helped him to get elected circuit judge. And then his prosecutor, that he worked for, used it to come...

ED: To the legislature...

DC: No, judge. Another judge.

ED: But that's one case where you had a lot of misgivings about since then.

DC: Yes. Because the new evidence came in and refuted all this other. It was a totally different lawsuit, Ernie. I keep thinking, "Surely there was something that I could have done. I should have asked more questions, you know... I guess in fairness to me there wasn't really anything else I could do. I worked really hard on that case.

ED: But you feel sadness about it now?

DC: I'm saddened by it, yes. Three boys' lives were ruined because of something I had a hand in. I couldn't protect them because I didn't know any better. I judged that case on the evidence that I had the first time, and then I totally changed my position when this new evidence started coming in. But it took eighteen years for them to do that. I still feel

badly about it, that I had a hand in it, that they used me, that the state used me to convict kids who didn't do it. Now, David Burnett was the trial judge at that thing. He's a dear friend of mine. We were in school together. He still is convinced of their guilt. I was talking to [Circuit Judge] David Laser, who turned the case loose. He said, "Donnie, I didn't have any choice. The evidence was gone. To keep the state from being sued, we accepted that plea the way they did it. So they couldn't sue us."

[On November 4, 2010, the Arkansas Supreme Court, citing new scientific evidence, particularly DNA testing, unanimously ordered the circuit court to conduct a new hearing on the evidence to see whether Echols could provide compelling evidence that a new trial could result in his acquittal. On August 18, 2011, a few days before the scheduled hearing, an attorney for the three men entered what is known as "an Alford plea," in which they proclaimed their innocence but pled guilty because it would be in their best interest. They were freed the same day. The state acknowledged that its evidence had been undermined and that it would be difficult to win a verdict in new trials.]

DC: I had two other cases that affected me... three cases. One involved a nurse, a Children's Hospital nurse, who came home, drugged her kids, and then smothered them with pillows, killed them. They charged her with capital murder. She thought that she didn't want to appeal and what have you, and her lawyers filed a petition... But, anyway, I listened to the transcript of where the officers were interviewing her, and she was as crazy as a loon. I said, "This woman is nuts. She can't make a..." But then when I got into the record there were all these psychiatrists saying that she was sane at the time and that she knew what she was doing, she was a big act, and what have you. So we went on, and they executed her. I'll never forget that either. It was the same night they did five, as I remember it. All my little kids were sitting there watching and five...

ED: Governor Mike Huckabee scheduled five executions at once? [Huckabee twice scheduled the execution of three condemned men the same day, but not five.]

DC: These hearses come out of that thing. They said, "Oh, Daddy..." I think about that. What that did, Ernie... I told you about leading the effort to require that a capital-murder case have a direct appeal, when Glaze was on his trip... That came out of my awareness of that case. I went on not what I heard that woman doing but followed the professional testimony that she was sane and knew criminal wrong from right, and that's not true.

ED: You were convinced that she was insane, that she was not capable of making that...

DC: That was my first take on it when I heard it, but then when I started reading the briefs I was convinced that, well, you know, well, all these doctors say she's sane, knew what she was doing, she was just mad, I guess... I still worried about that. That woman... Well, we had other cases like that where they didn't want to go to trial. They didn't want to appeal their case. They wanted to go ahead and accept the punishment and die. I kept building on that. That is state-assisted suicide. That's what that is. That's how I was able to convince the rest of the court while Glaze was gone to require a direct appeal in all death cases.

ED: That's the rule now.

DC: Yes. We did it with a per-curiam. I said, "I'll put my name on it." They said, "No, the court will do it with a per-curiam." Boy, Glaze got back and he was furious. He said, "You little shit, you did that, didn't you?" [laughs] I love him though. God-dang him. Then there was one other case. I really had a falling-out with Bill Clinton. Clinton was in the presidential race [1992] and he was in New Hampshire. It was all about crime and be

hard on criminals, and so forth—shades of [President Richard M.] Nixon. [Nixon declared a war on crime.] We had this giant of a man who had killed a police officer and then taken a pistol and done a frontal lobotomy on himself, but he survived it. They said he was a gentle giant, but he got the death penalty. They were seeking to get a stay of execution. He was harmless. He was a sweet guy, not even the same guy [who committed the murders]. We ruled that that was an administrative decision, that only the governor could make that decision, to stay it. We didn't have the power to, because we had already done the direct appeals and everything. Bill would have normally, had he not been in a tight in that thing... Knowing him, he would have stayed that execution. But because he was in the middle of that New Hampshire thing—hard on crime—he denied it.

ED: And he flew back to be here for the execution. If that's the case. I've forgotten what that guy's name was.

[Rickey Ray Rector shot and killed a man in 1981 when he was denied entry to a private party at a Conway restaurant and two days later shot and killed a policeman who came to his mother's home to interview her. Then he ran outside and fired a shot into his own brain. Governor Clinton denied his attorney's request for clemency and returned from New Hampshire to Arkansas for the execution on January 24, 1992. Rector asked a warden to hold the pecan pie that was part of his last meal so he could eat it the next day. When the executioners had trouble finding a vein in Rector's arm, he cheerfully helped them find one. One of the prison officials who helped with the execution resigned because he said he was upset over the ordeal.]

DC: It was all show. It was all political show. From that point on, I had no... because I had gotten crossways with him over that Children's Colony—I mean Children's Hospital—bill, that neonatal-care bill, along with another bill that he had. One of the things that got him beat that first time was—two things. One, he had that car-tag bill and I fought that. I told them, “Boy, you folks, every one of you, y'all will be up here and every one of you will have a repealer bill in your hip pocket. I tell you this is a hot potato.” The other thing was he asked me to handle a state purchasing bill, which was a very complicated methodology. I pulled together a special committee of people I really trusted, [Representative] Kent Rubens [of West Memphis], [Representative] Jody Mahony [of El Dorado], [Representative] Ray Smith [Jr. of Hot Springs], and I got some friends of mine who were state purchasing people for various state agencies to help me. What we had.... He had a bill that this... I think it was a lady that he was going with on the side. Peggy... [Peggy O'Neal was state purchasing director in Clinton's first term as governor]. Hell, she was about twenty-one years old and I didn't think she was the best person to be in charge of state purchasing, as highly technical as that was. He had put her in as head of state purchasing and she had a bill that was taken from Oklahoma. It had all kinds of amendments to it all roughed out, some penciled in. It took us a while to go through that stuff, smoothing it down. We squeezed that bill down and put the finishing touches on it... And... he later became speaker of the House... He's from West Memphis or West Helena, West Memphis?

ED: Was it Ernest Cunningham [of West Helena]?

DC: Cunningham. He headed up some committee. I can't think which one it was. He came to me and said, “Donnie, I'm getting ready to run that state purchasing bill.” I said, “What? We're not through with that bill yet.” He said, “Well, what y'all have done passed the Senate and passed out of my committee this morning and we're going to take it to the

floor of the House. I just want to alert you to it.” Boy, I got on the floor of the House when that thing came up and I chewed it up one side and down the other, but they went ahead and passed it. But, everybody in state government knew what he had done. I’ve told this, and I know I saw it on a couple of elevators I got on around the state. Every state building with bulletin boards and with any type of bulletin boards on their elevators or what have had notes to vote against Clinton because of that woman, Peggy something.

ED: It was Peggy, but I’ve forgotten the name of the state purchasing...

DC: Anyway, they got after him because of that and the Cuban fiasco in Fort Smith—that deal.

ED: Yes, those were the three big deals.

DC: But I told them when I was running for the Court of Appeals—I was still fairly loyal to him—I told them, “All through my district the only signs I’m seeing are for Frank White. Your man’s getting ready to get beat.” [Steve] Smith and Rudy [Moore] didn’t believe me. And they did.

ED: Rickey Ray Rector was the name of the...

DC: That’s who it was...

ED: ...inmate who was executed. He came back for his...

DC: He killed a cop right before he shot himself, tried to take his own life.

ED: For his last meal he had gotten pecan pie and when he finished his meal he had them take the pecan pie and save it for tomorrow morning, so he could finish it tomorrow morning. So he didn’t...

DC: Didn’t even know...

ED: ...didn’t even know he was going to be... realize what execution meant.

DC: That was so sad. Sad, sad, sad. So, yeah, those are three or four cases I just told you about that probably had more effect on me than anything. I was looking at them from the standpoint that I didn’t get them right, got them right maybe for the times, but... I had a hand in it.

ED: They lost their lives.

DC: It saddens me. That’s something that I guess I have to answer for when I face that man. I think I can do it with an open mind, that I did it... I thought I was doing the right thing at the time I did it. But I was able to correct that later on when I saw an opportunity and I took it.

ED: Make it less likely that it will happen again.

DC: Not with a direct appeal. Basically, people knew they were guilty and they just said, “Go ahead, I don’t want to appeal my decision.” Any good lawyer then will go to the court and “Hey, they don’t want me to do this” and what have you. “But it needs to be appealed” and so forth. Some may have been turned down.

ED: Let’s talk about some other cases. There’s an old issue that is still sort of current, the issue of homosexuality. That issue has come before the court a number of times the last few years. In about 2001 we had the sodomy law, a statute making irregular sexual activities a crime, so there was a challenge to that law. I think Vic Snyder, when he was in the legislature, tried to repeal that law, but he never was successful. The case comes before the state Supreme Court, I think in about 2001. I forget what the style of the case was [*Jegley v. Picado*] but the court votes, my recollection is, 5 to 2 to hold that statute unconstitutional. [Justice] Annabelle Clinton Imber wrote the majority opinion and I think Bob Brown wrote a concurring opinion. I think it was 5 to 2 and you voted with the

majority and [Justice] Ray Thornton and Chief Justice [W.H.] Dub Arnold dissented but they dissented on the ground that nobody was being prosecuted under the statute so there was no cause for the court to take up the issue.

DC: I almost recused off that case because I was in the House when that act was passed. We were redoing the whole criminal code and the House Judiciary Committee was heavily embroiled in that and that provision came up and they were talking about bestiality.

ED: Bestiality, yes.

DC: And this one representative said, "Well, how does one know whether an animal has given its consent?" And I said, "When it mooos." Gosh, that went across the national news. It made *Playboy* magazine, Associated Press. I had all these nuts calling me. "Mooooo." [laughs] Well, because I had been involved with that act, I wondered if I should [recuse]. I talked to Glaze. I said, "Glaze, should I get off that case?" "Nah, Donnie, that was twenty years ago when you did that. There's no reason for you to get off of it." So I didn't. But it did bother me what I had to do. I was dubious about whether I should stay on it or not because I had been with the legislature that had passed that.

ED: So you ruled that this was a privacy matter, that privacy was guaranteed by the Constitution, state and federal...

DC: After that, dealing with... child custody... [foster parenting and adoption of children by same-sex couples]

ED: That was the next one that came down. But this one came down in about 2001. And it was a year later that the U.S. Supreme Court comes along and makes the same holding that y'all did previously.

DC: I wrote that, and I knew it was hot.

ED: This was about 2008 or so, somewhere along in there. [Actually, June 29, 2006.]

DC: Somewhere along in there.

ED: There was an initiated act that was put on the ballot and it was passed... [Justice Corbin wrote the opinion for a unanimous court in *Howard v. Arkansas*, in which he said the act banning gay foster parenting and adoptions was unconstitutional because it violated privacy protections and the state had no rational ground upon which to deny couples adoption and foster-parent privileges given to others. He wrote: "There is no correlation between the health, welfare and safety of foster children and the blanket exclusion of any individual who is a homosexual or who resides in a household with a homosexual."]

DC: That's when I got labeled as being a liberal, I think.

ED: Yeah, probably.

DC: You know, my colleagues in the legislature for a long time said, "Corbin, a liberal? You've got to be out of your mind." I was recognized as a conservative. Anyway, I did that one and I got a lot of death threats and what have you.

ED: That was the case in which there was an initiated act put on the ballot that said gays and lesbians could not adopt children nor could they serve as foster parents. That was challenged and the trial judge might have been a judge over in North Little Rock. [The Supreme Court upheld a ruling by Circuit Judge Timothy Fox of Little Rock.] The trial judge held that it was unconstitutional and it goes to the Supreme Court and you wrote the opinion this time. I think it was unanimous.

DC: I think so.

ED: It was unanimous. I've forgotten the style of the case, but it was unanimous and you wrote...

DC: One of my better moments pulling that one across...

ED: ...that it violated the privacy protections of the Constitution. It was kind of a shock to people that here you have an elected court... The idea was that this was a dynamite issue; homosexuality was loathed....

DC: And I'm as heterosexual as you can get.

ED: Yeah. You've proved that. But did you think about that on the court, that this...?

DC: It was hot.

ED: Everybody knew it was hot.

DC: We're not wallflowers. I knew this could very easily get me beat, down the way. But the courts that I've been associated with stood up and were counted when they should have. I served with a couple members of this court for a long time and I know that [Chief Justice James] Hannah and [Justice Paul] Danielson will try to do what's right. I just don't think Hannah's going back, but he should get out if he's not going to. [Justice Hannah announced his retirement two weeks after this interview.] He's in really bad shape.

ED: Back on that case, the foster parent/adoption case. When you came down with that opinion, there were letters to the editor about it, legislators raising hell about it...

DC: I heard from them all.

ED: Did you get a lot of mail about it?

DC: Yeah. Lot of calls, lot of threatening calls.

ED: Threatening calls?

DC: Yeah.

ED: Threaten your family, or what?

DC: Uh huh. All of the above. We were in judicial conference. Dorcy and I had gone to a conference and I got a letter. I called the office and I said, "Marilyn, open it up and read it to me." She read it and it was threatening. I had them call CID [Criminal Investigation Division of the State Police]. The city police kept a cop car going around my house until we got home.

ED: So you called the Criminal Investigation Division of the State Police.

DC: Yeah.

ED: So you had a little bit of...

DC: Yeah.

ED: Did you have any others that were of a nature that you really took seriously?

DC: Yeah, down through the years...

ED: Quite a few?

DC: Only a few. I have a Beretta by my bedside over there. It's not that I'm scared, but they're not going to catch me by surprise, I don't think. It's just part of it, Ernie. You're out there and you're dealing with people's issues, problems, and it's not a vacuum. People are very, very motivated in what they believe. I was in the business of pissing people off. At least half of them were going to be, and the half that won thought they deserved to win anyway. So it just left the ones that were mad at me out there. One case that drew a lot of attention, too, was a case—a good friend of mine was the judge, in Fayetteville. He took a grandchild and gave it to the grandmother over the daughter, the mother of the child. This was in spite of the fact that all indications were that this young girl was turning her life around. She admitted that she had tattoos and everything in the world that those old farts would find objectionable. But the statute says the best interest of the child, and the mother as the natural parent is to be given the first priority,

consideration for the custody of the children. So I ruled that way. Are you getting hungry?

ED: Whenever you are.

DC: I got us some... I hope it's done if you want to stop and eat.

ED: Sure, we'll stop. We'll cut this off and get back to it. We'll pick up where we are...
[pause]

ED: OK, Judge, we're back after lunch. Let's continue to talk a little bit about the issues we were talking about before, that is the series of cases of homosexuality and...

DC: Same-sex marriage

ED: Same-sex marriage and those kinds of things. There was the case that was filed last year attacking the constitutional amendment that voters of Arkansas passed in whatever year it was, 2004, prohibiting same-sex marriages or civil unions or recognition of the marriages and civil unions. There were two cases, one filed in federal court [Eastern District of Arkansas] and one filed in Circuit Court in Pulaski County. In the Pulaski County case, Circuit Judge Chris Piazza hears that case and issues a ruling, maybe in spring 2014, and rules that the same-sex marriage amendment violates both the U.S. Constitution and also the fundamental-rights portions of the Arkansas Constitution. That case was not only watched in Arkansas—it was a hot potato in Arkansas—but it was a national issue as well. These cases are going on all across the country. So that case comes up to the Arkansas Supreme Court and I guess that everybody now knows how it comes out. The Arkansas Supreme Court never releases its opinion in that case, and after the U.S. Supreme Court declares laws banning same-sex marriages unconstitutional this summer, then the Arkansas Supreme Court later that day moots the Arkansas case and, I guess, dismisses it. So I wonder whether you could... This follows up two previous cases in which you participated on the majority side saying these rights [privacy and equal protection] are fundamental for homosexuals, gays and lesbians and transgenders. What can you tell us at this point how that case came about and how it was handled by the court?

DC: Well, very obviously, as far as from a political standpoint, it was a very hot issue. We were seeing polls taken showing that a vast majority of the people in Arkansas were opposed to same-sex marriage. It wasn't one any of us were looking forward to getting. In fact, Piazza, a local judge, did a very courageous thing in deciding it. He knew, when he made the decision, it was going to be unpopular with a lot of people. But he saw it as a matter of law, and he had a responsibility as a trial judge to call it like the law indicated. He decided on both bases, on both the U.S. and the Arkansas Constitutions. Of course, the *Arkansas Democrat Gazette* wrote a scathing article [editorial] chastising him for that decision.

ED: And members of the Arkansas legislature jumped on Piazza...

DC: Yeah, they were going to ex...

ED: Impeach him.

DC: Yeah, impeach him. They were going to impeach him and they wrote... they filed a petition with us about how awful that was and what they wanted to do, and that we should do this and do that. My law clerk caught it and wouldn't let me see it because she saw that as being...

ED: An *ex-parte* communication.

DC: An *ex-parte* communication.

ED: Was this just letters they sent to judges or was it a filing?
DC: It was before we even got the case [on appeal].
ED: OK.
DC: You know, it was a bunch of Republican senators led by that guy up at Conway.
ED: [Senator] Jason Rapert, yeah.
DC: I thought very seriously about finding him in contempt, but I was talked out of it by the more reasonable members of the court, [Chief Justice James] Hannah and [Justice] Paul Danielson. I wish I had gone on and done it now. Anyway...
ED: The case comes to y'all and then there's a motion to expedite...
DC: The case [the appeal from Circuit Court] was filed and then they filed a motion to expedite because the notoriety of the measure and the decision, and it was leaving so many people in suspense. It needed to be stayed until we could hear it—to stay it. As was our then custom, when the court is in recess, whether on the weekend or, in this instance, we had a school in Lexington, Kentucky. It involved thirteen states' supreme courts. I got there before anybody did on Thursday, Thursday early afternoon, and my senior clerk called me and told me, "Judge, we have a motion to stay enforcement of the decree and to expedite the matter. What's your wish?" I said, "Read the motion to me." She read it to me. I said, "Has there been a response filed?" She said, "No, sir." Normally, they would have ten days in the ordinary course of events, but this is such a prevalent issue it needs to be tended to. [I said] Give the state notice to respond to it by noon Monday. That would have given them Thursday night, all day Friday, Saturday and Sunday to do the response.
ED: This is essentially the attorney general's office, I guess.
DC: Yes, the attorney general's office. The next morning I was in class and Chief Justice Hannah comes to the door and beckons to me. I go out to meet him. I get up and walk out and find out that a new order had been issued that I didn't even know about. That motion was mine and based on the way things always had operated in the past, I had issued the order. But, four others voted to change my order, so that is what happened.
ED: So they moved your deadline up from Monday to that day?
DC: Yeah, to Friday at noon.
ED: Friday at noon.
DC: [laughs] Which is pretty fast. But I didn't see any other means... I said, "Well, this is unprecedented but y'all have got the votes. I won't stand in the way." It would have been senseless of me anyway because they had the votes. The old court would not have done that without first saying, "Donnie, we've had a change of heart. We want to change that over. Would you mind making that change?" There's nothing illegal about it.
ED: That's just not the way things had been done. So, anyway, the case gets expedited. The court does expedite the case, right, for early briefing and hearing?
DC: We stayed it, too.
ED: Piazza's mandate.
DC: The mandate.
ED: Until you decide the case.
DC: Yes. That's what we should have done. I agreed. It's custom.
ED: I don't know how much you feel like you can say about it at this point. Although it's over with, it's still kind of contemporary.

DC: There's been an awful lot written about it, supposedly from some of them who are still there. I'm not sure. I haven't read. I've just been told some of the things that have been said in the papers.

ED: Justice Wood [Justice Rhonda Wood, who joined the court January 1]. on the blogs and a little in the *Democrat Gazette* talked about it.

DC: Brummett's written some. [John Brummett, a political columnist for the *Arkansas Democrat Gazette*]

ED: John Brummett.

DC: My wife read that to me.

ED: Justice Wood has been kind of free the last few days in talking about the case, at least as far as what has happened to it since you left the court. If I can summarize what has been written about it basically was that after it was expedited the case went to Justice Goodson. It was her case.

DC: See, that's not supposed to be known, but somebody's told it.

ED: That's out there and not in dispute. And as the case wound up they voted 6 to 1 to uphold Judge Piazza...

DC: On the U.S. Constitution...

ED: On the U.S. Constitution, and I heard that at the end they voted also to uphold Piazza on the state constitutional issue 5 to 2, but I don't know about that. Are you free to say how you voted on that?

DC: I felt like—I didn't feel like, I *knew*—that the Arkansas Constitution needed to be addressed. There was no question in my mind about what the feds [the U.S. Supreme Court] would do.

ED: That precedent had already been set. We already knew what the federal precedent was. It was clear, pretty clear anyway...

DC: From other decisions that had come down. That direct issue had not been totally acted on yet...

ED: But it was pretty clear where the court [the U.S. Supreme Court] was headed.

DC: It was headed that way in all the circuits, or moving that way. The Eighth Circuit and so forth.

ED: It's clear what the [U.S.] Supreme Court is going to do.

DC: So we're sitting there with our Constitution having a provision passed by the people. I think I may have done the decision to allow it go on the ballot, if I remember correctly... the amendment that said that a marriage is between a man and a woman—that amendment . [Justice Corbin wrote the majority opinion in *May v. Daniels*, October 7, 2004, in which the Supreme Court rejected claims that the popular name and ballot title of the marriage amendment were misleading and confusing and allowed the measure to be on the general-election ballot. Justices Hannah and Ray H. Thornton Jr. dissented.] Call me a purist. I couldn't see having the U.S. Constitution saying that's unconstitutional, depriving people of their rights, and we have something in writing still in our state Constitution that's in conflict with that. Everybody, even the first-year law student, knows that that decision would override anything we did or the state Constitution. But it's just the appearances of things, of the situation. I can't speak for everybody else. Several agreed with me. I think the initial vote on whether to write on the state Constitution was maybe five-two. It was a six-one vote on the U.S.

ED: It was Judge [Karen] Baker, I guess...

DC: Well, we had another vote and the vote changed then to a five-two vote to affirm on both state and federal [constitutional grounds]. The time factor there was really crowding because of the Thanksgiving holidays and the break and a two-week break in December and then I was gone. [His term ended December 31, 2014.] I tried to encourage them to conference over the Christmas holidays. I had an opinion ready and I didn't think it was right for us to take a two-week vacation or a one-week vacation and not get that case out.

ED: But, at any rate, they didn't get the case out.

DC: We didn't get it out.

ED: Justice [Josephine] Hart never wrote the dissenting opinion, so the case didn't come out. [Other accounts were that Justice Baker voted to affirm Piazza on grounds that the law violated the U.S. Constitution but not on the ground that it violated fundamental law in the Arkansas Constitution.]

DC: No dissent was ever written.

ED: No dissent was ever written.

DC: It was threatened, but it was never written. But the lineup then was like five-two to affirm on both the U.S. and the Arkansas Constitutions. I was going to write... I was prepared and so was Paul Danielson to write a majority opinion, or write a dissenting opinion, or write a concurring opinion, if need be.

ED: Had you written those?

DC: I already had them written.

ED: You had your decisions written for all those eventualities.

DC: Yeah, it was so easy. I did it, you know... My law clerks... The briefs were... I think I heard that [Justice] Wood said that the briefs were poorly done, or something. That's not true. They were well-written briefs.

ED: The same briefs were written probably in about forty states and for all the [U.S.] courts of appeal.

DC: Yeah, yeah. And, of course, I had the benefit of all these decisions in all these other state courts that had ruled on it and some federal circuits. I think the Fifth Circuit wrote a real good opinion. I would have drawn from all of those. It was a tough political issue, but legally it was a cakewalk. Anybody who knows anything about the law or had any training whatsoever as a constitutional lawyer would know that.

ED: Federal supremacy is ironclad.

DC: The biggest shock, I guess, in the whole thing was Hannah didn't think, at first, that we ought to address the state constitutional issue [that a constitutional amendment could not undermine a fundamental right guaranteed in the original state Constitution], that we didn't have to, but ultimately he agreed. Lord knows...

ED: The case was never released.

DC: It never got moved out while I was there.

ED: You left office on January 1 and the new court...

DC: They had all kinds of stuff going on there. As a matter of precedent, though, I agreed with Hannah and Paul that historically when a governor makes an appointment to a case [in which a justice recuses] that is an executive decision and that person stays on that case until it is decided. They changed that. Looking back, old courts would not have, because they would honor the separation-of-powers doctrine. That's a governor's deal. But they had the votes.

ED: If you've got the votes, you can do it.

DC: Yeah.

ED: Apparently, there were opinions written in 2015 but they were never released.

DC: We were getting letters from that Christian Coalition guy that lobbies the legislature...

ED: The Family Council?

DC: Yeah.

ED: He was writing you letters?

DC: Yeah. And that senator from Conway. They had all these churchgoing folks writing us and calling us and what have you. I got some threats. But I'd had those down through the years. What I worried about was whether my family was in danger in any way.

ED: That's always the worry with those things. But let's get back and cover a couple of other really, really big cases—even a bigger case, which is the big school case.

DC: *Lake View*?

ED: *Lake View* school case. You have a particular history with that case, I guess, because back when you were in the legislature you dealt with that.

DC: Ed Thicksten. Did you ever know Ed?

ED: Yes, yes.

DC: In those days, when the legislature was dealing with budget hearings on school funding they would start off and send out a thing about like this and about like that and about this thick [holding his hands to reflect the size of a stack of paper] that would show the effect that that measure would have on each school district and what each school district teacher would get in the way of a raise and what have you. Truthfully, there probably were only two or maybe three people in all of the legislature who knew what the heck was going on in education. One was...

ED: Ed Thicksten, probably.

DC: He didn't know totally then, but he became good at it later.

ED: Jody Mahony?

DC: Jody later. Jody started dealing in it there in my last session [1979–80]. But it was the old guy from over here...

ED: [Representative] Ode Maddox [of Oden].

DC: Ode Maddox in the House. He was the Education Committee [chairman]. And Senator Ford.

ED: Joe T. Ford of Little Rock.

DC: They were the only people who really knew what effects that thing [a bill changing the formula for distributing state aid to the public schools] would have. When someone would put an amendment on the bill it was kind of like a [pinball] machine...

ED: It messed everything up.

DC: Yeah, it was amazing how you could give a teacher a hundred-dollar raise in Lewisville, Arkansas, and then how it affected everybody else. That one hundred dollar raise would come out of the overall budget and everybody else would drop. It would have that effect. So here I am, as a state representative, my then-wife was a schoolteacher and I was the legal counsel for the Lewisville public schools, and the Stamps public schools, and the Bradley public school district. Then I added at least three other school districts in my district: Fouke, Bright Star and Genoa Central. And part of Texarkana School District. So I had all those school districts that I had to shuffle to try to vote for the measure that would be the most equal distribution to all the teachers in all the districts. My wife would have gotten a tremendous raise if I had voted one way. I couldn't let myself do it. I had to

spread it around. Well, Thicksten came to me and said, “Donnie, is this all constitutional?” I said, “It ain’t no way.” He said, “Really?” I said, “No.” It’s gotta be. I didn’t study it, but this is ridiculous. He said, “Why don’t you join with me and bring a lawsuit?” I said, “Nah, I don’t want to do that. I’ve got all these school districts down home. I don’t need to do that, but I’ll help you any way I can.” He ran... What was the name of that school district?

ED: Alma.

DC: Alma School District.

ED: They brought that lawsuit.

DC: He paid for that lawsuit and won it. [*Alma v. Dupree*, 1983, which declared the Arkansas system of financing public education unconstitutional]

ED: It’s called the Dupree case. *Alma v. Dupree*, right? Dupree was president of the state Board of Education. Jim Dupree. So that’s the first time, when that case was brought, that the Arkansas Supreme Court held that the system of financing Arkansas public education was unconstitutional because it was not equal, not equitable.

DC: So I had that experience there. Then Annabelle [then Pulaski Chancery Judge Annabelle Clinton Imber] decides *Lake View* the first time.

ED: 1994 or somewhere along in there.

DC: Yeah. She was the trial judge.

ED: That was the case of the Lake View School District over in East Arkansas versus whoever [the state].

DC: Annabelle gave them... She found it [the state system of financing education] unconstitutional, but she gave them five years to do something about it. Well, they appealed it and they wanted to cut that five years off and make it have an immediate effect. The Supreme Court was getting ready to do it, and in conference I convinced them to leave that in place, that it would take them at least five years to develop a new system of financing if they developed a whole new system of funding schools, and they needed that time. So I bought them five years. Then they started implementing—the legislature did—started making those changes that needed to be done. They were moving toward an equitable system and then, lo and behold, term limits comes along. [Amendment 73, adopted in 1992, limited the terms of elected state officials and members of Congress.] The first case that comes to us on term limits I had to get off of because Dorcy’s law firm, the Hilburn law firm, was hired by Jay Dickey to respond to the briefs there. [*U.S. Term Limits Inc. v. Bobbie E. Hill*, 1994] So I got off of it. The decision went down four-three finding it constitutional. Then the federal challenge came [provisions of the term-limits law limiting the terms of federal elected officers (members of Congress)]. Dorcy wasn’t on the case, I stayed on the case, so the vote went four to three the other way, to find that it was unconstitutional. And I wrote it. And I wrote it. [*Thornton v. U.S. Term Limits, Inc.* and *Bryant v. Bobbie E. Hill*, 1995] That’s how close these things can get. Anyway, I digressed. The problem is that in politics, in law, you put a pin there it affects everything. So I bought them that time [to develop a new system of school finance] but with term limits the legislature lost... Then everybody was gone who knew what was going on.

ED: Everybody with any knowledge.

DC: So, here comes *Lake View* rearing its ugly head again.

ED: You had a change in governors as well [in July 1996]. Jim Guy Tucker, when he was governor, had begun to address it. In fact, they amended the Constitution to go part of the way...

DC: I would love to have served under him. I've heard from older heads that he was a great governor to serve under. I would have liked to have served under him.

ED: He was decisive.

DC: There wasn't any of this bargaining stuff. You came in and hit it, you tell him what you're doing, what the deal was about and what have you and he made a decision and that was it. Any time, even dealing with Bumpers, who I dearly loved, they were indecisive. I remember that [state Representative] Earl Jones [of Texarkana] ran that reorganization of state government through [in 1971]. That was the biggest teetotaling mess you have ever seen. That was Bumpers' deal. I opposed it. I said, "I have already reorganized too many corporations. When you start reorganizing and start moving people around it costs some money to move those people from one place to the other, to move chairs down the hallway or to another building. I said there is no appropriation for this. Who was the little Italian who was Bumpers's person?"

ED: Jim, uh... I know who you're talking about.

DC: Great guy. He came to Arkansas with Daisy BB and then Bumpers brought him on. Jim called me and says, "Corbin, you've got to drive up here and see this." I said, "What is that?" He says, "The man finally gave me *carte blanche* on this reorganization." I said, "really?" He said yeah but it wasn't going anywhere. You press people were hounding him, "Where is it? Where is it?" Finally, the governor was riding to work the other morning and says, "All right, Jim, just don't get me in jail." So he says "I'm going to start this in the morning and I want you to come up and watch this." I drove up here and Jim had found him an old wooden box and he drilled a hole and tied a rope to it so he could. And he said, "All right, everybody on the fourth floor stick your head out." [laughs] People stick their head out and say, "What the hell is going on?" He said, "You, you, you, you tell everybody in there to grab a chair and I want you to come over here and go down this stairwell and go into room so and so and deposit your chair there. And then the people over there—and I'll be down there in just a minute—we'll have them pick their chair up and bring it up and put it in your place." It was like the Mafioso. "Damn you! I told you to wait a minute!" [laughs] Then, finally, they were like Army ants. He had them marching and switching... because they didn't have any money to pay a mover. Then he got a bunch of convicts up here to help with some of the heavy stuff. He got it together. Anyway, I had just about fought that thing to a standstill. Even Bumpers got pissed at me. Of course, Earl was behind it and that was my roommate. He said, "Donnie, why are you messing with this thing?" I said, "Earl, it's doomed to failure. Y'all don't have any money to make it. It costs money to move things. You don't have any money to do it with." He said, "Well, let the governor worry about that." Well, the governor couldn't do anything... Jim Lamonica!

ED: Yep, Jim Lamonica [administrative assistant to Governor Bumpers].

DC: I wonder if he's still alive.

ED: I saw him several years ago.

DC: He took over that trade magazine.

ED: Yeah, he did.

DC: He was some dude, boy.

ED: At any rate, you got the second case, the *Lake View* case. When it comes back to the Supreme Court, Judge Annabelle Clinton Imber is now on the Supreme Court. Of course, she then recuses in all the subsequent cases. That became, for five or six years, the big case, over and over.

DC: I wrote at some point in time, I don't remember where... Of course, I got myself an opponent. I knew that the legislature in those days was reactionary. They react rather than act, for the most part, to major issues like that. They were dragging their feet and they didn't want to make a decision on it. They didn't want to cough up the money to do it.

ED: They were going to have to raise taxes, or they needed to.

DC: Yeah.

ED: Or consolidate schools or something.

DC: But I had been ten years in the legislature. I worked with it and watched it all develop for the next ten years while I was on the Court of Appeals and then the Supreme Court and there it was still raising its ugly head. It needed to be solved. The big kicker was when we came down with the decision and then the lawyer for them...a former legislator... David...

ED: For the plaintiffs in the case?

DC: Uh huh.

ED: David Matthews.

DC: Yeah. Good man.

ED: From Lowell.

DC: Good lawyer, good representative, filed a motion to find them [the legislature] in contempt because they were not complying with the decree. Well, I kind of knew that it was going to be kind of close on the court on how it was going to go. I think Glaze was already vacillating a little bit going the other way, somewhat. I can't remember whether he stayed over there or not.

ED: He changed. I think at first he was resistant to ordering anything and then later he moved all the way in the other direction. I think he was ready for the Supreme Court to raise taxes on its own if it had to.

DC: Yeah, he was even going to dictate how much to spend. I felt like that violated our Constitution. That was a legislative function and not the court's.

ED: Yeah, he came around a hundred and eighty degrees between 1996 and 2004.

DC: Still, when they had the argument on rehearing on that motion for contempt I knew that because the legislature was so reactionary that I was going to have to sting them. I laid awake all night wondering what am I going to do, say to get their attention? And then I came out with the deal. It ended up getting me an opponent. I made this open statement in court, "I can't speak for other members of this court but I can tell you this is one judge who is going to stick the hook into you real deep this time."

ED: This was in the oral argument, in the second go-around.

DC: I knew that was going to cause me lots of trouble, but I knew it would get their attention. I would so piss them off, and I did. Man, it was like sticking your hand in a beehive.

ED: They were enraged. The legislature was enraged.

DC: But they got busy and started running stuff because they knew that I... that we were serious.

ED: The governor, Mike Huckabee, turned around, too. He became a champion of raising taxes and consolidating schools.

DC: They all came out looking like wonderful people, they came out heroes.

ED: They dealt with the issue finally.

DC: Of course, the speaker of the House was really pissed at me. I think that that comment was what led to some folks cutting radio ads during my campaign, calling people on those multi-dial things, saying things that were totally against my principles. They didn't sound that bad. They were attractive to some people, a bunch of rednecks out there. But they were abusive. I had one young girl who had moved to New Mexico and somehow or another it was hitting her cellphone and she was having to pay long-distance calls on that damned cellphone from all those hits. They were calling her three, four, five or ten times a day, sometimes two o'clock in the morning. I never could prove who was behind it though. I think some of those who were mad about my comment about the hook were the ones behind that. I think they were the ones that funded that thing. I have a good inkling of who it was but I don't need to go there. Anyway, I heard that some folks sat over there in that little coffee corner of theirs in the basement cafeteria in the Capitol and got the Herrod guy to run against me. [Roger Herrod, legal counsel for the state Department of Workforce Services and a district judge at Maumelle] I also heard they tried to get Womack, I think, and he wouldn't do it. Womack was thinking about running against Brown. They were first going to get somebody to run against Bob Brown because he wrote the [*Lake View*] decision. But they couldn't get anybody to run against him and so they thought my statement that pissed everybody off, that all the legislators would get out and work against me, and some of them did. Several places I'd go and at the newspaper they would say, "I heard about you. My state representative told me about you."

ED: That election would have been in 2004? Let's see... 2006...

DC: Yeah, eight from fourteen would be 2006.

ED: ... when you got the opponent. But you won handily, as I recall. [Corbin received 63 percent of the votes.]

DC: No, I never had any trouble getting elected.

ED: Did you raise any money?

DC: Very little. We raised about \$110,000 that last time. You need at least a mil now.

ED: Yeah, you need a million dollars to even think about running.

DC: Well, my people who raised some money for me said, "Donnie, when we try to raise money, they say, 'He doesn't need it. He's going to win. He's a shoo-in.'" It's hard to raise money when the lawyers out there are saying, "He's a shoo-in. You know, he's too damned good a judge. We're not going to let him get beat." They can't say that anymore, though. These last races the lawyers haven't been able to control. They bypass the lawyers and judges.

ED: It's all advertising...

DC: Media money. You know, the nursing home thing. There's no way that people on my finance committees would allow to take that money. No way. Ask Smith [Bob Smith of Little Rock]. Smith's always been on it. Greg Graham. I don't know if you know Greg Graham. He's counsel at [Arkansas] Baptist Hospital. On all my committees I had first-class lawyers and people on it. They would not allow me to do anything wrong. I know they met and they said, "Donnie, you need to get on the phone and start calling lawyers around. You don't have to ask them to fund you, or what have you, but they want to know that you want their vote." So I got on the phone and I said, "Well, I'm running for re-election to the court and I'd appreciate if you can, but I don't want you to say yea or

may. I just want you to know that I know that everybody wants you to ask them for their vote, and I'm asking for your vote. But please don't answer." But then my committee called me... Smith called me, all in a dither. "Donnie, you've got to quit calling these people." I said, "Why is that?" "Well, they don't think it's fitting for you to be doing that." "Well," I said, "the name of the game has always been to seek votes, to ask people for their votes." He said, "Well, you can do that in a crowd or what have you, but don't do it on the phone... We'll do all of that. We'll raise some money." So I ended it. I had people who insisted that I maintain the integrity of the system. It all worked out.

ED: The school case got you an opponent, but you were the only one who got an opponent.

DC: Well, Paul [Danielson] had one, because he had Wendell Griffen running against him.

ED: Oh, yeah, but it had nothing to do with the school case.

DC: No, no. My opponent... The only reason I remember his name is the baby-killer [Herod]. [laughs] I shouldn't say that out loud. He tried to run that [the school case] down my throat. Ethically, I couldn't talk because it was still subject to being reheard.

ED: That case was active for...

DC: So I had to bow out every time. I tried to explain, "I'm not allowed... I don't feel comfortable talking about it." Besides, I'm not going to debate anything. I said, "I've got a history. I've written thousands of opinions now. I have a record out there. People can look at it and they can follow it, they can disagree with it, whatever they want to do." I'm of the old school. I didn't think it was fitting for a lawyer, or a judge, to get out there and argue issues. I ran on my merits. I've been a Court of Appeals judge for ten years and I've handled this kind of case and that kind of case. I was a trial lawyer for fourteen years. It's the old-school thing. I followed the old code.

ED: That was the school case, probably the biggest case that has come down...

DC: Sir?

ED: The biggest case that has come down, the most sweeping, because eventually it led to, when the Supreme Court said not once but two or three times that the Constitution says you must provide a suitable education for every child. It must be equal and it must be suitable for every child in the state, no matter where they live. And, yes, you will do it. That's what the Supreme Court essentially said.

DC: We put teeth in it the last time around.

ED: We mean it!

DC: There wasn't any question then that we meant what we were saying.

ED: You're going to have to address it, and the governor and the legislature eventually did. They had to come back and do a little bit more.

DC: Huckabee said, "Donnie, when you made the statement you did, I knew we were in for it then. We had to bite the bullet and go on." See, you know what the big disappointment of that whole thing is for me? They had an opportunity there, because we were the bad guys, to redo their whole system, the way they financed education. To consolidate school districts. They could have it and blamed it all on us.

ED: Yes.

DC: Politically. And that's what I tried to give them, Ernie. They didn't take advantage of it. And they're back right now, I dare say, they're not doing right by that. They raised all that damned money and the next thing I know the school districts are building new football stadiums and putting dumbwaiters in the skyboxes. That's not what I wanted.

- ED: And they agreed to put all this money into programs for poor kids, where the real issues were, but they're not spending it that way. They came back and the legislature and the [state] Board of Education said, all right, the superintendents can use it for all these other purposes as well. There'll be another suit on that shortly, raising that issue again.
- DC: They had a really grand opportunity to step up and do some really innovative thinking and they chose not to do it. They drug their feet. Now, they did raise a bunch of money but who's to say whether they're spending it right or what have you? People calling me to tell me this is going in that school district. It's like, well, heck they had an opportunity but they didn't take advantage of it. You know, the thing about it is if that same issue came back in front of us today I'm not sure I'd act on it, Ernie. I don't know. Why get out there and get burned when they're not going to do anything about it. It sounds like a hopeless, helpless situation. Knowing me, I'd probably go into Glaze and tell him you'll have to spend sixty-five hundred billion dollars on education. See, what happens... There was precedent for that. In Nevada, the Supreme Court put a dollar amount on it. I think our Constitution would not allow it because it is a legislative function. But, if you've got four votes you can do anything you want to.
- ED: You might've had to hold one hundred thirty-five of them in contempt.
- DC: The thing about it is, I would do it. I'd have the State Police go in there and put their ass in jail. They knew I would. I mean, Jody Mahony—I love him, I miss him so much—said, “Let me tell you something about Donnie Corbin. He has been involved in this all the time. He and I have fought these battles all up and down the hill and he knows where he's coming from. And don't think for a minute that if you don't do what he's suggesting, that you do, he'll put your ass in jail.” He said, “I don't want to go to jail with you guys.” [laughs]
- ED: Are there any other big cases—there are thousands of cases, but big cases that...?
- DC: I ought to go through those books over there [gesturing toward scrapbooks] the cases that we got into that are kind of interesting.
- ED: Judge, let's talk about another case with huge political repercussions and, again, one where you wrote the majority opinion. That was the suit challenging the law passed by the legislature in 2013 that required voters in every election to present a government-issued photo identification before they can vote. It was the first session of the legislature since Reconstruction when Republicans had a majority in both houses of the legislature and their first priority was the photo ID bill. It passed over Governor Beebe's veto. The Pulaski Circuit Court ruled the law unconstitutional and it went to the Supreme Court in the fall of 2014, shortly before the general election. I thought it was pretty clear that the act violated the election provisions in the state Constitution, but I think a lot of people were surprised that it was a unanimous decisions—well, sort of unanimous. The court was unanimous in striking down the law but the three women justices said it was because the legislature didn't pass it with a two-thirds vote, which was necessary to amend certain parts of the voter-registration amendment of 1964. You wrote the main opinion holding that it added another qualification for voting beyond those specified in the Constitution. For many legislators, that decision marked the Supreme Court as the enemy and probably you more than anyone else. So were you and the rest aware of the political repercussions from that decision? I think the state Republican chairman denounced the court the same day.

- DC: Yes, I think we were all aware that it was a political hot potato, but I took the job knowing that I had to decide cases based on facts and law and not political repercussions. If courts decide cases based on political pressure then the third branch of government is going to be on a leg that is not equal to the other branches, and it is pretty hard to sit on a stool that doesn't have three equal legs. I think that is why the drafters of our constitution created three equal branches of government. The dissenters chose not to say that the legislature's act was unconstitutional and this leaves open the possibility that the legislature could pass a similar bill with a two-thirds vote, and if the dissenters pick up one more vote, they could reverse the decision that was made in 2014. In the past, I just don't remember leaders denouncing any court even when there was total disagreement—but times have changed. So, I knew it was political, but I really don't think it crossed my mind that the court would be denounced. But even if I had known that, it certainly would not have changed my vote.
- ED: While we're on the subject of the court, the legislature and politics, let's talk about a case or cases that may have had big ramifications for the future of the court, at least in my estimation. Those are the two decisions by the Supreme Court, in 2009 and in 2011, that struck down provisions of the so-called "tort reform" law passed by the legislature in 2003. The court said provisions of the law were unconstitutional because the law usurped the jurisdiction of the courts in assigning distribution of liability in tort cases and in limiting punitive damages. Or something like that. I think those decisions aroused industry to try to take control of the courts, or at least the appellate courts, the Supreme Court. You didn't write the court's opinion in either case but, of course, were on the prevailing side. Actually, I think both were unanimous, which surprised a lot of people. Was that a hard decision by you and the court, and did you think about the potential fallout? Do you allow yourselves to think about that when these cases come along?
- DC: Was it a hard decision? It may have been difficult for some but, again, I really tried not to worry about the political fallout or political ramification of my decisions. My goal was to carefully prepare and do the best job I could do. I believed and always tried to adhere to the premise that I was there to make tough decisions, "the nature of the beast" so to speak. Did I think about the political fallout? There was predictable political fallout—I'm not a political wallflower—so yes, I was aware of it. Did I let it change my position? No, I did not waiver from my duty to resolve such tough issues. No, I didn't.
- ED: Anything else?
- DC: I think everyone realizes that each vote is very important, but there were a couple of times that I had to recuse from a case, because my wife or her law firm was involved, and the special judge who was appointed voted in a way that I wouldn't have, and that switched the majority. That situation happened in the state term-limits case. I had already done much of my research and would have voted that the limitation was unconstitutional. But, I had to get off that case and the governor's appointment voted differently than I would have. As a result, the state term limits were held constitutional. Dorcy wasn't involved in the federal litigation so I did not have to recuse on the challenge to the constitutionality of the federal restriction on term limits of our federal elected officials. I authored the opinion finding that it was unconstitutional. My reasoning would have been very similar in the state case. Thus, the federal term limits were found unconstitutional in a 4-3 ruling, and the state limits were found constitutional also in a 4-3 decision.

There is another case that illustrates how the makeup of a court can change a decision and this case also led to me making some major changes to the way I looked at death-penalty cases. My wife, Dorcy, was representing Tim Howard, who had been convicted of capital murder and sentenced to death. I had to get off of that case and the governor appointed Mike Kinard as my replacement. Mike was a former prosecuting attorney and so were Justice Jim Gunter and Chief Justice [William H.] Dub Arnold. I suspect that Tim Howard's conviction would have been reversed if the governor had appointed someone other than a former prosecutor. Although, I am sure there are some former prosecutors who would have voted to reverse that case. I normally wouldn't bother to research cases that I was not sitting on, but this one was different. Dorcy was so convinced of his innocence that I actually looked into that case to see if she had missed something. There is no doubt that if I had been on that case the vote would have been 4 to 3 to reverse his conviction because of actual innocence, not on some technicality. Scary! Is it not? This case changed me though. I am convinced that a sentence of death, if there is a doubt about actual guilt on appeal—that is, if even one justice believes there is a reasonable argument for actual innocence—that the sentence should automatically be reduced to a term of years. There is something inherently wrong in imposing a death penalty unless the appellate court can do so in a unanimous decision.

ED: One thing that I did want to explore a little further is Donnie Corbin, the bionic man.

DC: [laughs] Oh, Lordy.

ED: Early on, you mentioned that no sooner had you gone on the Court of Appeals...

DC: February of '81 on the Court of Appeals I had my first heart attack. They finally decided that it was a heart spasm. Subsequently, years later, they decided that it probably was a heart attack because when they went in there they found quarter-size damage.

ED: Let's go to the next physical crisis.

DC: The next deal was '90. I had just been elected to the Supreme Court. I was still on the Court of Appeals and was waiting to take office in '91. In June, I had the five-way bypass from a heart attack.

ED: You had a heart attack and then five bypasses?

DC: Five bypasses. Then, about four years later, I had an aortic bi-femoral bypass where they went in here [points to chest] and they ran Goretex tubing from my aorta down through and into my legs. I've wondered if it was camouflage. I don't know. Anyway, I had that done because the arteries in my legs were clogging up and I was about to lose my legs. Then, about thirteen years later, I had two stents put in. Then, in 2010, I guess, five years ago, I was diagnosed with lung cancer and I was told I had from three weeks to three months to live. I started chemo. I was supposed to do twelve weeks of it and after five weeks they let me go on a vacation with the family that was already planned.

ED: You were assuming this was going to be your last outing...

DC: To be with my kids. I wanted them to have a good time and remember me. I tried to be fun, but I was so weak and I was so sick, so doped up. That was probably one of the toughest three or four days I've ever been through in my life. Anyway, I got home on a Thursday night. See, at that time the chemo had taken all my taste buds away from me. My hair, my eyebrows had started going back this way, just disappearing. I was weird looking. Dorcy threatened to paint some eyebrows for me. I couldn't taste anything but lemon for a year. But I found a place there at Whistler's Mountain in Canada, a little Chinese side-store thing and they had chicken-noodle soup with big udon noodles and for

some reason I could taste that. Man, I sat there and ate that breakfast, feasted. We got home on Thursday night and I was to resume chemo the following Monday. Sunday night I had a heart attack but when I went to the hospital the test for a heart attack came back negative. My chemo doctor admitted me anyway. The next morning Dorcy was trying to find out what my levels were, to see if I had a heart attack even though the first test came back zero. She was livid when she found out the ER [emergency room] doctor had not ordered a follow-up test. She got on the phone and called my cardiologist and he agreed to rerun it. The thing was at 43, I think even a 2 would have been bad. So the next thing I know they are doing a heart catheter and I have clots the size of my thumb showing up. Then I had to have bypass surgery again. That heart attack was twenty years to the day after I had my first bypass surgery. That doctor had told me the bypass would last twenty years at best. Boy, he was right about that. Anyway, I went in and they did a three-way bypass on me. They came back then and tried to decide for me to get back on chemo. Dorcy and I and the kids talked and Dorcy told them: "We've discussed it and Donnie has always prided himself on being in control of his faculties. This has been difficult for him to communicate with all these drugs y'all have got him on. He doesn't like being doped up like this. He'd rather go out being lucid. If pain gets too bad you can give him some more stuff, but we're not going to do it." They kept pushing. Finally, they said, "We'll do another PET scan; if you show any improvement we'll reconsider what our position was." It had shrunk down from about five centimeters to about the size of my thumbnail. Dorcy said: "No more chemo—do the surgery. It had shrunk."

ED: From about the size of a baseball.

DC: Yea, it was the size of my fist. It took up basically the whole upper left lung. I just remember not thinking I was going to live through all that and the doctors hadn't given me much hope. They were also afraid that it had spread to the lower lobe of my lung and because I have emphysema in my good lung there was the extra concern that I would not make it or I would have to be on oxygen forever. I didn't like being on that. But so far all my check ups have been clear, it hasn't returned. I was cleared the other day. Well, I have prostate cancer but they say if you live long enough and are a guy you will get that. But they say we'll watch it every six months. You'll probably die of a lot of other things...

ED: All kinds of things will happen before that gets you.

DC: They'll keep an eye on it and if gets to be a problem they'll try to do something about it, maybe. I'm not sure I'll go through chemo again.

ED: In all those times, the heart attacks, the heart surgeries, the cancers, the cancer treatment, pneumonia—I think you had some pneumonia—how much court did you miss?

DC: I missed one case during that five-year period, I think.

ED: You missed one case. You shorted them one case.

DC: Yep.

ED: That was always the thing. I would hear that Judge Corbin is near death and the next thing I would see the paper and you'd read opinions by Donald Corbin.

DC: Gary Collins, who is my cardiologist, I went to see him. I had appointments the other day with all the doctors. He said, "You're not supposed to be here. When are you going to take me to Tunica with you?" He said, "I want to cover every bet you make, Judge." None of them thought I would survive it. Now, Baltz did. Brad Baltz is the oncologist, my cancer doctor. He said, "Judge, I was going for the cure and I damned near killed you twice. But what the hell did we have to lose? You're dying anyway." I knew a couple of

times I really felt close to death when I had chemo. I saw people dying around me, at treatment time down there. Someone asked me, “Judge, I bet that scared the living daylights out of you when they told you that you had three weeks to three months to live.” I said it stunned me for a moment but I got to thinking, [his son] Slater’s bunkmate through boot camp and combat training lost both legs over there, twenty years old, in Afghanistan. Another one of his friends got burned very horribly, twenty-something years old. Here I am a seventy-year-old man. I’ve had a full life, got wonderful friends, great career, how dare me ask the Lord to let me live another year. How dare me. I said the only thing I prayed for was just give me the strength to face it, and I was never afraid after that. I accepted it. I was going to do everything they asked me to do. If there was a bus tomorrow I wasn’t going to jump on it. He or She answered my prayers. I never got afraid, Ernie. Should have, maybe. What is there to be afraid of? I’ve been in harm’s way so many times it’s been unreal.

ED: You reached the end of that term and obviously if you had decided to run again you probably would have won.

DC: I’m glad I was term limited because I would have. I loved the job. Many people are saying, “We’re glad you’re out of there judge. You would not have been able to live through it. We would have been worried to death about you the whole time. We miss the hell out of you. The court really misses you.”

ED: Had you run again and won, of course, you would surrender your judicial retirement. There’s a lawsuit on that and the courts...

DC: The thing about it is, Ernie, it’s not so much. I fully vested eight years ago. I was only working for twenty percent of my salary. And I’m actually not having to pay FICA [deductions for Social Security and Medicare] so I’m making about the same thing as if I... A lot of people think I’m absolutely stupid that I didn’t do it. I’m going to stay out of the law. But I dearly love it. I cannot believe... I still pinch myself and can’t believe that I got to do the things that I’ve done. State representative for ten years and all the accolades I had in that, the Court of Appeals time and the Supreme Court time—a butcher’s boy from Lewisville, Arkansas. I was one lucky guy.

ED: Yeah, you were. But it was not altogether luck, Judge.

DC: Right time, right place. I’m very, very grateful to the people of this state who allowed me to do this. Hopefully, I did it as well as I knew how to do it. It’s a high calling. And I served with some really fine men and women judges. Really fine ones. Some of them, like myself, weren’t the brightest guys in the world, but I never once doubted their integrity. Holt, Hickman, Newbern and Dudley and many others who I served with were extremely bright lawyers and judges. Jack, who was one of the best trial lawyers the state of Arkansas ever saw—we wouldn’t always agree and sometimes Holt would go the way Newbern and Dudley wanted and sometimes that was maybe different than the way Glaze and I thought he should, but when he did, he did it because he believed he was right. I can’t argue with that.

ED: Nope.

DC: I got aggravated sometimes, but Jack was a good judge. Funny story. We had this case where this guy was on a riding lawnmower and he got charged with DWI. It came there and the court was all hung up and he [Holt] had just enough votes to reverse it. So he was writing it. His daddy lived up there on the hill where I lived and...

ED: Jack Holt Sr.

DC: Yeah. I'm on my riding lawnmower drinking a beer and I get caught up in a big old magnolia tree at the edge of my lawn. [laughs] I throw that thing in the fast gear and gun it. I shoot out through the tree limbs. Jack's coming up the hill and I run him almost in the ditch. The next day he changed his damned decision. He affirmed the man's conviction. He said you can't drive drunk. I said, "I just had the one beer, Jack."

ED: He changed the case?

DC: He changed it and went the other way because of me. [laughs] That was proof positive. I had a damned beer in my hand.

ED: I'm glad you told that story. That's the best story of the day.

DC: I said, "Oh, Jack!"

ED: Well, Judge, I don't know what else we can cover here. I'm sure we could sit here and tell another hundred stories but I think we've captured the essential Donnie Corbin...

DC: [laughs]

ED: The essential Judge Corbin today.

DC: You know what Danielson will say about all this? "God, Corbin, one of us should have been there to keep your damned mouth shut."

ED: Judge, I appreciate it. We're going to shut it down. We'll give you a chance to review this.