

WHO'S WHO

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With CBS News Correspondents Dan Rather and Charles Kuralt

and

Barbara Howar

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DELORES HUERTA
Produced by Andrew Lack

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DAN RATHER: WHO'S WHO is a broadcast about people other people are talking about or soon will be talking about. And if we're any judge, tomorrow morning people will be talking about this man - Texas attorney "Racehorse" Haynes. One of the people who's been talking about him for years is his close friend, Houston Police Chief "Pappy" Bond.

BOND: Which would you prefer? Which would you prefer? These good people, who are so appreciative of your legal skills, or do you in fact prefer the surge of power that's in that twenty-eight-cylinder Duesenberg that you flash down Memorial Drive and the jewel-encrusted wristwatch that you wear and the finely tailored five-hundred-dollar suits and expensive Italian ties? And I neglected to mention the reptile boots.

HAYNES: Ostrich.

BOND: Ostrich? Excuse me.

HAYNES: They're more expensive than the reptiles.

BOND: Being a people man, I'm observant.

HAYNES: They can't skin a lot of ostriches. They run at--

BOND: I would say that your office here, where you represent the oppressed and the weak, would provide a sixty-foot putt [Laughter] on any green. On any green.

RATHER: He's only kidding, but Chicano farm workers aren't kidding when they call this woman "the madonna of the fields". Teamster union officials call her an insult to womanhood, and Life Magazine called her one of the most remarkable women in this country.

BARBARA HOWAR: At forty-six, Delores Huerta had her eleventh child. This is Camilla, the youngest. And she has eight other children by two previous marriages. She lives now, unmarried, with Richard Chavez, whose brother, Cesar, is President of the UFW. Their relationship is a controversial one. In the traditionally strict Catholic Chicano culture, Huerta's divorces and her illegitimate children by Chavez are often held against her.

RATHER: Well, being a one-time son-in-law of Judy Garland certainly doesn't hurt if you want to be an entertainer, but it doesn't help much, either, if you don't have talent. Peter Allen has talent.

[Peter Allen performing "Everything Old Will Be New Again"]

RATHER: Do you agree with those critics who describe your act as the first successful pan-sexual act?

ALLEN: I don't even know what "pan-sexual" means.

[Laughter]

RATHER: And, just as he was last week and the week before that, Charles Kuralt is On The Road - or, more accurately this time, on the beach.

KURALT: Back when he was a carpenter's apprentice in Sodas Point, New York, back when he worked as an airplane mechanic and a tugboat hand, John McMahon was a nobody. Now he's known all the way from Port Isabel, clear up the beach to the Mansfield Jetty. Everybody calls him "Billy Boomerang".

RATHER: I'm Dan Rather. In a moment, Charles Kuralt, Barbara Howar and I will introduce you to those people, and others, tonight on WHO'S WHO.

[Music - display of gallery portraits]

[ANNOUNCEMENTS]

RATHER: It isn't true - I grew up there, and I know - but a lot of Americans do think that all Texans are somehow larger than life. Tonight meet one who really is.

Do you think you're the best criminal defense attorney in Texas?

RICHARD "RACEHORSE" HAYNES: I personally think that, and I-- I'm wondering why you're limiting it to Texas.

MAN [shouting]: Aki!

HAYNES: Now, don't be afraid. They probably won't kill - immediately.

RATHER: Always a fighter and proud of it, Haynes was a Golden Gloves champion from a tough Houston neighborhood. He got the nickname "Racehorse" from high school football days and has enjoyed playing and winning ever since. These trophies were won in golf, motorcycling and other adult sports, but the trophies he loves best are these: weapons used in murders and maimings by people Haynes has defended and got off.

HAYNES: This lady here, for example - her husband abused her. Her husband was a big person physically; she was a very small person. He didn't want to work. He took her paycheck a lot of the times. He gambled. He drank. He had other women. He vilified her in the presence of her friends and family, put her down. He just tried to rob her of her dignity one too many times, and so she decided to ignore the double standard and she went out on a date, I think is what it was. He got a little upset about that, out of proportion to her activity, and slugged her around. She shot him. The jury said: no need for that lady to go to jail; she suffered enough. Matter of fact, you can prove from time to time that a person needs killing.

RATHER: Racehorse is a legal hired gun and one of the fastest in the land. As Racehorse sees the fight, he is a lone, brave figure fighting

against a gang of bad men - the police, prosecutors and the vindictive public, all demanding that his man be put behind bars for crimes they committed. Racehorse ignores their cries for vengeance and works toward one goal: to hear his two favorite words, "not guilty".

It is standard operating procedure to try and prove that victims needed killing. After all, they aren't around to defend their reputations. One of Racehorse's favorite victories was winning freedom for a wife who had tearfully confessed to hiring a paid killer to gun down her husband. The defense was that the husband deserved his fate. He was so mean, according to one witness, that he drove golf balls from his used car parking lot into rush-hour crowds - with a five iron.

HAYNES: In the five o'clock traffic. And I said, "Did he even yell 'Fore!'" And he said, "No, sir, he didn't." And the jury, when they thought about all things - I mean, here's a guy who didn't even have enough gentleman in him to yell "Fore!" He used profanity around little kids. He'd kick a dog. Oh, yeah, he kicked a dog. Now, you-- Now, you take a guy who's going to kick a dog - make a little dog howl, kick it, abuse it - you're going to find some people on the jury here who are going to say, "That guy wasn't a real nice guy and perhaps deserved a shot or two."

RATHER: At play, Racehorse isn't very different than at work; just the battlefield is different.

[Sound of motorcycles racing]

HAYNES: Why should a grown man with as many responsibilities as I've got - why the hell should I be out here doing this part? And the answer is: I want to be somebody - the one on one. I want to beat somebody.

[Sound of motorcycles racing]

MAN [shouting]: Now! Go!

HAYNES: It takes macho.

You're okay, kid.

It's a good day when you can come out and beat a thirty-year-old jet pilot, just beat his brains out.

Let's face it, Willy. You just needed a coordination of eye, mind and muscle. You don't have it. And maybe you've got that, but you don't have it here.

WILLY: Here? Is that where it--

HAYNES: Here.

WILLY: I think down here is where--

HAYNES: You've got to have the fighting heart. Eating too much pizza.

You've got to have a stomach for the one on one. When you wake up in the morning, you go down and you think, "I've got to go to town this morning and play sixty-four questions with a guy who's smart as hell, who's done his homework. You know he's a fast gun. It's just a question of who's the fastest gun. If he answers more questions right than me, my guy goes to the-- to the penitentiary, you know. Irreparable damage is done to my guy if the other guy's on and I'm off, if I have a bad day. So you've got to like the competition in the pit.

Where are we on the-- on the baby case?

RATHER: Today's job is to figure out how to defend a stepfather who allegedly beat to death his stepchild. The argument that the victim deserved his fate obviously can't work in a baby-killing case. The stepfather says it was a bathtub accident. But juries distrust stepfathers. So another strategy must be found - and is.

MAN: The curious thing about the case is the doctors who talk about the old bruises on the head -

HAYNES: Yeah.

MAN: - date them about two weeks prior to the bathtub incident. And guess who the baby was staying with two weeks prior to that?

HAYNES: Let me guess. The natural daddy.

MAN: The natural daddy - who is also a police officer.

HAYNES: So, are we saying--

MAN: His explanation, when asked if he noticed the bruises, was, "No, I have always dressed him in the dark."

HAYNES: Pretty work. Pretty work. He always dressed the baby in the dark.

MAN: Yeah.

RATHER: Are guilty people acquitted and innocent people found guilty?

HAYNES: Yes.

RATHER: You feel badly about that?

HAYNES: About innocent people being convicted - yes. About guilty people getting off - once the jury has found them not guilty, they were-- they were never guilty. It's finito. It's over. In other words--

RATHER: --you defended someone that you thought or knew was guilty, and the person got off?

HAYNES: If they got off, the jury acquitted - there have been those times.

RATHER: How often?

HAYNES: Oh, I wouldn't say often, but it has happened. I recall one case where a fellow was acquitted under the-- under the paramour provision--that is, for shooting-- taking the life of a person that he claimed was in contact with his wife in an impermissible fashion. And at the conclusion of the case, when jury had acquitted him, he said, "That fellow really wasn't fooling with my wife." I said, "What?" He said, "Nah." He said, "It was a kinfolk of mine and I like him and didn't want to kill him, and I thought if I killed this fellow, he'd get the message."

RATHER: It all sounds like a game, played by adults with human lives at stake. Who wins and loses is decided by the jury. And one of Racehorse's most controversial bits of gamesmanship involved his successful defense of two white policemen accused of stomping to death a black suspect. Racehorse made two major moves. He had the case tried not in Houston but in a small West Texas town and then made sure no blacks served on the jury.

What was the decisive turning point of that case?

HAYNES: The turning point in that case is when we swore in the last bigot.

RATHER: You're serious?

HAYNES: Yeah. In that case.

RATHER: Do you set out to get bigots on the jury?

HAYNES: No. It just worked out way, moving west.

RATHER: Translation of that is, yes, you wanted bigots on the jury.

HAYNES: We wanted people who were sympathetic to the cause of the citizens on trial.

RATHER: Where was the turning point?

HAYNES: When I-- when I-- when we started going downhill, when we'd walk in the courtroom and the-- and the-- and the audience started hissing at the state, I began to suspect that everything wasn't going well.

RATHER: Ernie Ernst, the prosecutor.

Now, this is not a direct quote. It's as accurate as I can make it going from memory. Haynes said he thought he had that case won when - quote - "the last bigot was seated on the jury."

ERNST: I wouldn't call 'em bogots. They're good, hard-working German stock - you know, law-abiding citizens. They were so law-abiding that they were outraged that anyone would run from an officer, and therefore the officer-- I asked this fellow - Hindenberg, or I don't recall his name - I said, "We might have to try this case again. What was the problem?" I said, "Here's a man on the floor helpless. Why in the world would you acquit when they kill him like this, a defenseless man?" I said, "Have you missed the point?" He said, "Mr. Ernst, I think you're missing the point. If those Negroes had not stole the car, they would not have to kicked him." That was his logic.

RATHER: Crime stories, of course, make good newspaper copy, and Racehorse's exploits often make the front pages. One veteran reporter who has followed Racehorse's career is the *Houston Chronicle's* Zarko Franks.

FRANKS: Tell you one story about him. He'll walk in a room and he'll pick up a glass, and he'll be drinking Scotch and he'll say, "Hey, let me tell you a story." He'll say, "You know, Churchill says every time you take a drink," he'll say, "one thousand brain cells are destroyed. Hmm?" Racehorse'll say, "Chee, imagine that. If I didn't-- If I didn't drink, I'd be a super genius!" He said, "Look how many millions of brain cells I've had destroyed and I'm still the greatest." That's the kind of guy he is.

ERNST: He plays a part. Richard plays a part - well - you see. Trial lawyers all play a part.

RATHER: And that part is—?

ERNST: Particularly in the courtroom. And Richard plays it in, out, around and everywhere, you see.

RATHER: And that part is—? What's the role?

ERNST: What's Richard's role? The world's greatest living trial lawyer.

HAYNES: Had there been a criminal lawyer present at Chappaquiddick, a criminal lawyer from Texas, Mr. Kennedy would be your President today.

RATHER: These Houston law school students are hearing that the tricks of the trade not only can save a man's life but can change the course of history.

HAYNES: Because at Chappaquiddick, the lawyers there, assembled around poor Mr. Kennedy on that fateful evening, were busy trying to scope out

some scheme - I think the Plan A was the cousin was going to say he was driving, and Plan B was, you know, and like that - and finally folded in the wee hours of the morning and left Mr. Kennedy without any viable defense. A real Texas lawyer, one skilled in the trial of the criminal case, would most certainly have had Mr. Kennedy go back out to the scene and exhaust his energies diving for the body of the poor little girl and perhaps injure himself, risking his own life to bring that little child back to the surface, and be there stretched prostrate on the sand when finally the authorities did assemble by his own invitation and would have had a ticker-tape parade the next day in his [indistinct] and would have been hailed as a hero, as opposed to being--

[Laughter]

HAYNES: --scourged as a person who had taken the life of Mary Jo Kopechne.

RATHER: Freedom has a high price, and Racehorse has done well from the privilege of representing the privileged. He does more than his share of work for the poor and oppressed, but those people didn't help buy these three luxury cars, all steel gray on the outside and black leather on the inside. He has come a long way from that poor neighborhood on the wrong side of the tracks.

Some of his boyhood friends have also done well, like this old buddy who also went into the law but to the other side. He is "Pappy" Bond, Houston Chief of Police. They both enjoy each other's company, as well as insults.

HAYNES: Well, I get letters all the time from people who claim, "I need re-- I want revenge. I want a legal hit man - legally get back at those people who have oppressed me."

BOND: Which would you prefer? Which would you prefer? These good people, who are so appreciative of your legal skills, or do you in fact prefer the surge of power that's in that twenty-eight-cylinder Duesenberg that you flash down Memorial Drive and the jewel-encrusted wristwatch that you wear and the finely tailored five-hundred-dollar suits and expensive Italian ties?

HAYNES: You know, you don't go through life dedicated to the proposition you're going to wear a big diamond ring or a big wristwatch and have a big car or finely tailored suits.

RATHER: But you do have those?

HAYNES: Yeah, I have some of them.

BOND: And I neglected to mention the reptile boots.

HAYNES: Ostrich.

BOND: Ostrich? Excuse me.

HAYNES: They're more expensive than the reptiles.

BOND: Being a people man, I'm observant.

HAYNES: They can't skin a lot of ostriches. They run at--

BOND: I would say that your office here, where you represent the oppressed and the weak, would provide a sixty-foot putt [Laughter] on any green. On any green.

HAYNES: When you lay down to sleep, you say, "I place my badge on the chest of drawers. Today I have done the best I could do for the citizen in the street; and I did not arrest one citizen, nor did my people, who was not guilty. I did not abuse one citizen--

BOND: Can I say this again, please?

HAYNES: --and step on the edge of the Constitution even a tiny bit, but have permitted every citizen his due.

BOND [laughing]: If God loved a cheerful liar, He'd hug you to death.

HAYNES: Well, I will represent a rich person.

BOND: You will represent a rich person--

HAYNES: That's correct.

BOND: --all of the time. And you know that. Why is it that when he police department always has what they consider a big defendant--

HAYNES: What do you call big?

BOND: --that Racehorse Haynes inevitably pops into his defense. Now, explain that to me.

HAYNES: It's just that the citizen who's accused of the offense, drowning in the sea of confusion that attends the arrest and for the most part unaware of what goes on in the criminal justice system, reaches out, like the drowning man for the straw, for the name that he knows.

BOND: How about these citizens who've obviously--

HAYNES: --reached out to me--

BOND: --who've obviously--

HAYNES: --I know--

BOND: -- drowned several times, because they might have been convicted three or four times--

HAYNES: The Bosque County victim?

BOND: --and you pop up in their defense. [Laughter]

HAYNES: Well, by the time they've drowned three or four times, they know who to call as a lifesaver.

BOND: Well, there's no doubt that I have the greatest respect for you, you understand that. But I also know--

HAYNES: What?

BOND: --that what you do, somewhere along the line, someday, is going to cause a great emotional trauma within your brilliant mind. You are breezing along the freeway of success now, but someday these defendants that you've set loose upon an innocent society will-- are going to come back to haunt you, and perhaps that's the reason why I drink Seven-Up--

HAYNES: And I drink--

BOND: --and you drink otherwise.

HAYNES: What I try to remember at each juncture in the trial of a criminal case is that God does not like cowards. God favors the brave and the courageous. And it takes bravery and personal courage to defend a criminal case. I'll pass on to you how it is that it came into sharp focus for me. Leaving the house one morning, dressed in a lawyer's suit, I see a small cat cornered by the neighbor's giant police dog. Isn't that appropriate? [Laughter] And I've got a case that's hopeless. All the facts are against me. It's one of those kind of cases where you think, "The facts are so gross against me, it's almost a deprivation of the due process. How can I get a fair trial with all that evidence against me?" [Laughter] And the police dog had cornered up the small pussycat. There was no way to escape and the dog was about to eat the small pussycat and make all my little babies cry, when the little cat, because this is in all of us by nature, reared back and fuzzed up and hit the dog on the end of the nose, just quick as it could, jumped right under and hit him right on the-- close proximity of his tender spots, and then got right back up on his ear and whacked his ears good and within a matter of three seconds sent the damn dog crying away, a ninety-five-pound German police dog. And I thought, "By God, that's courage." That's the same kind of courage that the crawdad has on the railroad track. When the train's coming down, the last thing he does - this is nature - rears back and snaps at the train. [Laughter] And that's exactly what you've got to do. You go to that courthouse, and the train's coming down on top of you and you know it's going to just smash the life out of you, rear back and snap at him. Hit him on the nose. Run under and hit him where it counts, on his ears. Get on him. Don't give up.

When you do it right, and you know it's right - and even if the world doesn't know and even if you don't get paid - when you go to the-- when you go to the lawyers' club and the guys know, you know, the gunfighters know, and they say, "Atta boy," then you're eight feet tall. And it doesn't make any difference whether you got paid or what. But when you come out of that courtroom and the jury has said the-- the magic words -- "not guilty" -- and the little kids grab your leg, you know, and the-- and the fat old wives grab you and hug you, and their mamas, and say, "Thank you for saving my boy," then you know it's right. You know it's right. And you know you don't want to do anything else.

[ANNOUNCEMENTS]

BARBARA HOWAR: She is the third highest-ranking woman in American labor, but she earns only five dollars a week. She's Vice President of the United Farm Workers, a union she and Cesar Chavez started twenty-five years ago. Over the years, she's organized strikes and boycotts, she's been beaten up and she's gone to jail. Now she's battling for control of California's three hundred thousand farm workers. Her name: Delores Huerta.

SPEAKER [at rally]: Delores Huerta.

[Cheers, whistles and applause]

DELORES HUERTA: We found that through an organization, through the formation of an organization, that you could get people together to start fighting some of these injustices. And the day that I discovered that, I guess that was the happiest day of my whole life.

[Indistinct loudspeaker voice at rally]

HOWAR: Huerta's real strength lies in her ability to organize workers at the grass roots level. She drives across California, sometimes back and forth in a weekend, to attend rallies staged by the UFW.

HUERTA: Someone asked me, "Where are you living at?" And I couldn't answer. I mean, I couldn't say I was living anywhere, because at that point that they asked me, I didn't know where I was living. And where do you live at? You live on the road, you know. I guess we call our movement a movement because we move around so much. [Laughing]

[Man speaking in Spanish, introducing Huerta at rally, followed by cheers and applause]

HOWAR: A hundred, maybe two hundred, farm workers will gather in the local school gymnasium to hear her speak. And when the time comes, the time to stand up and be counted, they stand up and support the UFW's fight against the Teamsters. Just an appearance from Huerta can encourage that support.

dozens of long-handled hoes were locked up in the very bus that brought them into the fields. Why? Huerta claims the growers - in this case, the Royal Packing Company - like to intimidate their workers to keep them from organizing any further. We tried to ask Royal Packing about this. They were not available for comment.

HUERTA: The whole idea of organizing, number one, is to remove that fear from the farm worker and to make him understand that the conditions that he's living under are not only unjust but they're unnecessary.

You know, just like this morning, you know, when we said, you know, "Throw the knives away." If everybody would have just thrown the knives away--

FARM WORKER: I didn't hear.

HUERTA: Yeah, he-- if he-- if everybody would just-- just thrown the knives away, he had the hoes back there, he had to bring them out, right? Some things you're going to have to do by yourself, you know, like--

HOWAR: The next day, most of these farm workers voted for the UFW in the first elections held in almost a year. It was an important victory for Huerta, but I wondered that afternoon in the lettuce fields of the Imperial Valley if this is the way Delores Huerta had thought that her life would go.

HUERTA: Could I have chosen, I would have probably at the age of twelve or thirteen been a dancer. [Laughing] But I love dancing very much and music very much. But I found out that I liked people better than I did dancing or music. [Laughing] So.

[ANNOUNCEMENTS]

ANNOUNCER: WHO'S WHO, a CBS News weekly magazine, will continue.

[ANNOUNCEMENTS]

RATHER: The legend of Judy Garland lives long after her death. In fact, the cult of supporters that reveres her memory seems to grow with each passing year. Now this cult has found a new idol - Judy Garland's former son-in-law, Peter Allen. It was the Garland connection that got Peter Allen started.

[Peter Allen performing "Everything Old Will Be New Again" followed by applause and whistles]

RATHER: Judy Garland discovered Peter Allen. She was on a worldwide tour. He was a teenager from Australia, singing in a nightclub in Hong Kong. Peter Allen always reminds his audiences of his Garland connections.