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## Significant African American Public Figures of Texas

### POLITICS OF AFRICAN AMERICANS

**Interviewee: CARL HAYES**

**Interviewers: Shana Nelson, Tame Holmes, Hamilton Rucker,  
Karla Graham**

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**Page Length: 26**

Karla: Good morning Judge Hayes. We would like to thank you for taking the time to interview with us today November 7, 2002. Your interview will be featured in an archival holding of significant African-Americans in the DFW metroplex. We will begin by asking you questions from three areas. First your family background, second your political career and third your political views and opinions. We will begin with your family history.

Hamilton: Hi, Judge Carl Hayes, would you tell us when and where you were born?

Judge Hayes: I was born in Mendenhall, Mississippi 1947.

Hamilton: And your parents are?

Judge Hayes: Reverend Stedmond Hayes and Mable Hayes.

Hamilton: Do you have any siblings and what are their names?

Judge Hayes: Yes. I was the fourth of eight children. The oldest is Evelyn Sims, Stedmond Hayes Jr., Paul Hayes, of course myself, Dewight Hayes, Michael Hayes, Cynthia Hayes and Dr. Gregory Hayes.

Hamilton: Are you currently married?

Judge Hayes: Yes I am.

Hamilton: And your wife's name?

Judge Hayes: Rhonda Hayes.

Hamilton: How many years have you been married?

Judge Hayes: Twenty-four

Hamilton: Do you have any children?

Judge Hayes: I have three children.

Hamilton: And their names and ages?

Judge Hayes: Carlmeta Hayes is twenty-three. She's a graduating senior at Prairie View University. Sabrina Hayes, she's a graduating senior at Texas A&M and Elena Hayes and she's a freshman at Town View Magnet School.

Hamilton: What schools have you attended and graduated from?

Judge Hayes: I... from high school?

Hamilton: What schools...any type of schooling that you've... college, high school?

Judge Hayes: I graduated from Mendenhall High School in Mendenhall, Mississippi. Then I went on to Bishop College in Dallas. And I took some courses while at El Centro College. During the summer. I left Bishop College after graduating. I went to Thurgood Marshall School of Law for the first year. I went to Southern Methodist University for the second year and Thurgood Marshall to graduate. (Pause) He loves me...  
(Laughter from class)

Hamilton: Can you describe your educational environment and the relations you've had attending law school and undergraduate school.

Judge Hayes: Yes sir, I obtained a scholarship to attend undergraduate school. I was in band and I discovered that being in band was not really what I wanted to do because it was not enough funds generating off the scholarship. So I left the band. I worked at night and I worked my way through undergrad. And then I received a Ford Foundation fellowship to attend Thurgood Marshall in Houston. I was there the first year and came back to Dallas after completing my first year. I got involved in politics. I went for the school board. I won a seat on the school board. I found myself in a dilemma because I was in law school in Houston on the school board in Dallas. So I transferred my law school to Southern Methodist and unfortunately the school did not have enough minority students to

qualify for the Ford foundation grant that I had been issued, so I had to transfer back to Thurgood Marshall. For one year I commuted pretty much. It was really tough because I had to be in Dallas for school board meetings on Monday nights. So I would either ride the bus, catch a plane, or drive. So that's pretty much...

Hamilton: Your experiences growing up in Mississippi, how did that influence you and shape you?

Judge Hayes: It had everything to do with who I am today because I grew up in Mississippi. As a matter of fact I was a teenager in the 60's when it was a very turbulent time. My dad was president of the NAACP and there were some real difficult times down there especially, well for everybody, but especially for minorities because one of the things that up until probably the mid-70's there was no law school that a black could go to (African-American). There were just no schools for us available. Mississippi has one law school, The University of Mississippi, and at that particular time they did not accept African-American applicants. But my dad was the person that because of the situation there, that was very encouraging. He wanted one of us, there were six boys in my family, he wanted one of us to go on to law school to come back and help that situation. So that was one of the reasons I left Mississippi. Well, actually the reason I became a

lawyer is really deeper than that. Not only did they not have any school that an African-American could go too, at that time an African-American could not get a lawyer to represent him in a situation where there was a claim where an Anglo was involved. As a matter of fact, my granddad had a lot of property and he was tricked into signing what he considered a lease. He thought it was a lease but it actually turned out to be a warranty deed and no lawyer would take that case. So as a result for that my dad encouraged one of us to go to law school. So I went to law school. To carry the story a little bit further, also as I said earlier, I'm the fourth of eight children and up until probably the end of the 60's most of, not most of them, all the hospitals were segregated. Which meant that if you were an African-American growing up in the 60's and you needed medical attention, you were either subjected to going to the basement of the hospital, where you got sub-standard service. My dad would not subject his family to that so what he did we were all born at home. The children that were born in my family prior to my birth were born at home because my dad did not want to take his wife to the basement where she may get treatment or she may not. So he would pay the doctors to come to our house. Because of that, you know my dad believed that even with a bad situation there was something positive that would happen out of it. I'm a living testimony to that. I'm a lawyer today because of what we were subjected to there. He encouraged one of us to go

on to medical school. So I have a younger brother that is a medical doctor today because of that situation.

Hamilton: Would you also be able to tell us about your parent's educational background?

Judge Hayes: My dad finished high school and he went to junior college and became a minister. My mother finished the eighth grade and got married. And while we were growing up going to school, my mother and father both went back to school. So we were all in school at the same time. My mother went to night school and she got her high school degree and then she went on and got a college degree. My dad went back to school and went to seminary and got a master's degree...we were all in school.

Hamilton: At this time we are going to move on to your political career.

Shana: I know you've touched on it a little already, but was there any other event that inspired you to become a judge.

Judge Hayes: I never really have any ambition to become a judge that was really kind of thrown upon me. I started out, I thought I wanted to go to congress that when I ran for the legislator shortly after finishing law school and lost that election. And then I went into

private practice and discovered a few years later that I did not have the experience, that I did not have a comfort level walking into a courtroom, representing clients with serious cases without some experience. So there were two options. I could either join the District Attorney's Office or I could join the public defender's office. At that particular time Dallas County, as a matter of fact, Texas believe it or not was one of the few states who does not have a state wide public defense system. So the public defender's system in Dallas was started in 1983 and they started with eight lawyers. And I decided to become one of those lawyers, because I wanted to get some trail experience. So, I join as a staff lawyer with the intentions of only being there for one year but the program as I said was a pilot program and the director was afraid if I left after one year the program may not get refunded. So, he asked me if I would stay until they got refunded the next year and I did. And it's something about Government Jobs they make you lazy. So, I stayed there the second year and I was voted the Defender of the Year that year and so that kind of gave me the incentive to stay. And so, I ended up staying there five years. And after the fifth year the director was appointed judge. And so, the Commissioner's Court asked me if I would be interested in taking over the Public Defender's Office. So, I agreed to do that, so I took the Public Defender's job as the Public Defender of Dallas. And I stayed there for eight years and I resign to run for judge, because the



things that I saw I could have more impact in the legal community as a judge than as a lawyer. So, I ran for judge and lost by four percent which was probably the best thing that ever happened to me because I would probably still be there. And I realize now that there are things you can do as an attorney that you cannot do as a judge. So as I said, I lost that election by four percent and three years ago the city of Dallas asked me if I would consider being an Associate Judge for the city of Dallas. So, I agreed to do that. Which has really been the best thing that ever happened. Being an Associate Judge for the City of Dallas I'm able to maintain my practice, as well as, be a judge.

**Shana:** Can you briefly describe some of the duties and responsibilities of being a judge and what you do on a daily basis?

**Judge Hayes:** My main function is to represent the or rather preside over cases feed to the City of Dallas. Any type of case that would come before the city. There're three main categories. We handle class C misdemeanor offences. The Municipal Court is a criminal court, so we follow the same rules guidelines. We follow same code of criminal procedures as any other criminal court in the state of Texas. But we handle Class C misdemeanors, which are simple assaults, simple thieves, and drug paraphernalia type cases. They're cases were a person can be fined and not, I mean fined and not

confined. And we also handle city ordinance violations, as well as, we're in charge of state traffic laws. So, those are the three main categories that we handle. In addition to that we're also magistrates for the city. So, if a police officer needs a search warrant or arrest warrant they can go to a Municipal Judge and get a Municipal Judge to sign it, for those search warrants or arrest warrants. A police officer can make an arrest if they see an offense being committed but if it's a situation where a person reports an offense then he has to go before a magistrate to get the magistrate to sign off on that. So, that's one of the functions that a Municipal Judge would also handle so we're pretty much on duty twenty-four hours. So, three o'clock in the morning as officer wants to arrest someone I'm suppose to be available for him to come to my house. Fortunately that has not happened that many times, but that is one of the responsibilities we do take on.

Shana: About how many cases do you, I guess have in a course of one business day?

Judge Hayes: As judge?

Shana: As judge, yes Sr.

Judge Hayes: If you'd asked that question before July I would have said about one hundred and twenty but now it's about two hundred and forty. Before July we

were running one jury trial doctrine a day. And there now we do a morning doctrine and an afternoon doctrine because we're about twenty-four thousand cases behind. So, we're trying to catch up. So in the course of a day right now we're doing about two hundred forty cases. I guess you're wondering how do we do that. About ninety percent of those cases are handled by plea bargains or dismissals. We don't try a lot of those cases.

Shana: Could you tell us if your, if your position is an appointed or is it elected?

Judge Hayes: It's an appointed position.

Shana: And how?

Judge Hayes: So, we're appointed by the, there's a judiciary committee that will screen you and they will make the recommendation to the city council. The city council will actually make the appointment. It's a two-year appointment. So you come up for reevaluation or reappointment every two years.

Shana: And how many years have you been a judge?

Judge Hayes: Three years.

Shana: Three years.

Shana: And how many years does it take to vest?

Judge Hayes: Vest?

Shana: Is that right to vest?

Gutierrez: Pension.

Shana: Pension?

Judge Hayes: Pension

Shana: I'm sorry.

Judge Hayes: An Associate Judge, you don't vest.

Shana: OK.

Judge Hayes: I think what the full-time judges is ten years, you get partial but it's twenty for full vest.

Shana: And who or what do you feel has had the most influence on your career?

Judge: Growing up in Mississippi.

Shana: And how so?

Judge Hayes: As I said earlier, I say the situation with my granddad and the constant encouragement from my dad, saying that we need to make some changes. The person that had the greatest influences was my

dad. The situation was the, the situation with my granddad that I talked about earlier.

Shana: And what obstacles if any have you had to overcome to get where you are today?

Judge Hayes: Discipline. I just had to become a disciplinary and I just. To become an attorney you have to be very disciplined. Cause, school to me has always been very easy, I'm not saying I'm a smart person but I never studied in high school. Very little studying in college and when I got to law school it was a total different ball game. I just had to totally discipline my life. I don't know how I could ever do that again. I just had to cancel out everything. Social life, no social life, nothing I was just totally deviated to school. So, I would say just to re-orientate myself to become discipline.

Shana: And I know we had talked about this earlier, but you were the first African American public defender for the state of Texas. What impact has that had on you or do you feel it's had any impact?

Judge Hayes: Well, one of the things that happened, Texas has always if you studied a lot of the social program we've always been like dead last. I don't know why but most social program in Texas are just not getting any emphasis placed on it. And I was really surprise I got appointed public defender that there're only four public defenders in the state of

Texas. The whole city[state] of Texas there're only four. So, Dallas County open up its first system in 1983. Tarrant County does not have one. Most counties don't have a public defender's system. So, they rely on judges appointing attorneys to represent embeldgent defendants. We started our program in Dallas in 1983 with eight lawyers to handle a humongous amount of cases. And so, one of the things that I did when I became public defender is I tried to set up a network throughout the state of Texas. Because Brownwood has a public defender, Wichita Falls has one. I can't remember what the other two cities are but there're four in the state of Texas. Dallas has the largest in the state. So, I was over the largest public defender's system in the state. So, with that position I tried to encourage the other three public defenders to network so that we could set up a statewide. While I, while I was public defender I did a lot of traveling to other jurisdictions, other states. Florida has an excellent public defender" system. Organ has an excellent system. And we try to get the state to model one of those programs.

Karla: What are the duties of a public defender?

Judge Hayes: A public defender represent indignant clients. People that are charges with criminal offenses, well not necessary criminal offenses. Charge with, in Dallas County it's either criminal offense, juvenile offense, or family law related. And we step in and

represent those people for free; it's no charge for the service. We become their attorney.

Karla: Probono?

Judge: Yes.

Shana: And my next question is are you currently grooming anyone to maybe take over for you or are there anyone an apprentice so to speak?

Judge Hayes: I have a daughter that's planning to go to law school next fall. Hopefully she will step in.

Shana: And also are there any decisions you made while you have been on the bench that you feel stick out or any decision that you've made maybe that you regret of maybe that you thought twice about after the fact?

Judge Hayes: No. I had to make the same decision again, I would. I, one of the things I did learn after becoming a judge is that I understand why some judge are so hard on some lawyers. So, I've had a few lawyers to come by me and try to use friendship and past relationship but other than that no I have not made any decision that I would, that I regret of wouldn't make again.

Karla: So, should your daughter step in and take a position in your law firm. Like take over, would you seek regular judicial position?

Judge Hayes: Would I? No, no, no, I love doing what I do. I would never want to give up my freedom to become a full-time anything anymore.

Tame: Ok, now we are going to move on to your political views and opinions. What is leadership?

Judge Hayes: Leadership is the ability to have followers. (Pause) I know that's short answer (laughter) Do you want me to expand on that a little bit? Leadership is the ability to know the proper direction and the ability to have people to follow you in that direction.

Tame: What is the most pressing issue facing African-Americans today?

Judge Hayes: Apathy, I would think. One of the things that is very discouraging to me is when I see, just like the... We just had an election. And I was just amazed at the lack of interest in the political process. As I said earlier my dad was the president of the NAACP in the 60's when I was growing up in Mississippi and he risked his life, not only his life but his family's life just to get people to register to vote. And then when I walk around, especially college campuses, and I see African-American s not



appreciate it, by not voting, and not just not knowing who to vote for. As a matter of fact I don't know if any of you saw it but I was watching the news and this wasn't just African-Americans this was everybody, and it was on this campus. One of the news medias came down and interviewed some of the students and I was amazed students didn't know who the governor was, didn't know who the senator was. On this campus! These are college students. So I think to me apathy, to get back to your question, I'm concerned that we have lost our interest in the political process. And, also the sacrifices that people made that you can have the ability. See when I was growing up we didn't have it so we wanted it. Now you have it and you don't want it In Mississippi when I was growing up people were discouraged to vote. Now we do everything to give people the encouragement to vote and they just don't vote. My mother, I'll never forget, she came home almost in tears because she went to vote, this was in the 60's, and you people are gonna think I'm lying to you, but this is true, they asked her to interpret Article I sec.3 of the United States Constitution. In Mississippi they had a literacy test so if you went to vote, and the irony of it, the only people that had to pass the literacy test was African Americans. If you were African-American up until the 64' civil rights act was passed you had to pass a literacy test. And they asked you all kinds...and I don't know this for a fact but I've heard that they even asked some home

many bubbles a bar of soap produced. Now I've heard that, I don't know if it is true, but it wouldn't surprise me. I do know that my mother was asked to interpret Article 1 sec. 3 of the U.S. constitution. So, she did not vote. She was just humiliated, because they would ask her to do that. Now my dad for some reason, they permitted him to vote, I guess because he was a minister. And before that they had the poll tax which was all these things were to discourage people from voting. And then after the voting rights passed, then if they saw you voting you would lose your job. So these people made sacrifices just to vote. And, the few that were self-employed and just said hey I don't care if I lose my job I'm gonna vote anyway, they made it so difficult they had to go across town, miles and miles away from their home to vote. Now we make it so easy to vote now. You can do early voting. You can do mail-in voting. We put the precinct right around your house, sometimes right across the street from you. And right now, I did a study a few years ago in 1960 when John F. Kennedy was a candidate I think we had the largest turn-out of African-Americans. In 64' with Johnson we lost about 20% of these voters. The next year, every year it has declined. Right now only about 14% of African-Americans are voting. That is to me very discouraging.

Tame: Ok, well who is the most effective African American leader or politician?

Judge Hayes: I'm sorry.

Tame: Ok, well who is the most effective African American leader or politician?

Judge Hayes: Locally, nationally?

Tame: Locally and nationally.

Karla: In your opinion.

Judge Hayes: In my opinion, I would say so far as influence locally, probably Commissioner Price probably has more influence locally than anyone else. On a national level, I would say probably Jesse Jackson.

Tame: Why do you feel that?

Judge Hayes: Because they have more influence in my opinion than the other elected officials.

Tame: What is the most effective African-American organization today?

Judge Hayes: Locally or nationally?

Tame: Both.

Judge Hayes: NAACP, it has withstood the test of time.  
There have been a list of other organizations  
that have been very effective over a short  
period of time but one that has actually  
stood the test of time has been the NAACP.  
So, I would say the NAACP.

Tame: Are you currently a member?

Judge Hayes: Yes, I am.

Tame: Do you belong to any other organizations?

Judge Hayes: Do we have time to go over that? Yes, I  
belong to a lot of organizations. In what  
particular arena?

Tame: As far as...

Judge Hayes: Well, naturally I'm a member of the...

Karla: In the political arena.

Judge Hayes: I'm an election judge for the Republican  
Party. I'm a member of the Republican Party. I'm a  
member of the First Republican Club. I'm a  
member of the downtown Republican club. There  
are several other clubs that I'm that I'm a member  
of.

Tame: OK, what are the underpendings

Karla: pinnings

Tame: of tensions between blacks and Hispanics?

Judge Hayes: I think one of the problems that we have and it depends on the location that you are referring to. If you're referring to locally I think there's a power struggle between the two groups. I think right now, like in most major cities and like in Dallas, for example, most major cities are becoming minorities because the majority are moving out to the suburbs and they're leaving the inner city and the inner cities are becoming minorities. That's why if you look around the country now, it shouldn't be surprising to you that most major cities have African-American mayors or Hispanic mayors. That's because the people who have been in charge of the inner cities are now moving out to the suburbs. And I think anytime that you have a change of power, there is gonna be competition between those that feel that they should be in control. So, I think right now especially in your Southern cities like Texas, Arizona, New Mexico, and California, Hispanics are becoming the majority. They're coming from a minority to a majority. Historically, blacks have been the second minority and now that Hispanics are becoming the second minority there's a certain power between the two.

Shana: I did have a question for you. I noticed you said you were a member of the Republican Party.

Judge Hayes: Yes.

Shana: How do you feel that African-American community plays a role in the Republican Party or at least... how do you feel?

Judge Hayes: It was...I'll have to go back. I've not always been a Republican. I started out my political career as a Democrat. I was very discouraged with some things that I saw within the Democratic Party especially taking the minority vote for granted. As a matter of fact your state party chairman for the Democratic Party two years ago, made a statement that was very disturbing to me but then after I realized he was telling the truth. You have to accept the reality. He made a statement: Don't waste any money on the black and Hispanic community cause they're gonna vote for you any way. Wait a minute, I why should anyone label themselves as a Democrat or Republican. Cause when you do that that's what happens. No one really is concerned about you. So that bothered me and that was before the statement was made. I ran for the state legislature as a Democrat and one of the things that happened to me, I was still in law school when I made the decision to run and I came to Dallas. I was getting ready to go back to Houston. I filed for a seat on the state legislature

and I just happened to go by my apartment. I had an apartment in Dallas. I was on my way back to Houston, but I had stopped by my apartment, and there was a petition that someone had slid up under my door. And I got it, and it was a petition to have my name removed from the ballot, because of residency problems. Well, anyone that knows anything about the law knows that just because you're a student in Houston doesn't mean you give up your residency in Dallas. So, I called all the Democratic State officials, no one respond to me. This petition was placed on my door. So, it was not proper service. There were all kinds of problems. Procedural problems, with the way they did that. There was a hearing scheduled for Monday afternoon at The Democratic party headquarters. And I had a decision to make, do I go or do I not, because first of all if I show up I'm submitting myself to their service so I decided it was best to go. When I got to the hearing, and, when I walked in the room I looked at the executive committee, three of those members, three of the four were supporting my opponent. I said wait a minute how am I gonna get a fair hearing. I want the record to show that three of the four supported my opponent. So, naturally they voted against me. I filed suit in Federal court. And, what I was pretty much told by the Democratic Party, they didn't say it in these words, but they did in action. Hey, but this is a black thing so y'all deal with it. And, so if that is how the Democratic Party feels about me I'll go

somewhere else. So, I joined the Republican Party, and I know I'm going a long way around your question, but I'm trying to make a point. I joined the Republican Party. And I, there were two reasons I joined the Republican Party. For that reason, and secondly philosophically I felt I was more in line with the Republican platform than the Democratic. Not that I encompass the whole platform, but I felt more in line with them. Two issues I wasn't able to support: one affirmative action, abolish affirmative action and to abolish welfare. There is a greater evil out there and that is discrimination and once they address that, I'll take a stand and say it's wrong.

Tame: The Republicans have gained control over the House and the Senate, what are your feelings about the last election?

Judge Hayes: I feel that the rich will get richer, poor will get poorer, and the middle class will support everyone.

Shana: Next question. Do you believe in reparations for African-Americans? Do you support that?

Judge Hayes: That is very difficult because, I think if you show they were affected by slavery. Because, there were some... Well, it is hard to say they weren't affected by slavery. I saw one way that it might work, instead of paying money, maybe give tax incentives. If you can show you were directly



affected by slavery. Reduced tax burden for African-Americans that can show they were affected.

Shana: Do you think that will be supported by Congress?

Judge Hayes: No.

Hamilton: I have question from the class. Most state Republicans are more organized than the Democrats can you state how that is so?

Judge Hayes: I would have to say in my personal experience. I think for too long the Democratic party has taken for granted certain, Their base is minorities. For, example, I ran as a Democrat and as a Republican. When I ran for legislature as a Democrat, I was out there by myself. But, I filed as a Republican, my name went to all the Republican officials, and they made a decision whether or not they would support my campaign and they did. One of the problems, I'm relating to Dallas county. Here there are nearly 150 clubs, your going to make at least half. When your a Republican you are going to 2 or 3 a night. As a Democrat I went to nothing. One of the things the Democratic party needs to do is go back to the drawing board and support its candidates. I don't know if they even had a slate this time.

Tame: What is your salary?

Judge Hayes: My salary, a judge it is \$121,000 full time,  
so it is depending on how I work.

Karla: Do you receive perks?

Judge Hayes: No.

Gutierrez: Not even a parking space?

Judge Hayes: Yes, I do have a parking space. And, I get a  
free ticket to the state fair every year.

Hamilton: When young African-American males enter  
your court do you feel you might have a little more  
compassion for them? Then possibly a white judge  
would.

Judge Hayes: I try to be fair, I can't speak for the others, I  
try to be fair, I try to be blind when it comes to race  
in my court.

Audience: Do you feel the media has a liberal bias?

Judge Hayes: Absolutely, I've been a candidate in Dallas  
county three separate occasions and each time we  
were able to get support from the Mourning News.  
I'm not sure I would say liberally biased, but I  
would say they're biased

Shana: On behalf of the African-American politics class,  
we would like to thank you for coming.