

Southwestern In Focus
JUSTICE CLAYTON WON FIRST
CASE FOR YAQUI INDIAN WITH
BIG FEET

By Art Leibson.
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Justice William E. Clayton, of the Eighth Court of Civil Appeals, has held more public legal offices in El Paso County than any other lawyer in history.

He has been assistant county attorney, first assistant county attorney, assistant district attorney, first assistant district attorney, district attorney, assistant U.S. district attorney in charge of the El Paso office, and appeals court justice since 1961.

His father, the late Walter S. Clayton, came to El Paso in 1901 from Chihuahua City where he had been a stationary engineer. Here he entered the hay, grain and feed business and was active for years in politics, serving as city alderman under Mayor C.E. Kelly. One of Kelly's strongest opponents was the late Tom Lea, Sr., who, went on to become mayor, and after the smoke of battle had died down it was Lea which gave young "Bill" Clayton, just out of law school, his first start up the legal ladder.

A member of the jury still remembers Clayton's first case. in which he was defending a Yaqui Indian charged with stealing a pair of shoes. The police gave their testimony, an officer telling how he had taken the shoes from the Indian's feet, and Clayton began his cross-examination. Was the officer certain he had taken the shoes from this defendant's feet? The officer couldn't have been more positive.

"Then would you please try fitting them back on-his feet?" the defense attorney insisted. The officer struggled and it was obvious the shoes were far too small to have ever contained the Indian's feet. Clayton had won his first jury case.

He graduated from El Paso High School and El Paso Junior College, then using the high school facilities, where he lettered in football, and moved on to the University of Texas where he took his academic and law degrees, being admitted to the bar in 1928. For a while, as a substitute, he taught courses in government at the high school while attending the two-year college.



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His father had built the family home at 1103 E. San Antonio, then one of the City's most residential districts, and two of Clayton's older sisters, Miss Frances Clayton, a retired librarian, and Mrs. Rose Jenkins, who retired from the post office, still live in the 66-year-old home.

GETS START

Tom Lea Sr., offered Clayton space in his office, advice, and the use of a library. From there on out it was up to him, and getting a start in law practice was always slow and la-

bored until the years after World War II. Eleven years later, when he was appointed assistant district attorney, by the late Judge Roy Jackson, he received a big increase over the \$2000 annual salary he was receiving as assistant county attorney Clayton was earning \$3300 a year at that point, and his successor in the county attorney's office, Harold Sims, started at \$2300.

In 1933 he ran for the Legislature in his first political effort and was elected, serving nearly two full terms before resigning to accept appointment as assistant to County Attorney D.E. Mulcahy, who recently retired as district judge. In 1939 he moved upstairs as Jackson's assistant. Two years later he was named federal prosecutor, serving until 1942 when he entered the U.S. Auxiliary Foreign Service, going to Mexico City where a main concern was preparing "black lists" and "gray lists" of business firms dealing with the enemy. At the end of the war he remained in Mexico City as member of a law firm there until 1948 when he returned to El Paso.

As assistant U.S. district attorney he prosecuted the first case in World War II in which a naturalized citizen was stripped of his citizenship as an alien enemy. He satisfied the late Judge Charles Boynton that Dr. Wolfgang Ebel, practicing medicine in El Paso, had his fingers crossed when he took the oath of allegiance, that he remained loyal to Germany, and later Dr. Ebel was convicted of espionage in New York City. Bob Drennan, then an FBI agent and later El Paso police chief, head the investigation that stripped the doctor of his citizenship.

Back in El Paso after the war, he became first assistant district attorney, succeeding the late Gil E. Newsom, returning to the post he had vacated in 1940. When Judge Jackson was elevated to the bench, Dec. 21, 1949, Clayton, a former classmate of Gov. Alan Shivers, was appointed in Jackson's place. When a vacancy occurred in 65th District Court, Clayton was the top choice of El Paso Bar Association for the appointment, with 48 of 95 votes, but the appointment went to another Shivers' schoolmate, Judge Morris Galatzan.

CLAYTON NAMED

When Justice William G. Abott, of the Court of Civil Appeals, died in 1961, Clayton was named to the vacancy, re-elected to a full term in 1962 and again in 1966. He was appointed to the appeals court in June, but the appointment was not confirmed by the Legislature until August. It was a handy thing that the Legislature acted favorably, considering the fact that Clayton already had written two opinions brought up on appeal.

A number of sensational cases moved through Clayton's office while he was district attorney; that of the wealthy Mary Jean Parsons, who killed her Army officer husband and was convicted after a change of venue took the ease to Wichita Falls. There was Edna Mead, who killed her mother and was convicted after a jury could not agree at the first trial. And Dr. Harold Eidinoff, found not guilty of murder, by reason of insanity, in the slaying of Attorney Ted Andress. Dr. Eidinoff is waging a continuing fight to be declared sane and win his release from the maximum security hospital at Rusk, Tex.

Clayton is married to the former Jessie Ormsbee, like; himself a native El Pasoan, and they have two children, Mrs. Duff G. Porter, of Baton Rouge, La., and William E. Clayton Jr., head of the UPI Bureau in Dallas and a former Austin newspaperman.

Two brothers were equally prominent in their field. The late Frank Clayton had an outstanding reputation as an international attorney and was with the International Boundary and Water Commission at his death. Walter was an insurance man who was a general agent at his death in Lubbock.

Two years ago the justice was operated on to have polyps removed from his vocal cords and a more recent operation for the same reason left him with a shaky voice, but physically he feels fine and he continues to turn out at least his share of opinions handed down by the appeals court.

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