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Justice Cruz Reynoso

California Supreme Court Justice, Professor of Law, Vice-Chair United States Commission on
Human Rights, and 2000 Presidential Medal of Freedom Recipient

Interviews conducted by
Germaine LaBerge
in 2002, 2003, and 2004

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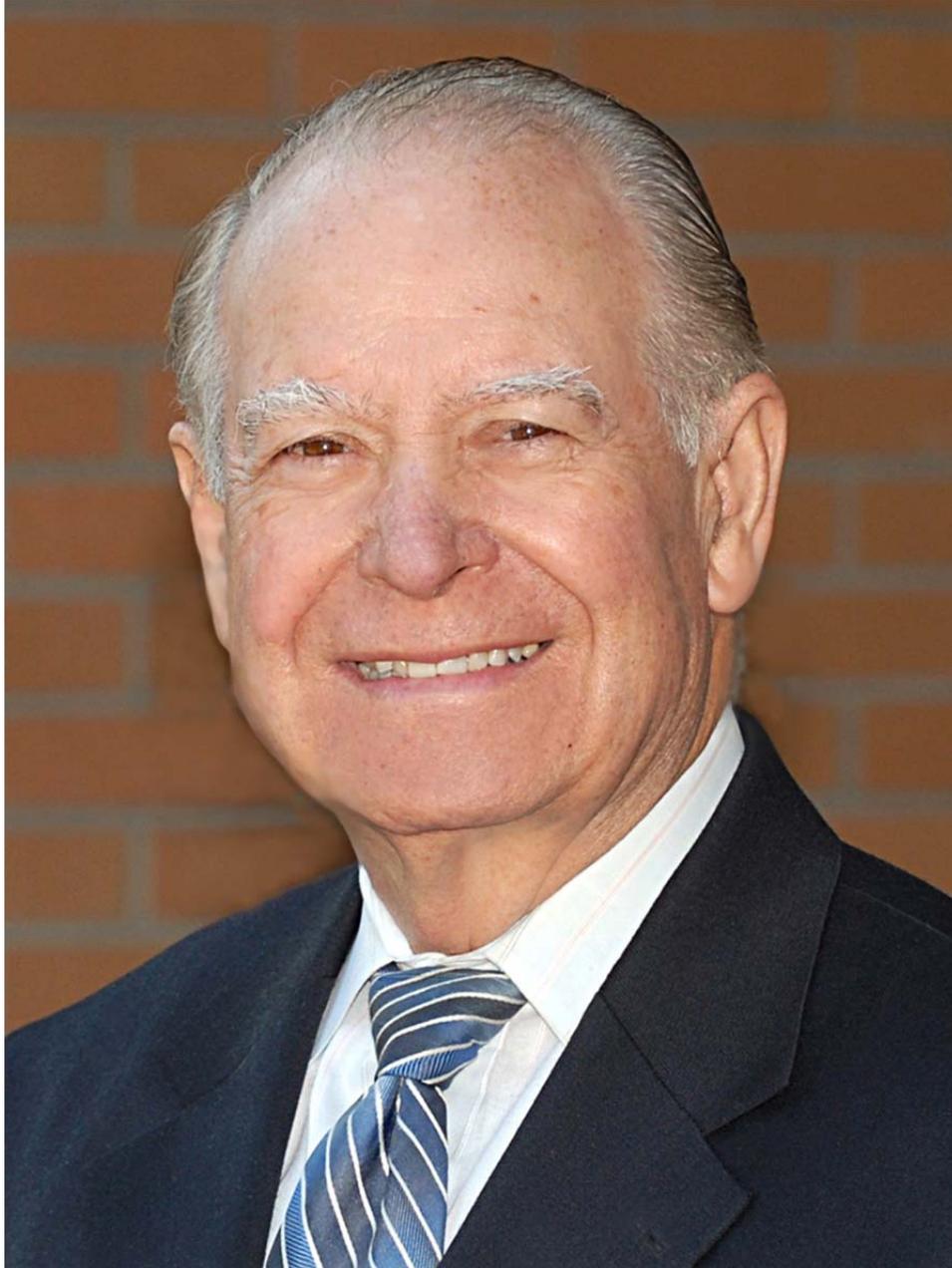
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Justice Cruz Reynoso
Photo courtesy UC Davis School of Law

Cruz Reynoso was born in Brea, California. He attended Fullerton College and Pomona College, and served two years (1953-1955) in the United States Army. In 1958 he received his Bachelor of Law degree from UC Berkeley. He has been a professor of law at the University of New Mexico, UCLA, and UC Davis. From 1981 to 1986, he served on the California Supreme Court, and from 1993 to 2004 he was vice-chairman of the United States Commission on Civil Rights. In 2000, Justice Reynoso was awarded the Presidential Medal of Freedom.

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Interview with Cruz Reynoso

[Interview 1: September 16, 2002]

[Disc 1]

1-00:00:01

LaBerge: There we go—

1-00:00:05

Reynoso: I'll try to find what I have dictated about my childhood already, and maybe send you a copy.

1-00:00:09

LaBerge: Oh good, if you have it written down—

1-00:00:11

Reynoso: I have some of it

1-00:00:12

LaBerge: I am sitting in King Hall at UC Davis with Justice Cruz Reynoso, and we are going to just start on his oral history this morning. It is September 16, 2002.

1-00:00:27

Reynoso: Mexican Independence Day.

1-00:00:28

LaBerge: Oh, is it?

1-00:00:30

Reynoso: Sure.

1-00:00:30

LaBerge: I didn't realize. All I know is about Cinco de Mayo.

1-00:00:34

Reynoso: Oh, no.

1-00:00:35

LaBerge: Well, tell me about Mexico Independence Day.

1-00:00:41

Reynoso: The sixteenth of September is celebrated as the day that Hidalgo—Father Hidalgo—called on the parishioners and others in that community to rebel against the King of Spain. It was the beginning of the revolution that eventually made Mexico a free country. That's the most important holiday in Mexico. Somehow the Cinco de Mayo, which is only commemorating the victory of a battle against the French invaders, has gotten to be a big holiday in the U.S., but in Mexico dieciséis septiembre, sixteenth of September, is the most important holiday. When we were youngsters, we would always go to gatherings to help celebrate the sixteenth of September. It's a tradition that the—it's hard to translate the "el grito" which means roughly "the calling of

the people.” Grito actually translated literally means yelling or yell, but obviously that is not what is meant when you say “el grito.” The President of Mexico will go to the Zócalo [Plaza de la Constitución] in Mexico City, and will, in a ritualistic way, wave the Mexican flag and pronounce the Vivas, Que Viva Mexico, and that’s called “el grito.” Generally, tens of thousands of people gather in the Zócalo to help celebrate the sixteenth of September because it’s a big deal.

1-00:02:43

LaBerge: So, for instance, will you do something today, to celebrate, or no?

1-00:02:48

Reynoso: I doubt it. [laughs]

1-00:02:50

LaBerge: But as a child you did?

1-00:02:51

Reynoso: Yes. Nowadays, it’s done mostly on weekends. So, it would have been done this last weekend or the next weekend around the sixteenth. This is also Hispanic Week, and the Hispanic Congressional Caucus is having meetings and seminars, and so on, in Washington [D.C.]. I was invited, but couldn’t go because I have teaching obligations.

1-00:03:23

LaBerge: The original rebellion, was this in the 1500s, 1600s?

1-00:03:31

Reynoso: This was in the 1700s. I am sorry, no, 1810. 1810.

1-00:03:41

LaBerge: As we go along and talk about your life, and there are events like this and things that you used to do, please elaborate, and tell me what—exactly how you would celebrate and things like that. So, today in Mexico is probably a holiday. I mean, no one goes to work?

1-00:03:59

Reynoso: Oh yes, that’s right.

1-00:04:03

LaBerge: This is a good day for us to begin then.

1-00:04:04

Reynoso: That’s right. [laughs]

1-00:04:07

LaBerge: I know, just from reading a couple of things, that you were born 1931, May 2. Why don’t you tell me the circumstances that you know of. Where? What number you are in the family.

1-00:04:22

Reynoso:

I was born on that date, in the outskirts of a then little town by the name of Brea in Orange County. I did not learn until I was an adult and got a copy of my birth certificate, that the birth certificate actually says that I was born in Fullerton. That's a nearby town. I assume that it says Fullerton—there must have been a rural delivery route, or something, because I actually was born in the outskirts of Brea. So I have always put down on forms that I was born in Brea and I decided not to change even after I saw that birth certificate said Fullerton. I still say that I was born in Brea.

1-00:05:06

I was the third child born to my parents. The two older were boys also. The oldest was Raphael, whom we called Ralph in English, and the second child was Amado, which means “loved.” I think that it would be difficult to translate that to English, so we always called him Amado. I was the third. My name is Cruz, and that's also difficult to translate to English because its “cross,” named after the Holy Cross. What happened was that it was common in the time that my parents were raised in Mexico to name children after the special day—normally a saint's day. In fact, in Spanish a birthday is called the saint's day—día de su santo, your saint's day. It was common to name a child after the saint whose honor was celebrated on that particular day. Very often, several saints were celebrated on the same day. The Day of the Holy Cross is actually May 3, so I think that my folks thought that I was going to be born on May 3.

1-00:06:23

LaBerge:

They were planning.

1-00:06:23

Reynoso:

They got used to calling me Cruz before I was born, and so, even though I fooled them and was born a day early, my name is still Cruz. Then, after that, there were several other children, so I ended up with five brothers and five sisters.

1-00:06:45

LaBerge:

Were you born at home, in a hospital?

1-00:06:48

Reynoso:

No, I was born at home. Most of my mom's children, that I can remember, were born at home. And my father, at that time, was—and continued to be for many years—a farm worker. He and my mother had come from Mexico, from the state of Jalisco, in an area called Los Altos de Jalisco, which means “the highlands of Jalisco.” Jalisco is a long state, that goes from the Pacific Ocean to the middle of the country where the Sierra Nevada, the mountains, dominate. So, my folks really are mountain people, in a way. They were small independent farmers, which I think may explain why they're independent and ornery. They came to this country in the late 1920s. I was born in '31.

1-00:08:00

They came because, in the 1920s—there had been a great revolution in Mexico in 1910 against what was basically a dictatorship at that time. The revolutionaries were Pancho Villa and Zapata and all those well-known folk. The revolution, after about ten years, succeeded, but the revolution had an anti-cleric sentiment to it. So, when the revolutionaries succeeded, they imposed certain anti-cleric, meaning anti-Catholic Church, rules and regulations, including limiting the number of priests who could come from outside of Mexico to Mexico, and certain restrictions on property, real property, and so on. The area that my folks came from Los Altos, and they come from the outskirts of a little town called Jalostotitlán. That's an area that was reputed to be more Catholic than the Pope. There was a counterrevolution against the revolutionary government called the Revolution of Los Cristeros, which means basically "the followers of Christ." It was an armed revolution, centered in the area where my folks come from. My mom and dad had just been married shortly—

1-00:09:45

LaBerge:

Do you know what year?

1-00:09:46

Reynoso:

You know, I do not, I do not. And, in fact, I want to find out what year they were married. They would tell us that life got very difficult for them because they were noncombatants. The story is, whether or not it actually happened to them—as I think about it I am not sure—but the common story was that the federal government would come by and steal a horse in the name of the federal government, then the Cristeros would come by and take a cow in the name of Christ, and the noncombatants were left with nothing. They figured, "Gee, this won't work," so they left and came to the U.S.

1-00:10:33

LaBerge:

Did they leave before your two brothers were born?

1-00:10:35

Reynoso:

Yes.

1-00:10:35

LaBerge:

So, they were just newly married young folks?

1-00:10:38

Reynoso:

Yes, correct. My immediate older brother is just a little bit under two years older than I am, and my oldest brother is a little bit under four years older than I. So the children at that time were born, like, every eighteen months, every two years.

1-00:10:59

LaBerge:

What were you parents' names?

1-00:11:00

Reynoso:

My dad's name is Juan, and my mother's Francisca. We had no contact with our grandparents. Well, my father had lost his parents when he was a youngster, about age twelve. He actually became the head of his household. He had a younger brother and two younger sisters. Now, to say that doesn't sound—it isn't quite as dramatic as it sounds, because they lived in a small village outside of Jalostotitlán. Practically everyone around them were relatives, so I assume that the relatives would help them with food and give them work and that sort of thing. But, as I understand it, they lived by themselves, and he basically was the head of the household starting at age twelve. My mother lived with her family.

1-00:12:01

LaBerge:

In the same town?

1-00:12:02

Reynoso:

Yes, in the same village actually. I never met my grandparents. My mother had a picture of them, a photograph of them, which has since disappeared. I recall, when I was a little boy, my mother crying, and upon inquiring, she indicated that her parents, or one or the other had died. Apparently they died when I was still pretty young, in grammar school, so I never met my grandparents.

1-00:12:36

LaBerge:

Would you go back to Mexico to see people?

1-00:12:41

Reynoso:

I was in Mexico when I was a baby during the Depression, and then not again until I had graduated from college. At that time, then I did go back and visited the area where my parents were born and raised and so on. I had never been to Mexico until I was an adult.

1-00:13:05

LaBerge:

What was your first language?

1-00:13:07

Reynoso:

Spanish. Yes, we spoke only Spanish at home. When my parents came, I am not quite sure how they made their way to the U.S., but they were obviously getting here through the shortest possible way, because they crossed the border in Arizona.

1-00:13:28

My dad started working for the Union Pacific, I believe, Railroad. He and my mother, made their way to California with his working on the railroad. He worked as a laborer, laying down the ties—railroad ties—that needed to be corrected. In those days, the workers lived in boxcars, literally. So, he and my mother lived in a boxcar, and I am not quite sure how it worked, but they knew that they would be working toward California. They had friends in California, with whom they were in touch, apparently. When they got to

California, then he quit the railroad, and started working in the orange groves of Orange County.

1-00:14:29

LaBerge: Did they come to Brea to start with?

1-00:14:34

Reynoso: You know, I am not sure. I am not sure whether Brea was their first home. Their friends also lived in a rural area between Brea and Fullerton, but close to Fullerton. So, whether or not they first landed—I am sure they must have lived with their friends for a while. Then, of course, I was born several years after they were here, and they were renting houses, so they may have rented houses elsewhere. In fact, my oldest brother has died, but my immediate older brother is still alive, and I was just chatting with him last night. He just had a birthday. I have never sat down with him to see what his first recollections are. They would predate mine by at least a couple of years, so he may be able to help in that regard. I'll be seeing him this weekend, so I will be asking him some of those questions. You don't ask those questions until you have a reason to.

1-00:15:33

LaBerge: No, you don't. I found the same thing with my sisters, who are older than I. They have a different—they know things that I don't know.

1-00:15:41

Reynoso: Yes. Yes. Every child grows up in a different environment, and in the home—the parents are older, they lived in different experiences, they have a greater number or lesser number of siblings, both older and younger. So, every child has a quite different experience. I have discovered that, in talking, particularly to my younger sisters. Their experiences growing up were so different than mine.

1-00:16:12

LaBerge: And your mother. Did your mother also work in the orange groves, or was she at home with the kids?

1-00:16:18

Reynoso: No, she was always at home. Well, I say always, except during the Second World War we traveled to the Central Valley to pick fruit, and at that time, she would work with us picking fruit. When I was growing up, she was always at home.

1-00:16:38

My first recollection is of living in a house in the outskirts of Brea. We lived there for several years. The first car that I remember was a car called Star. I always wondered whether I remembered that car correctly, because it looked like a Model T. A couple of years ago, I went to an old car show and there was a Star of about that same era, in the late twenties—or early twenties, maybe, because my dad couldn't afford new cars. I must have been three or

four by the time that I would remember a car, so that meant maybe '35, so it must have been built around 1925. I ran into such a car. At least that part of my memory, in Spanish they would call it "la estrellita" which means "the little star," which is probably why I remember that it was called the Star.

1-00:17:48

My father appeared to have been—I know he was—a very hard worker, and a very dependable worker. He became what is referred to in Spanish as "trabajador de planta," which means "a steady worker." Trabajador de planta really means a "worker in the plant," meaning in the field or in the orchard, or whatever. But what it meant was "a steady worker." It meant, that even though I was born in 1931, just as the Depression was getting into its worst years, my father always worked. He was never unemployed.

1-00:18:31

Apparently we must have been at that house in rural Brea for several years after I was born. Then we moved to a house in town, which house existed until a few years ago. Again, I had meant to take a photograph of it, but never did, and the last time I visited Brea, it was not longer there. It was a wooden frame house, tiny house, as you might imagine. When I went back, I wondered how all of us could fit into that house. It was about half a block away from a city park. I don't know—I don't recall exactly when we moved to that house. I do recall writing an essay, I guess I must have been in the first grade, about—in school, I wrote the essay—about my parents going shopping. We used to go shopping in the big city, which at that time was Fullerton. It had a department store in a building that had at least two or three stories. So, to us, that was a huge building. I recall that the house had something like a trellis, and, I believe, roses growing on the trellis. I recall that it was raining when they had gone, and I could hear the dripping coming down the flowers and the trellises, and I could see the lights from the cars. I remember writing something to the effect that every time a car drove by, I thought it was my parents. The teacher was very pleased with my essay, which is probably why I remember it. But I don't know whether I wrote that while we living in that first house. More likely, I wrote it when we were in the second house in Brea, remembering that incident, because I only went to school through kindergarten and the first grade in Brea.

1-00:20:48

Brea had very few—in fact, I remember only one other Mexican family. They lived near where we did. So we grew up, we children grew up speaking only Spanish at home, but everything that we did outside the house was in English. We played with our neighbors in English, and we thought in English, and we talked in English. I remember that some of our neighbors would give us the Sunday comics, which we were able to read. So my recollection is that we grew up pretty bilingually, my brothers and I, because in my family we have four boys, and then a series of girls, and then it gets sort of mixed up. The first four were boys, and I don't recall that we had any problems reading the comic books and the comics that were in English. I recall one time, it must have been

in the first grade, the teacher was helping a little girl read, and for some reason I was right near where the little girl was. She was stumbling over a word, and so I butted in and read it for her, and it made the teacher very angry. To punish me, she sent me to the principal's office, which was quite a horrifying aspect for me.

1-00:22:26

LaBerge: Obviously! You still remember this.

1-00:22:29

Reynoso: Oh, yes. So I left the classroom, and I did not go to the principal's office. Instead, I went outside and waited in the stairs. It must have been near the end of the school day, though it seemed to me that I waited forever, until my buddy, who was the only other Mexican kid in school, came out. As soon as he came out at the end of the school day, we ran home as fast as we could. The next day, I went to school and the teacher didn't say anything. She apparently assumed I had gone to see the principal and he had kept me until the end of the day. But I remember that because, apparently, I was able to read English, and so on, quite well. Of course, we didn't have, in those days, any bilingual education so the concept of immersion that some people are very much in favor of, it appears to me probably does work under the right circumstances. The right circumstance was that everybody around us, except the other family and we, spoke English. So, we grew up speaking English as well as Spanish.

1-00:23:41

LaBerge: You don't remember that you were learning it? You just always knew it.

1-00:23:46

Reynoso: That's right. That's correct. When we went to school, I don't remember having any problems with the teachers. Even in kindergarten, I don't remember their ever having to repeat things, or feeling that we didn't—or a sense that we didn't understand what the teacher was saying. We just simply learned it as youngsters, so by the time that we went to school, apparently we knew it perfectly well.

1-00:24:07

LaBerge: And at home, did your parents know any English when they came to the United States?

1-00:24:12

Reynoso: No. They knew no English, and my dad only learned what he needed to know, particularly for work purposes. Later on in his life, when he tried to learn some English in a more formal way, he would say in Spanish "El español me olvidé. El inglés nunca aprendí. Quede mudo," he would say. "I have forgotten my Spanish, I never learned English, I am now speechless." [laughter] But no, neither of my parents ever learned English sufficiently well to be comfortable with it. My mom learned even less.

1-00:25:07

In growing up, my parents continued with what they knew of their religion, in terms of being very religious. My mom seemed to have some doubts about religion, at least the way it was practiced in Catholicism. My dad never did. We routinely went to Mass every Sunday.

1-00:25:35

LaBerge:

But the school that you went to was not a Catholic school?

1-00:25:39

Reynoso:

No, it was a public school.

1-00:25:41

LaBerge:

So, was the church English/Spanish?

1-00:25:48

Reynoso:

We would go to two churches. Mostly, my recollection is we would go to a barrio in La Habra. The barrio was populated completely by Spanish-speaking persons—immigrants and Chicanos. Everything there was done in Spanish and Latin. We would go sometimes to Fullerton, where everything was in English, but mostly, I believe, we went to La Habra. There were two or three barrios in—outside the city limits of La Habra, literally on the other side of the tracks. And there was a church there.

1-00:26:45

We also had other contact with La Habra because my parents had joined a food cooperative. They belonged to it, and the food cooperative—which operated for several years—apparently was successful financially until something went awry several years later. But, with its profits, apparently, they would have a grand dinner during Christmastime with tamales and enchiladas and a whole, very festive sort of dinner. They would also sponsor some festivities on—I forget what day—maybe it was on the sixteenth of September. I forget, but there was a day in which they would sponsor races and games and that sort of thing, so it was, at that time, quite a successful economic effort by poor people in the barrio. But something went awry with it financially, later, and it closed down.

1-00:28:05

My dad—my first recollection of his work was that he was working in an area between Brea and La Habra, off Imperial Highway, and the ranch was owned by sons of an immigrant from France. He was a Basque, by the name of Bastanchury. I noticed some roads named after him nowadays in Orange County. Bastanchury was a quite successful, but very conservative, grower. So that, for example, in the 1930s, his sons still used horses and mules. From time to time, our father would take us boys with him to work. We would spend a whole day with him, and we obviously particularly liked getting on wagons pulled by mules and horses.

1-00:29:20

LaBerge:

When he took you with him, were you also working or was it just to keep company with him?

1-00:29:23

Reynoso:

No, we were not really working. We were mostly keeping him company. During those times he was doing maintenance and other types of work. He worked full time, but mostly as an irrigator. He did not do much picking of fruit at that time—during those years that I remember. He would be principally an irrigator, which meant that very often he had to stay in the orange groves all night, or way into the wee hours because, I guess, once they started irrigating, they kept irrigating all the time. Sometimes, he would come home with jackrabbits. When the tractors would cut down the grass and sometimes injure the jackrabbits, he would bring them home and my mother would cook them.

1-00:30:24

I do recall that during the Depression, there were a lot of hobos, nowadays called homeless people. Many of them would come to our house. I remember reading an article which said that the hobos in those days had signs and insignias and messages they would leave for one another, indicating which houses would be responsive to them. If that's true, we must have been on that list, because an awful lot of hobos would come to our house. I remember, because my mother would always put out a great feast for them. Carnes, meats, and tortillas, frijoles, beans, and everything. We would complain to our mother that she fed the hobos better than she fed us, and she would deny it. She would say that we were lucky to have a father who was working during the Depression so that we had a roof over our heads, clothing on our shoulders, and food on the table. We had a duty to share with others. I still remember our protest and her response.

1-00:31:45

LaBerge:

But, also, that that was inculcated in you at an early age.

1-00:31:49

Reynoso:

Oh, very much so. From Dad, you know, I remember the import that he placed on working hard and being honest with the people you work for, but expecting also to be paid an honest day's wage for an honest day's work. That was very much a part of the culture that my parents came from.

1-00:32:12

I still remember one incident in grammar school. I think it must have been the first grade. On Easter, we were having a contest at school. Whoever was able to find an egg with a star on it would get a rabbit. I found the egg with the star, so I got a rabbit. I took it home, and we kept it for some time, but one day it disappeared. [laughter] And, thinking back, I am suspicious. But I remember that was a matter of great pride, being able to take that white rabbit home.

1-00:32:54

LaBerge: I am sure. Did you have other pets?

1-00:33:00

Reynoso: We did not. My mother did not like dogs, or to have dogs, I don't recall why. We children often protested that we wanted pets—dogs and cats, and so on. We never did. I can't remember that we ever had any pets when we were youngsters.

1-00:33:22

I remember going with a little neighbor friend to the city dump one time, and this is all—under age seven we couldn't have done too much running around. We spent most of the time that we were not in school and away from home at the nearby city park. I recall one summer, attending classes where we made some things out of wood, out of—I really forget what now. I remember we had classes where we took, I think, some hot irons and drew some things on the wood. It was a great park, which is still there. There was a fire station in the park, and there was a playground. Firemen, I guess, played horseshoes, so we were able to play horseshoes from time to time. Not with them, but by ourselves. There was a swimming pool, but we never went swimming. There was a well; I guess it must have been a fake well. I remember it only because, on one occasion, there were frogs in the well. I was trying to catch the frog, and I fell into the well and I got all wet. My mother was a very strict person, so I remember not going home for several hours until my clothing dried on me. [laughter] Then, I went home. I remember that park very fondly. We spent many hours of many afternoons in that park.

1-00:35:22

LaBerge: Did you play other sports, besides horseshoes? Did you play baseball or soccer?

1-00:35:28

Reynoso: We did not. We played no organized sports.

1-00:35:32

LaBerge: I notice, these must be your grandchildren, up there, playing baseball. [LaBerge refers to picture in room]

1-00:35:38

Reynoso: The children all play baseball and soccer, and so on, but we didn't. My mother was really quite strict with us. She wouldn't allow us to go places, so, as I look back, I guess she must have allowed us to go to the park because it was so nearby. I remember spending quite a bit of time there.

1-00:35:59

LaBerge: What about chores at home?

1-00:36:05

Reynoso: It's odd, but I don't remember that we had specific chores at home. There was a practice, at that time, which called upon a mother who had just given birth to

be in bed for a month. During that time, I know that we children were expected to do practically everything, because Dad was working, and there would be a lady who would come and help from time to time. But I remember that we did all of the sweeping. I don't remember that we did the washing and cooking and everything. We were generally expected to work around the house, but I don't recall that we had a specific thing, like take the garbage out or something of that sort. But we were always expected to be busy around the house.

1-00:37:16

LaBerge: Since you were in the first—one of the older—

1-00:37:20

Reynoso: The first tier.

1-00:37:21

LaBerge: The first tier, that happened quite a bit after that.

1-00:37:26

Reynoso: Yes, there was also—perhaps it is because of large families, perhaps that was simply the tradition, though my mother did not stick to that tradition too much—and that is that the older children were supposed to be able to give instructions, and so on, to the younger children. My mother, I think, was more egalitarian in that regard. We were expected to do work around the house but, as I say, I don't remember a specific role that we were given.

1-00:38:06

LaBerge: Were you ever in charge of the younger children?

1-00:38:10

Reynoso: Not in terms of giving them instruction, and so on. If the parents would leave, they would expect that whoever was older would be sure to take care of the younger children. But I don't think that our family was as hierarchical as some other families were. We had neighbors where the younger children were simply expected to obey whatever the older child did. I don't think our family was ever quite that strict. But whenever the parents left, or something of that sort, whoever was the oldest child was expected to be in charge.

1-00:38:52

There's an element of sadness in that regard that perhaps we will go more into detail later. But a time came when things went very awry with the family. My parents separated, and neither was at home. At that time, I was in college and my oldest brother was married, my immediate older brother was in the military, and my parents had left, leaving the children, then, by themselves. I had a younger brother, a couple years younger than I, who was then the oldest child living at home because I had left home. I went through a lot of struggles in terms of deciding whether or not I should go back to the house to become head of the household. For a variety of reasons, I was persuaded that it was better for me to continue with my schooling, but I have always had a sense of

guilt about that because my younger brother really became the head of the household, and I should have. I think I did the right thing, even now, but you never know. One of my younger brothers eventually ended up on narcotics and in prison. Maybe if I had gone back, I might have been able to prevent that. I mean, you never know.

1-00:40:20

LaBerge: You don't know.

1-00:40:23

Reynoso: I remember struggling with that a lot. But that is later, when I was in college.

1-00:40:26

LaBerge: We'll talk about that later, when we get there.

1-00:40:30

Reynoso: There were musical performances sometimes in that park that I mentioned to you, and for benches they would use orange crates—orange boxes, not crates—really strong boxes. They would come and dump all the boxes at the park. We children, I remember, on several occasions had a great time because we would make, we thought, caves with the boxes, putting the boxes on one side and a box on top and then making all kinds of, I guess it would be more like corridors, then we would go through them. We referred to them as caves. So, I remember that we would spend a lot of time in that park, which I still remember fondly.

1-00:41:31

LaBerge: When you were there, at that time, were you still one of the only Mexican families?

1-00:41:38

Reynoso: In Brea, I only remember one other Mexican family, and they lived near us. We grew up—I don't recall any sense of discrimination at that time. I don't recall any sense of not belonging. Of course, I knew that my parents didn't speak English, so if we had—though I don't recall helping them at that time—but if they ever needed help with the language, it was up to us to help translate for them, and I did a lot of that later. I don't recall that I did that—nor would I have been called upon to do that; my older brothers would have been called upon to do that—when I lived in Brea. I don't remember having that be part of my role.

1-00:42:29

LaBerge: How are you doing time-wise?

1-00:42:31

Reynoso: I think we probably better quit. I've got to go to prepare for class.

1-00:42:37

LaBerge: How about next time we could start with when you moved from Brea?

1-00:42:41

Reynoso: Yes.

[Interview 2: November 7, 2002]

[Begin Audio File 2]

2-00:00:12

LaBerge: Today I am sitting in King Hall, with Justice Cruz Reynoso, and this is our second interview. It's November 7, 2002. I was just mentioning, when I was here last time, we only got up to age seven, when you were in Brea. You had told me a little bit about your background, going to school, that you were one of two Mexican families in the community.

2-00:00:41

Reynoso: That's my recollection. There may have been some others, but that's my recollection.

2-00:00:45

LaBerge: Up to that time you had never felt any discrimination, as a little kid.

2-00:00:48

Reynoso: I really didn't. Personally, I don't know that I have for most of my life. From time to time, things have come up that seem to be discriminatory in statements, sometimes not necessarily directed at me, but directed at those like me. Well, for example, when I was maybe age thirteen, my family and I were picking grapes in the Central Valley and I asked the field foreman how long the grape picking season would last. He asked me why I was asking, why I was interested. I told him that we always got back to school late and had to work doubly hard to catch up. He said, "Why, you're the first Mexican kid I have talked to that was interested in education." It made me so mad that I told myself that someday I'd go look him up, and I'd have my college degree in my left hand, and I'd hook him in the nose with my right hand. Of course, I never went back, but those clearly were discriminatory remarks. But I don't know if they were necessarily directed at me. Another time, in high school, I remember a boy called me a "dirty Mexican," and I just felt sorry for him that he was so ignorant. More often, I saw a discrimination against others who were Mexican or Mexican American. Some very direct. I was the leader of a Junior Y group of Mexican American boys.

2-00:02:34

LaBerge: You are talking about the YMCA [Young Men's Christian Association]?

2-00:02:37

Reynoso: Yes. Did I tell you about that?

2-00:02:38

LaBerge: No.

2-00:02:40

Reynoso: I had been asked to be the leader of this small group of boys, and we would meet, I forget whether it was once a week or once a month, and, on one occasion, the boys were—I drove by downtown La Habra. There was a school dance going on at a hall, and two of the little boys who were in my group were

standing in front, and I turned around and stopped, and asked them why there weren't going to the dance. It was a school dance.

2-00:03:12

LaBerge: Were you planning to go?

2-00:03:14

Reynoso: No, no. This is a dance for junior high children. I was in high school at that time. They said that they were not allowed to go in because they were Mexican. I said, "You've got to be wrong. This is a school dance." I went in and talked to the gentleman in charge, whom I knew because he had been my scoutmaster. He says, "Yeah, we're not letting them in because they are Mexican and we are afraid there will be trouble if we let them in." So I found out who was sponsoring this service club, and found out who the officers were, and I went to see the officers.

2-00:03:48

LaBerge: Were the officers students, or were they adults?

2-00:03:51

Reynoso: Oh, no, no. Those who were sponsoring it was a local service club like the Kiwanis. They were all business people. I went to look them up, one by one, to tell them about what had happened, and that I didn't think that was a good way to run a school dance. I was, of course, a high school kid, and they weren't very appreciative of my bringing that to their attention. It was the first experience, I think, I ever had of being invited to leave somebody's office. But, I must say, neither did I hear that there were such dances that didn't allow Mexican kids after that. So maybe it did some good.

2-00:04:28

I saw many such incidents, and a sort of a funny incident that you see repeated so often. After college, I went to Mexico and visited with relatives, and so on, for about a month. When I came back, I caught the bus in downtown Los Angeles to go to Orange County, where I lived, and a lady sat by me. We talked about my trip to Mexico, and she was telling me how she loved Mexican people. How wonderful they were. How great a time she had when she went to Mexico. Then the bus happened to be on Whittier Boulevard, going right through East L.A. She looked out, and with a deep frown on her face she said, "Oh, but these people out here, aren't real Mexican." You could see there was sort of hatred in her, in her tone of voice. Then she realized, I think, that she was talking about me. She turned to me and said, "Of course, you're different." I grew up with many such incidents, but seldom did I feel that it was directed at me.

2-00:05:32

LaBerge: Obviously you had an understanding and a sensitivity that it was hurting other people and that you were going to do something about it.

2-00:05:44

Reynoso:

Of course, and it may be hurting me also, but not directly. Even yesterday's morning paper reported the election returns. It may be coincidental, but there were three supreme court justices on the ballot and the one that got the fewest number of votes was the person with a Spanish surname, Carlos Moreno. It may be accidental, but I saw that when I was on the ballot, and we see that now. The percentages are smaller, just two or three or four percent. I don't read into that great prejudice, but you do see those differences that you are reminded that you are part of a group that sometimes is disadvantaged in society.

2-00:06:37

LaBerge:

Well, lets go back to—

2-00:06:39

Reynoso:

Age seven.

2-00:06:41

LaBerge:

Age seven. We will follow up on this—like, for instance, how you got to be the leader of the Junior Y, and that you were a Scout, and everything. I think you told me that you moved, about that time. Tell me about the move, and where, and why.

2-00:06:56

Reynoso:

At age seven, we moved from Brea to rural La Habra, let's put it that way, to a little barrio called Alta Vista about a mile or mile and a half from downtown La Habra. My father had bought a small house in the barrio. I was chatting with a gentleman who knew the history of the barrio. He said the barrio was actually established, like, ten years before we moved there, and the houses had been taken from sort of a labor camp and moved to that area, which was owned by a gentleman. By the time we moved there, it was an established barrio. About fifty homes in a rural area, and my dad had bought a house and then expanded it because, even now, it's a tiny house. We moved during the summer. We had never been before in a barrio. It was all Mexican and Mexican American, except for, at that time, one black couple that lived in the barrio. Then, later, another black family moved in that had two little boys. So we were in a quite different environment.

2-00:08:15

LaBerge:

Do you know why you moved?

2-00:08:18

Reynoso:

Well, my older brothers tell me that we moved because the family was growing, and it was hard to find housing for a family that size. By the time we moved, there must have been one, two, three, four, at least five or six of us children. I think the family needed more space and something that they could afford. Housing, I am sure, was cheap in the barrio. We had also had contact with La Habra, and with some other barrios in La Habra because my dad had belonged to a co-op, a consumer co-op, a food co-op. We would buy groceries

there, and they would have, at least for a few years, they had a grand Christmas program, where they would have a huge dinner for all of the co-op members, and they would have games, and so on, during the day. So, we had had contact with La Habra, and I am sure more than I was aware of. That was a different experience, in terms of living in a barrio. Secondly, it was a different experience because of the ambience in the community.

2-00:09:34

When it was time to look for a school, my two older brothers and I, who were the ones who were old enough to go to school, looked for a school in La Habra, and we found a place that looked like the school we were used to in Brea. It was two stories, and had a playground—brick, if I remember correctly. So, we went to sign up for school, and they told us, “No, you can’t. You are not supposed to go to this school. You are supposed to go to another school.” That was Lincoln School; we were supposed to go to Wilson School. We said, “Okay.” So we went to Wilson School, half a mile away and they said, “Yeah, this is the school you are supposed to go to.” We noticed that all the youngsters there looked Mexican or Mexican American. We asked, “Well, why are we being sent to this school?” We were told that we were being sent to that school to learn English. Since my brothers and I already knew English perfectly well, we were moderately suspicious that maybe there was another reason. Then we noticed that there were houses that abutted upon the fence of the school, where Anglo-American families lived. They were being sent to more distant schools. As you might guess, we shortly figured out that we were going to a segregated school. In those days, there were indeed many segregated schools in California where there were concentrations of Mexican immigrants and Mexican Americans. In La Habra, there were really three small barrios. It was all literally on the other side of the track, and so they had established a segregated school. Brea did not have a sufficient number of Mexican and Mexican American families, so we did not have segregated schools in Brea. It was a very geographic, idiosyncratic decision-making on the part of the local governing boards.

2-00:11:34

LaBerge:

I am interested that you were only seven years old, and you and your brothers went yourselves to sign up, and also figured this out when you were only seven.

2-00:11:45

Reynoso:

Well, our parents didn’t speak English, and my mom had children to take care of, and my dad was working. My older brother is a year and a half older than I, and my oldest brother probably another year and a half older than he. I was seven, so my oldest brother was probably ten. Yes, we did those things for ourselves.

2-00:12:05

LaBerge:

I mean that is quite a bit of responsibility.

2-00:12:07

Reynoso:

Well, I look at my grandchildren now, and I have some who are ten or eleven, and they look awfully tiny to me. I may be wrong, but I seem to remember doing all those things. My wife sometimes says, “Now think back, look at our grandchildren, are you sure you did those things when you were that age?” But I think we did. I know we did, because I was born in ’31. World War II, for example, started in ’41, when I was ten. Shortly after that, we started going to the Central Valley to work in the fields, and I had worked well before World War II started. So, I started working before age ten. I confess that when I look at my grandchildren, I wonder how it could have been, but it was. I think folks just did things differently in those days.

2-00:12:59

The three of us, I remember, just walked together from our home. It was a mile or mile and a half. It may be that we may have driven around earlier and spotted it, I don’t know, with a family, maybe. But I remember that we walked to the school. The segregated school, we would not have recognized as a school because it was a series of small wooden structures. It didn’t look familiar to us as a school. As it turned out, I rather liked the wooden structures because each class met by itself, and you couldn’t hear the kids in the other structures, but it obviously was not as nice, physically, as the other school.

2-00:13:52

LaBerge:

What did you think about the education, reflecting back?

2-00:14:00

Reynoso:

Reflecting back, I think we got a perfectly fine education, actually. My greatest interest when I was in grammar school, was not to do poorly and not to do well. Because those who did poorly got harassed, and got called some not very kind things, and those who did very well got harassed. So I tried very hard not to do too well, and not to do too poorly. I succeeded until the fifth grade. I don’t know why, but my suspicion is that it has to do with my being interested in reading. I ran into a series of books on dinosaurs, and then ran into a series of books on merchant marines—a merchant marine who traveled all over the world and had all kinds of adventures, and so on—and I started reading and reading. I think that may have caused me to suddenly do very well in school.

2-00:15:02

LaBerge:

Without knowing you were.

2-00:15:05

Reynoso:

That’s right. So, sure enough, the kids started harassing me. The greatest insult was to call a person a profe, short for professor, so they called me “profe.” If a person wore glasses they would call them “cuatro ojos” for “four eyes,” and these were big insults, you understand. I had I don’t know how many fights protecting my honor [laughs] after I started doing well.

- 2-00:15:34
LaBerge: Did you wear glasses then, too?
- 2-00:15:35
Reynoso: No, I didn't.
- 2-00:15:37
LaBerge: That was lucky.
- 2-00:15:38
Reynoso: That's right. I remember a great fondness, actually, for the teachers. I thought they tried hard to teach us.
- 2-00:15:52
LaBerge: And the teachers, were they Anglo?
- 2-00:15:53
Reynoso: All the teachers were Anglo except, near the end of my stay there, we got our first Mexican American teacher. The one and only. In fact, as I look back, he was the only Mexican American teacher I ever had from K through law school. We were all very excited about his coming. I think that inspired me to think about going to college, and maybe being a teacher, which I thought of as a grammar school youngster. Even though I was not in his class, he played basketball with us. I thought he was tall. I have met him more recently, and he is a very short guy. [laughter] I remember he volunteered a lot of his time. I've met him several times since that time.
- 2-00:16:49
LaBerge: What's his name?
- 2-00:16:51
Reynoso: I forget his name.
- 2-00:16:52
LaBerge: Maybe—if you remember it—we will fill it in.
- 2-00:16:54
Reynoso: Oh, yes. I will fill it in because—I should just jump forward fifty years. When I was appointed to the [California] Supreme Court, I got a letter, and this letter said, "When I was a teacher at Wilson School, fifty years ago, I had a student by the name of Cruz Reynoso. Would you be he, by chance?" I wrote back and said I was.
- 2-00:17:14
LaBerge: How amazing.
- 2-00:17:17
Reynoso: Can you imagine? And he was actually not my teacher. I think he was a third and fourth grade teacher. I think by that time I was in fifth grade. He remembered, also, playing basketball and taking us to Fullerton Junior College. I was so impressed to see those big boys playing basketball.

Apparently, it was the custom then for the basketball players to wear kneecaps to protect their knees when they fell. I have told people about that, and nobody ever heard of that. That was the first game I ever went to where the players were wearing shorts and something akin to T-shirts, and they were wearing these kneecaps. I remember that so well. But I very much appreciated his role. And just as we are talking—his first name was Candelario; they called him “Candy.” I think Mendoza, but I’ll look it up. A wonderful person, still alive. Now on a school board in Southern California and runs a newspaper. Later became, I believe, a school administrator, after teaching for many years. He remembers, very fondly, that school because it was his first teaching job. He was there just a year or two and then he went into the military during the Second World War. But I remember him very fondly, and being inspired to finally see—I had never seen—a Chicano as a professional. And to see that somebody could be a teacher, and he tells how he was received with such great enthusiasm by the parents of the children. How the children were all admonished to obey him, and do what he said. So, he remembers those days very fondly.

2-00:19:20

However, I thought that the atmosphere that was created by segregation was a socially unhelpful atmosphere, let’s put it that way. There were some conflicts. For example, in that school, and apparently other schools, they had showers for the children. I guess they felt or they knew that some of us didn’t have—we had running water, but we didn’t have an inside bathroom in the barrio when we first moved there. So, I guess they had that as a facility for the children. My mother, however, had very strong notions that she didn’t want her children to be out there naked with all those other naked children. So she forbade us to shower. The teachers gave us a little bit of a hard time, but we just refused. They acceded to our refusal. There were some times those sort of cultural conflicts. But mainly, I saw that, through segregation, the stereotypes that folk have of one another continued. We were—well, let me tell you this. There was a family in the barrio where we lived, who succeeded, during the Second World War, in buying a house in La Habra, which is mostly Anglo. I remember we kids talked about it and we were convinced that they would be attacked physically, and maybe killed. That’s the sort of divisiveness that segregation, I think, brought about. I also saw that the communities, the barrios, were not well served. We did not have sewers, and we did not have inside plumbing for a while—later we put that in. We didn’t have sidewalks, we didn’t have curbs. Generally, folk who were not in the in, politically, didn’t get well served by the community.

2-00:21:30

LaBerge:

Meanwhile, you were paying taxes just like everyone else.

2-00:21:33

Reynoso:

Of course.

2-00:21:35

LaBerge: And taxes were paying for that in the other part.

2-00:21:37

Reynoso: Of course. But, most importantly, I was interested in the psychology of it. We sort of understood, generally, that it was our role in society to be the workers and not to be the professionals, not to be the folk who ran things. It seemed to me that many of us sort of accepted that. So that most of the boys that I grew up with simply assumed that they would quit school at age sixteen and start working in the orange groves of Orange County. Now, I never accepted that, though there was even some domestic pressure to do that.

2-00:22:19

LaBerge: You mean for you, from your family?

2-00:22:21

Reynoso: Sure. My mother had always had a dream, she would tell us, that when her boys got older—because in our family there were a group of boys, then a group of girls, then it got mixed up—it was her dream that the boys would grow up and start working so we would have more income in the family. She would say, “so we can bring up the girls the way girls should be brought up.” By which she meant, buy some nice dresses for them. One time one of my sisters fell and broke her tooth, and we didn’t have the money to send her to the dentist. She just meant doing right by the girls. So, she actually was quite disappointed when some of us decided to continue with our schooling. She used to say in Spanish, “hay que flojos.” She’d say, “Look how lazy my boys turned out to be. Instead of working, they’re out there reading books.”
[laughter]

2-00:23:21

LaBerge: Right now you can laugh about that, but at the time, that probably affected you and made you think you were doing something wrong.

2-00:23:28

Reynoso: Right, right. Well, you have to be pretty determined or convinced that that was not what you wanted to do. My dad, on the other hand, would say, “You know, I really don’t care what you do when you grow up, so long as what you do is honorable.” He would have been happy if we had been honorable farm workers or honorable lawyers. Though I should tell you, I was reminded of this just a couple of days ago by a sister of mine. That when I told my dad that I was going to law school, he said to me, “You recall all the discussions we had about growing up to be an honorable person, being honorable, and doing the honorable thing when you grew up.” And he says, “Now you tell me you are going to be a lawyer. Explain yourself!” [laughter] So, we had a long discussion about how you can be a lawyer and be honorable.

2-00:24:34

LaBerge: You must—even that word—you must have had those discussions at home what that meant. What did that mean for your parents?

2-00:24:44

Reynoso: It meant recognizing, they would say, that we are all children of God, and that we have a duty to respect one another. I may have mentioned to you the hobos that came to our house in Brea.

2-00:25:02

LaBerge: You did, and your mother always—

2-00:25:04

Reynoso: We had a duty to help those who were less fortunate, and we had a duty to be honest. We had a duty to work hard. We had a duty to be respectful of our elders—that was very important—and respectful of others.

2-00:25:27

LaBerge: How would, in your dad's mind, a lawyer not fit in? He must have had an experience of lawyers that wasn't honorable.

2-00:25:36

Reynoso: Well, poor people are very often suspicious of professionals and those who have power. The analogy I'll give you has to do with doctors, not with lawyers, because poor people come in contact more with doctors than with lawyers. He used to love to tell a story—I don't know how often he told it—and then he would laugh in loud raucous laughter after he would tell the story of a certain doctor who had, of course, patients, and his son was going to medical school. On one occasion, the son was visiting at their home. The office was connected to the house. A patient came, and they heard him come in, and the doctor said, "Go see who it is." So the young man went out to see who it was. After a few minutes he came back and he said, "Oh, it was Mr. So-and-so. I took care of the problem. He just had something embedded in his arm, and I just took it out. He'll be fine." And the doctor says, "How could you be so dumb? I have had that patient come back six times, and each time I just move it a little bit and I put some medicine on it, and I tell him it's coming along just fine and to come back in a week. That's the way I have had the money to send you to medical school. How could you be so stupid?" [laughs] And my dad laughs and laughs after he tells that story.

2-00:27:10

So, I think there is a natural suspicion, and I think that relates to lawyers also. His experience with lawyers had not been good, I could tell, from the point of view that they one time tried to find a lawyer, my mom and dad. They couldn't find one Spanish-speaking lawyer in all of Orange County. Finally, I, who was then thirteen or fourteen, acted as their interpreter when they went to see a lawyer. It's very unsatisfactory to deal with a lawyer through an interpreter. Later, the family, I mentioned to you, had sort of broken apart and there was actually a divorce proceeding. While I don't recall, I assume that contact was not a happy one. But, more than anything, I think it's the general reputation of lawyers. Many years later I thought, you know, I wonder if I really had that discussion with my dad. He was visiting at our house, and I said, "Dad, did we have this discussion?" I repeated this to him, and he said,

“Absolutely, we had that discussion.” I said, “Well, I have been a lawyer for thirty years” or whatever it was at that time, “don’t you think I have been able to be a lawyer and be honorable?” He said, “Cruz, you’re the exception that proves the rule.” [laughs] So apparently he never changed his mind about lawyers. You know, it is like Congress. Everybody says, “Congress is terrible but my own congressman is great.” And, generally people will say, “Lawyers are terrible, but my lawyer is great.” That seems to be part of our society.

2-00:29:06

LaBerge: Did either of your parents live to see you on the supreme court?

2-00:29:11

Reynoso: Yes, oh yes.

2-00:29:13

LaBerge: How wonderful.

2-00:29:15

Reynoso: Indeed, I was told—Dad didn’t tell me this, actually; someone else told me that—Dad belonged to a group called a mutualista, a group mostly of immigrants that are formed for mutual support. He belonged to such a group in Los Angeles, and on one occasion, I am told, he was presented with a plaque or something for being the father of the first Chicano supreme court justice, and I’m told that tears welled in his eyes.

2-00:29:47

LaBerge: Oh, I am sure, I’m sure. You have there an article, and I’m wondering if it has to do with interpreters.

2-00:30:03

Reynoso: Well, I thought that I had included here, but maybe I haven’t. I am writing something else now. I had mentioned in one of the articles, I guess it is the one I am writing now, one of the motivations for my being a lawyer was the reality that I saw that there weren’t lawyers around to serve people like my parents.

2-00:30:33

LaBerge: From just being their interpreter, needing to be their interpreter.

2-00:30:39

Reynoso: Yes. Sure. But anyway, going back to age seven, I just thought that segregation did not serve—

2-00:30:47

LaBerge: And you saw that, even as a young person. You could see the difference.

2-00:30:50

Reynoso: Oh yes, oh yes, oh sure. I could see that other kids were—it seemed to me—twice as smart as I was, but they fell by the wayside as soon as they got to be age sixteen. Few of them spoke about going on to college and all that. So, no,

I saw that very quickly. I saw that very often we accepted the role that society had given us, and I didn't think that was right. I saw very few Latinos in positions of authority; this teacher was the one exception. None of the businesses were owned by Latinos, none of the elected officials were, and so on. I didn't think it was accidental. So, I early concluded that segregation was not a good way to run a society or a school.

2-00:31:49

LaBerge:

And your siblings, how many others went on to higher education?

2-00:31:54

Reynoso:

Only one. He, actually, went after I went to school. He and I had a disagreement with my mother, and he left home at the time the disagreement came up—and I don't recall what the nature of the disagreement was. He joined the military, so he must have been eighteen.

2-00:32:17

LaBerge:

Is he your older brother?

2-00:32:19

Reynoso:

He is older than I, not the oldest, but the one immediately older than I. Maybe he was seventeen, I forget. At any rate, I decided, finally, to leave home, but I did not leave home right away and waited until I could find a place to go to. Eventually, I went on to finish high school and college. All that time, he was in the military, in Korea. He says that I had inspired him. He says, "If my kid brother can go to college, then I can too." So he actually followed very much in my footsteps. That is, he went to the same community college that I did, and then he went on to college, and he eventually became a community college teacher, and is now retired.

2-00:33:10

The others all graduated from high school. I have talked to some of my younger sisters, and it is interesting, the sort of goals that one sets for oneself. My sisters had a very hard time with the family not being together, and all that. I remember talking to one of my sisters, who said, "One way or another, I was determined to finish high school." That was her goal and, by golly, she finished high school. All of them have done quite well. One just retired, a few weeks ago, after working with the post office for many years. Another one is a bus driver, a municipal bus driver. One sister is a housewife. Another one worked in factories for many years, she died recently, and another one is a housewife. So, they have all done well.

2-00:34:01

LaBerge:

What do you think gave you the impetus and the drive to see that and to do it when you weren't getting that kind of encouragement—except from this teacher, possibly? Or were there other people like that who gave you encouragement?

2-00:34:19

Reynoso:

I am sure there must have been. I always admired my teachers. I think I had firm ideas about right and wrong very early on. I was always interested in organization and in helping, and then I think, to me, it's important that I had some early successes at it. I was still probably in junior high school, for example, when it seemed to me unfair. I had what I have often called a "justice bone." If something didn't seem just to me, it really hurt inside, and I felt sort of compelled to try to do something about it. As with my youngsters in the Junior Y incident. The people in the barrio would complain that they didn't receive rural delivery service of the mail, and I just accepted that as part of the scheme of things. But then, an Anglo family, son of a well-known rancher at that time, built a house in an orange grove no more than a few city blocks from where our barrio was. We were now a mile, mile and a half from town. The rural delivery route man would go all the way out to his house, deliver the mail, go all the way back and wouldn't travel another couple of blocks to deliver mail to our barrio.

2-00:36:02

LaBerge:

So, where would you go get the mail? You had to go to the post office?

2-00:36:06

Reynoso:

Yes, we would go to the post office. I just didn't think that was fair. And the people always complained about it, so I figured, well, we should do something about it. I went to see the postmaster and I asked her why we didn't receive rural delivery when this family was receiving rural delivery. She said well that wasn't her decision or her business; if I was concerned about that, I should write to the postmaster in Washington, D.C. So I said, "Well, all right, I will write to the postmaster." So I went around and put together a petition.

2-00:36:40

LaBerge:

How old were you?

2-00:36:42

Reynoso:

Thirteen maybe. I got all the adults in the barrio to sign the petition asking for rural delivery. They all just smiled at me, you know. They said, "Oh, this upstart kid." They knew nothing would happen. My dad used to refer to me in the Spanish term of "metiche." Metiche is a person who is always putting his nose in other people's business. He considered this government business. Nonetheless, he signed the petition, and I sent it off to the postmaster.

2-00:37:16

LaBerge:

This took quite a bit of research to get the address, the name, all of that.

2-00:37:20

Reynoso:

Yes, I don't know where I got the name, but obviously I had it. I sent off the letter with the petition. Then I get a typewritten response, addressed to Mr. Cruz Reynoso. That's the first time anybody ever had to refer to me as "Mr." And a typewritten letter! It said, "Dear Mr. Reynoso, we have received your letter, and we will look into it." They said, "Unfortunately, we could not find

the petition that you referred to in your letter.” I felt badly about that for years thinking that maybe I had failed to send it to them. But, half a century later, I worked for the federal government, and I figured it all out: they lost my petition.

2-00:38:00

LaBerge: Exactly.

2-00:38:01

Reynoso: Because I didn’t clip it together or anything, and in opening it they just lost it. Nonetheless, two or three months later we get notices in our boxes to prepare our homes for rural delivery. I think all the adults were shocked. But to me, it was sort of a confirmation of what I was reading in our textbooks, that we are a democracy. That government responds to requests, to petitions, and people have a right to petition their government, and all that. So to me, it was sort of an early confirmation that, if you act on your beliefs, not always but sometimes good things will happen. I was so pleased I went in to thank the postmaster for what I was sure all the work she had done on our behalf, and I have never been met so icily. I think that what happened was that they got this letter, and in Washington they did not know about barrios and Mexicans there. All they knew is that somebody that should have been served was not being served. I think she got a talking-to.

2-00:39:06

LaBerge: Probably.

2-00:39:08

Reynoso: Because she was so icy. Her voice was just, you know, cracking with ice, so I just thanked her and left. But, anyway, to me that was an inspiring experience.

2-00:39:19

LaBerge: Oh, it must have been. And in the workings of democracy, the whole—I mean, you can kind of see how that would influence you maybe later, that you wanted to get involved in that in some way.

2-00:39:29

Reynoso: Many years later, and this sounds even a little bit silly to me, but I had been in favor of civil rights and against discrimination all of my life. During the McCarthy era, that wasn’t always an easy thing to argue for because so often you would be called a “Communist” or a “fellow traveler” if you believed in civil rights. I was in the military when *Brown v. Board of Education* came down in 1954, and I remember thinking to myself that the supreme court was practically speaking to me directly saying, “Cruz, you’ve been right all these years to have believed that segregation was not the right thing for this country, et cetera.” But the real answer to your question is, I don’t know. I mean, I don’t know what made for that sense of justice and injustice, but more importantly—because most people have that—what made for a sense of wanting to do something about it.

2-00:40:31

LaBerge:

Exactly, because it is not like you were the oldest boy doing it. I mean, here you were, like the third, which is sometimes—I mean, psychologists would say the third child isn't supposed to be being the leader of the pack or whatever, maybe. What about—you mentioned that in this barrio there were two black families.

2-00:40:53

Reynoso:

There was one couple that we seldom saw. They worked all day. And then, a couple of years after we were there, another couple moved in for a year or two, and they had two little boys. Guess what, the two little boys were sent to our segregated school. They obviously knew English perfectly well. The interesting thing was that even though the segregated school was supposed to be to teach us English, in fact it didn't work that way because we spoke Spanish on the playground, we spoke Spanish all the time, except in the classroom. We weren't supposed to, but we did. The two little boys joined us. So in a few months they were speaking Spanish pretty well. I tell people that I believe in bilingual education, but I can't speak against the concept of immersion, which is another concept for teaching another language, because I could see that it worked.

2-00:41:46

LaBerge:

How were they treated as part of your community?

2-00:41:51

Reynoso:

Oh, they were just accepted. Just two other kids. In Orange County, the largest minority group was Latino—Chicano, all Mexican and Mexican Americans; we have few Cubans, Central Americans, or Latin Americans. There were quite a few Japanese Americans and a few blacks. I grew up with sort of a sense of affinity to African Americans and Japanese Americans because they were the other minorities in Orange County.

2-00:42:31

LaBerge:

Do you remember, when World War II broke out, were those Japanese Americans sent off to camps? Or maybe you weren't aware of it?

2-00:42:41

Reynoso:

You know, I was not conscious of it at that time. Later, I learned about it, even during the war. I really wasn't conscious of it. That would have been from 1941 to 1945 {internment from 1942 (executive order)-1946}. They were mostly truck farmers, vegetable and flower farmers in Orange County, and I just really wasn't aware of that. Now, they did return to Orange County. I had some Japanese American friends in high school, but I really wasn't aware of that at that time.

2-00:43:20

LaBerge:

Those kids didn't go to school with you in elementary school, anyway, because they weren't part of that community. Well, lets talk about different

things you did as a leader, besides writing to the postmaster. You said that you were in Scouts, you talked about the Y, so tell me about those.

2-00:43:38

Reynoso:

Well, my older brother Amado had joined a Boy Scout troop in downtown La Habra first, then he invited me to join, so I went with him. Though we were from the barrio and we were Mexican Americans we were accepted, but we were the only Chicanos in the troop. I really enjoyed being a scout, and I thought that they called on people to do all the good things, to be courteous and brave and all that. Interestingly, our scoutmaster was a fellow we called Red because he had very short red hair, who happened to be the guy in charge of that dance that I mentioned to you.

2-00:44:22

LaBerge:

I see. You really knew him well.

2-00:44:25

Reynoso:

Yes, but there are all kinds of contradictions in society. I was a scout in that troop for year or two or so, I forget. We couldn't go scouting—that is, away—because Mom would never let us travel, but we were in that scout troop and then [laughs] my older brother started growing a beard. He was going through puberty. The scoutmaster insisted that he shave off his beard, and my brother refused. He was always a stubborn guy, and so he left the scout troop. I think I stayed for a little while longer, then I, too, quit.

2-00:45:08

But I quit to help start a scout troop in the barrio because I figured that there was a reluctance on the part of many of the kids in the barrio to join an all-Anglo troop, that my brother and I did not have that same reluctance. It turned out that I was too young to be a scoutmaster so I couldn't form a troop. I contacted a veteran, whom I knew, who was willing to be the scoutmaster and I was the assistant scoutmaster. We formed a troop, not in our barrio, not in Alta Vista, but in the other two barrios that were near La Habra. I went to a dinner just a few weeks ago, actually a Sunday afternoon get-together that takes place every couple of years, of folk who attended the segregated school. They have sort of an informal organization, they just get together to celebrate. Candelario was there at that meeting, and they always invite me because I am sort of one of the graduates who did well. And another fellow, Gil Dorame, who is a lawyer from Santa Rosa also went to that segregated school. He was in attendance. But one of the folk there, in attendance, said "Cruz, come over here," and he showed me something that his mother had saved for him since he was a little boy. What she had saved was his Boy Scout kerchief that still looks new. He says, "You know, we have saved this all these years," and he spoke so fondly of the time that he was in that Boy Scout troop that we had. I had helped, you know, organize that.

2-00:47:07

Then, of course, I was active with that Y group. I don't recall whether it was the Boy Scout troop or the Y group where we had a big project to clean up a yard and make it into a park. We had never quite succeeded in doing everything we wanted to do. The local Catholic Church had burned down and the debris was just left there; it had never been cleaned up. So we worked many Saturdays to clean it up and so on. So I was always, in some way, sort of an organizer. Maybe my dad was right, I was a metiche. [laughs]

2-00:47:46

And, frankly, to this day—I have been having some dinners. The chair that I have has some money within it, and I decided to have dinners for first year law students, and talking about the big issues of freedom and equality, which is what the chair is about. Near the end of the dinner, a first year student asked me, “Well, based on all of your years of experience, how do you see our society? What will make for a better society?” We talked a little about government and I told him that I had little confidence in elected officials, qua elected officials. That, despite the difficulty of it, my confidence was still in community groups getting together, deciding what's right for them, and then putting pressure on their elected officials to do what they thought was right. I tell people that I am really a very conservative person because I am not sure that I have changed many of my basic views since I was a little boy.

2-00:48:47

LaBerge: That's not necessarily bad.

2-00:48:50

Reynoso: Oh, I don't think so.

2-00:48:50

LaBerge: But, the fact that you are conservative, not illiberal.

2-00:48:54

Reynoso: I am conservative that way, though I am a political liberal.

2-00:48:56

LaBerge: Exactly, exactly. Now, what about the Catholic Church and its role in your life? You said you went to church, but did you become an altar boy?

2-00:49:09

Reynoso: No. Well, first of all, the area that my folks come from is a very Catholic area.

2-00:49:16

LaBerge: Yes, and that's why they came.

2-00:49:18

Reynoso: Yes, and that's one of the causes, the Cristero revolution was one of the causes why they came to the U.S. When we grew up we were always quite loyal in attending Mass, and—

2-00:49:34

LaBerge: Every Sunday, for instance?

2-00:49:36

Reynoso:

Yes, every Sunday. We went to special training for the first Communion and confirmation, and that sort of thing. Though, my mom, I think, sometimes had qualms about it because—well, for two reasons; two, perhaps, quite contrary reasons. I remember one time her telling us that according to—[tape interruption] She had qualms in two different ways it seems to me, as I remember. One was that I remember one time she said, “You know, as good Catholics, we are not supposed to believe in witches and things of that sort but, of course, you know, they exist.” [laughs] So I think she has some qualms on that side of it, and then, later in her life, she started experimenting with going to a little mission that a Protestant lady had in the barrio. I think that she had some qualms, at least later in her life. My dad was always a very strong Catholic. In fact, sometimes it was he who would take us to Mass, rather than my mother.

2-00:50:51

I accepted all of the moral teachings of the Catholic Church and Christianity. I think that it had a very strong influence in my own notions of right and wrong and the responsibility that a person has in society. On the other hand, during my teenage years, I had qualms about some of the teachings, some of the detail of the teachings—the power of the pope, and some other teachings. I particularly didn’t like some of the priests who spoke against Protestants and Jews, and so on. So I started falling away from the Catholic Church, I think, in my teenage years. By the time I got to college, I don’t think I was attending Mass, and then I married a woman who is a Protestant, and I have been attending her church, which is actually a conservative Baptist Church, since that time. But I have never joined, because I think that, while I accept the precepts in terms of how we are supposed to live our lives, some of the details of, I suppose, practically any religion, are hard for me to accept. So I have never joined.

2-00:52:17

But my own sense is that that early training was very important to me. I remember having a discussion with a priest, because the Catholic Church, like Protestant churches, has an annual visit from priests who come, akin to evangelists. I remember having a discussion, again when I was probably in junior high, with this one priest who had impressed me. I asked him whether, if I went into the priesthood, I could still be an artist—because I was an art major at the time—and he assured me that I could, and all that. So, apparently, I had at least toyed with the idea of going into the priesthood as a young boy. I do think that it was very important.

2-00:53:14

LaBerge:

The priests, any Mexican American priests?

2-00:53:18

Reynoso:

That one that I talked to was. Now, on the other hand, there were some negatives. One time, an old German priest took me aside because he had heard that I was the head of that Junior Y group, and he forewarned me about the YMCA. How it was simply a big web that was meant to bring us poor little Catholics into the web, and make Protestants out of us. He was so intolerant that I think it was one of the many things that started turning me against some of the Church structure, let me put it that way. So I had both good and bad experiences. Though my worst experience, probably, happened in high school, when I was a senior. We had come to Sacramento, two or three cars, to, I think, what was actually the first Junior Y or Junior Legislature. I attended a Junior Legislature as a speaker. They had a little brochure and they spoke of their very first meeting being in 1949. That's when I came, so I think I may have come to the very first one.

2-00:54:32

LaBerge:

Oh, my gosh.

2-00:54:33

Reynoso:

On the way back to Orange County, we decided to go to Yosemite. It was in the wintertime. It was freezing cold, I remember, but the next morning, I don't remember why, I went to Mass with the Catholic boys, and I went to a church with the Protestant boys. I went to both services. And darn if that same morning the Catholic priest was railing against those Protestants and how evil they were, and how they were all going to hell. The Protestant minister was talking about those Romanists and how terrible they were, and so on. I remember thinking to myself, this is no way to run a religion. So you have those not-very-good experiences, but the basic teachings, I think, are very valuable, and I think I accepted them and I think they have helped me.

2-00:55:24

LaBerge:

Your mom talking about witches, is it something of her upbringing, of believing in spirits?

2-00:55:34

Reynoso:

Yes, yes, sure. Rural farm folk in the mountainous region of Mexico. Sure. I am sure that was very much a part of it.

2-00:55:49

LaBerge:

Well, tell me more, if you can, about the Y and how you got involved in that. Was this in downtown? Was it a segregated group?

2-00:56:00

Reynoso:

Let's see. Maybe I should bring you up to date on that. The segregated school went only to the sixth grade. Then we went to an integrated school for the seventh and eighth grade in another part of La Habra. There again, I felt the disservice to the Latino community, because we were forewarned not to speak Spanish. We were told that it was our duty to tell on somebody else who spoke Spanish. I didn't agree with that. I am sure that they did it well-

intentioned, but I viewed it as sort of an attack on our culture, our language, our families. Nonetheless, I graduated from the eighth grade, and went to high school. High school we attended in Fullerton, which was a distance away.

2-00:57:00

Meanwhile, as I indicated, I started working on odd jobs—working, I remember, helping clean the backyard of a lady for the weeds, just hoeing. Then helping some people do some gardening and all that, before starting to work more formally picking oranges. We started picking oranges—again, when I look at my grandchildren I can hardly believe it, but I think we were seven or eight or nine when we started, maybe ten. We would work in the orange groves, and they would refer to us little boys as “ratas” or rats because we were too small to carry the ladders. We would have sacks, and we would pick the oranges and put them in the sack, and then put them in boxes. We were so small that all we did was pick the bottom of trees. I think that is why we were called rats. We were nibbling at the bottom of the trees. Then, when we got to about age fourteen, we would be like adults. We would start carrying the ladders, and then my younger brother came and worked as my rat.

2-00:58:11

LaBerge:

I mean, you actually called each other, you called him your rat.

2-00:58:14

Reynoso:

Oh yes, “my rat.” [laughter] And I was somebody else’s rat when I was a little boy. Then, during the summers, as I mentioned, we went to work up north. There I saw a lot of the injustices that farm workers had, including sometimes concerns as to whether or not they’d get paid at the end of the picking season. The housing arrangements were terrible. For several summers we lived in tents. The tents, in turn, were put in an area that was dry, but as people stepped on it, it was moist underneath. So, we had summer colds. Another time, we lived for a portion of the summer in a barn. We cleaned out a part of the barn and lived in a barn.

2-00:59:05

LaBerge:

This was in the Central Valley?

2-00:59:05

Reynoso:

In the Central Valley, around Fresno and Sanger. So I saw much of what I considered injustices. Then, went to high school. We used to catch a bus, like at seven in the morning, to go to high school. In high school I joined the Y. And apparently, it must have been a very active Y, because they had a professional who worked with the Y and ran, I guess, several programs and all that. One of them was the high school club. He asked me whether I was willing to take over this group. They must have had somebody else there before, I don’t know. I agreed to do so. And by that time, I must have been at least sixteen, because I had my own car. I agreed to do it, so then I started.

2-00:59:59

LaBerge: Was that a job, a paying job?

2-01:00:00

Reynoso: No, oh no, just a volunteer. Again, I ran into a fellow who had been in that group at this recent meeting we had, and he remembered, for example, my taking some high school girls—because they had reached the point where they were interested in learning how to dance. So, I said okay, I will invite some girls from high school to come to teach you dance. And I invited some girls from Fullerton High School to come over, and they agreed. One of the meetings we had, they were teaching the boys how to dance and this gentleman remembered that. [laughter] We had really a good time. We were all Catholics, so, in fact, we started our meetings with a prayer. But, of course, it was always a Catholic prayer because that's all we knew. But this German priest was very suspicious, and knew that it was a conspiracy to get us all away from Catholicism. [chuckles] Incidentally, the Y professional was the father of a person—whom people have now forgotten—by the name of John Raitt, who was a singer, a light opera singer, whose daughter is the Raitt who is now—

2-01:01:17

LaBerge: Oh, Bonnie Raitt.

2-01:01:17

Reynoso: Bonnie Raitt. Bonnie Raitt is the granddaughter of the fellow who worked at Fullerton High School.

2-01:01:24

LaBerge: Well, I'll be darned! I remember hearing his voice on records.

2-01:01:29

Reynoso: Yeah, he would sing *Oklahoma* and things of that sort. When I was in the military, I went to hear him sing in New York. I forget in what hall he was. So, anyway, that is how I got involved with the Y.

2-01:01:47

LaBerge: The leader must have recognized something in you to ask you to be the leader of this group.

2-01:01:52

Reynoso: Well, among other things, I was the only Latino active in the group. This was a Latino group, so I assume that was one of the attractions, but yes, he must have had some confidence in me.

2-01:02:05

LaBerge: Well, more on your jobs, both in the orange groves and the Central Valley. Do you know how much you were paid? How did that all work?

2-01:02:11

Reynoso:

Let me tell you one other thing. I am trying to put together an autobiography. I had a summer student do some research, and I asked him to go back and look up the local newspaper on anything pertaining to the segregated school and the desegregation. He could find no mention of it in the local newspaper. Now, I have to go back and see if he missed something. He did find something that I do not recall. He found a story, dated around 1948, when I would have been a senior, saying that I and some other people were organizing a group in La Habra of Mexican Americans to worry about voter registration and voter education and so on, and I don't remember that.

2-01:02:57

LaBerge:

My gosh, and at that time the age was twenty-one too. But you obviously were concerned that maybe your parents weren't voting or—

2-01:03:06

Reynoso:

Right. I was always very interested in that. I had thought, quite mistakenly, that as soon as eighteen-year-olds got a chance to vote, they would be anxious to vote, but history hasn't shown that to be true. But I know I was very anxious to be able to vote, and all that. To me it was a big deal. There is an irony because I just don't remember helping form that group, but there was a report in the paper.

2-01:03:32

LaBerge:

So it must have happened.

2-01:03:33

Reynoso:

In terms of work—we didn't start going up north until I must have been about eleven.

2-01:03:47

LaBerge:

And the whole family would go?

2-01:03:49

Reynoso:

The whole family would go. Before that, the work that I had done was those odd jobs that I mentioned to you, and then working picking citrus. Mostly oranges, because lemons were picked by older boys and older men. Lemons were picked in such a way that you gauged them, and you picked only the ones that were a certain size. So it is a little bit more complicated than picking oranges. I just picked oranges, and then we started working, started going up north probably when I was age ten or eleven. The big jobs we had was picking grapes and picking plums. As you know, Californians are called prune pickers, but as you know, you don't pick prunes, you pick plums and then they are made into prunes. On at least one occasion, we went up early—the peaches were picked earlier, but again I was too small to pick peaches. My older brothers would pick peaches, and my dad.

2-01:04:54

On one occasion, we did come as far north as Tracy, and we worked in thinning tomato fields. That is, with hoes we would cut the weeds. Then, on

another occasion, we did topping of onions, near Stockton. It's the only time that I got sick while working. The onion fields have no shade to them, as you know, and you top onions by picking them up and cutting the tops off, and putting them in sacks. It must have been a very hot day, because I started feeling sick and my dad asked me to quit and go sit in the shade by a truck, and I did. I remember, when I got home that night, I had lines of salt going down my face. I think, as I stopped quickly, the sweat just cooled off and I had these lines of salt. My dad, I think, decided that was not the type of work that we wanted to do, and we went back in the Sanger area.

2-01:06:08

The whole family would come up. In picking prunes or plums, everybody worked. At that time, there was a baby in the family, and the baby would be taken out to the orchards and one of the little children would stay with the baby, and my mother and all of my brothers and sisters and I would pick plums. Now, picking plums was easy. What happened was that the boys or the men would go—older boys—would hit the limbs and make the plums fall on the ground. Where we picked was near the Kings River, so it was very sandy. We would be on our knees, picking plums all day long, and we would put them in buckets, and then we would put the full buckets in boxes.

2-01:07:00

I should tell you, though, that there were some incidents up there that I think influenced me. I mentioned to you my incident with the field foreman that was sort of a negative incentive for me to go on. There was another incident that impressed me. We were all picking plums and there was sort of a murmur going around the workers. I didn't quite know what was going on, but I knew something was happening. Then, all of the sudden, everybody stopped working. It was a sit-down strike. There was a group of men, who I guess were sort of like the spokespersons, and I still remember—this is in an area by the Kings River. And, as happens a lot in the valley, there is a flat area then there is an embankment where water has been washed away through thousands of years. I still remember the field foreman in his pickup truck, coming down that embankment, full speed, with tons of clouds of dust behind him because he was going so fast. I was always a little bit curious, so I had sort of wiggled my way to this group of men because I figured whatever happened would happen there. Sure enough, the field foreman drove up to that group of men, jumped out, and I still, to this day, remember the first question he asked. He didn't ask, "What's happening? What's going on?" He said, "All right, who started this?" I still remember that, but I also remember the power of people working together. I don't know exactly what the deal was. I think what happened was that they had learned that other ranchers were paying half a penny, I think, or a penny more per box than we were getting. They thought that was unfair, and there was a sit-down strike. The grower then had no choice, even though he was very mad, wondered who he could fire, but couldn't find anybody to fire so he actually negotiated with the men and agreed to pay another half cent or another cent a box, and everybody went

back to work. I was just so impressed that here we were farm workers, seemingly with no power, but then by working together you did have power. I am sure that is one of those—I still remember it—it influenced me in terms of my thinking about, even my current thinking that my faith really still lies with citizens and residents getting together and figuring out what's best for them.

2-01:09:33

LaBerge: Isn't that amazing.

2-01:09:35

Reynoso:

Then, at about age fourteen, my next job was to work as a pinsetter in a bowling alley. In those days they had boys and men setting the pins; they weren't done automatically. I got a job in Whittier, which was a little ways from where we lived. I used to hitchhike. At that time, I didn't have my car; I wasn't sixteen yet. I used to hitchhike from La Habra to Whittier. The monies that I earned, I would keep some of it, but most of it I would turn over to the family. Though I still remember one incident—it is funny the things that stay with you. I had hitchhiked home, I went through the barrio, and there was a grocery store in the bigger barrio near La Habra, and I bought some groceries that I was going to take home. I guess it made me feel good to actually take something home. But one of the pieces of groceries that I bought was an apple pie, and I decided to take a bite of the apple pie, and it was pretty good so I decided to take another bite. I kept eating and eating on; by the time I had got home I had eaten the whole apple pie. [laughter] I couldn't have been more than about thirteen or fourteen. How in the world I could eat the whole apple pie I am not sure, but I did. Then I started working at a bowling alley in Fullerton, in high school. While I was there then, I think I was a sophomore, my high school teacher was married to an artist. She was my high school art teacher, and he was looking for an assistant and she recommended me, and I was hired to be his assistant. So, I started working Saturdays for him. I would work Saturdays for him and then Friday nights and Sundays I would work at the bowling alley.

2-01:11:39

LaBerge: What did you do for the art teacher's husband?

2-01:11:44

Reynoso:

He had experimented with different ways of making a living. By the time I met him, he was designing wallpapers. This was after the Second World War with a big boom in construction going on. He was a full-time designer of wallpapers, dealt with people back in New York mostly. He was sufficiently successful that he needed some help at that point. My job was to be a renderer. That is, I did not design the wallpapers but once they were designed, then they had to be—several parts of it had to be painted in different colors for different color combinations. So he would do the design, and then I would do the painting of the—either the edges of the design, or he would do little samplers with different colors and I would do those. I have always remembered with some fondness that, two or three years after I started working for him, he was

working—his studio was a former bedroom and I worked with him. Then he built a studio a year or two after I started working for him, I guess. An old garage was torn down and a new garage was built, one-car garage, and a room by it, and then the studio was above that. It was a good-sized studio. We were moving everything, and in moving everything I found the very first rendering that I had done. It was so bad that he never sent it to the printers, but he never told me about it. I guess he had confidence that I would get better. It was bad because—there would be a drawing then I would have to paint the colors. I guess I was so concerned to do it just right that I tried so hard to stay within the lines and it didn't have the sort of free flow that you want to have in your painting. I never said anything to him, but I appreciated the fact that he hadn't said, "Gee, Cruz, what a crummy job you did." After, I think, a semester, I quit the bowling alley job. By that time, I had left home and I was living with a friend in Fullerton, where the high school was. Then, I think at the end of that school year, I went to live with the Randalls.

2-01:14:24

LaBerge: This was the name of the—?

2-01:14:26

Reynoso: —of the family. Of my teacher and her husband. I quit the bowling alley, then I worked weekends, Saturdays and Sundays, as an assistant to Mr. Randall.

2-01:14:42

LaBerge: Kind of paying for room and board?

2-01:14:52

Reynoso: No, I didn't pay room and board, and I don't—it's strange—I don't remember our arrangements. I know I got paid some, because I had money. You know, I think I didn't pay room and board. I really became like part of the family. In fact, I've always considered them like my second parents. That helped me a great deal too, incidentally, because I had always been in a Mexican household, and here they were Anglos. In fact, Mrs. Randall's ancestors went back to the *Mayflower*. So I learned very much about the Anglo world. I think that helped in my life's experiences after that.

2-01:15:37

LaBerge: Did they have children?

2-01:15:39

Reynoso: They did not have children.

2-01:15:41

LaBerge: So, they probably really adopted you.

2-01:15:43

Reynoso: Yes, yes. Then, later actually, a niece went to live with them while I was still there. They always had young people around. They were a wonderful couple. I think that his parents had some qualms about taking me in, but they were all very nice. As I say, I was like their adoptive child. They often said that I was

the first of a series because, after that, they didn't live with them, but they always had young people working for them. They had a very nice relationship with young people. I guess I was the first of those young people who started working, and actually I lived with them.

2-01:16:30

LaBerge:

Do you want to end there? Do you want to go into why you left home and all of that?

2-01:16:38

Reynoso:

This is probably a good time. I guess we have gone through my working experience. I worked with Mr. Randall then on and off through junior college and even college, not law school. I lived with them the first year of law school, after I got out of the army, but I didn't help him with his artwork. Maybe this is a good time to quit.

2-01:17:05

LaBerge:

Okay. We can kind of start there, like go more into high school a little bit, what subjects you took, what you liked, and activities, and things like that.

2-01:17:16

Reynoso:

Okay.

[Interview #3: December 10, 2002]

[Begin Audio File 3]

3-00:00:16

LaBerge: Today is December 10, 2002, and this is interview number three with Cruz Reynoso. We only got up to age seventeen the last time.

3-00:00:22

Reynoso: Age seventeen?

3-00:00:25

LaBerge: Yes. But I think that we need to cover everything fully. I am not sure though, even with that, if we covered your impressions, or what you remember about World War II. Once, you told me—I think—that you moved to the Central Valley during World War II, for a short period of time?

3-00:00:41

Reynoso: No, no. I remember the Second World War very well. One of the lasting impressions I actually have is airplanes. Hearing airplanes roaring above us. I was born in '31, so I must have been about ten, eleven I guess, because it was late '41 when Pearl Harbor—I was age ten or eleven.

3-00:01:13

LaBerge: Your birthday is in May. So, ten and a half.

3-00:01:18

Reynoso: Ten and a half. Then I was fourteen or fifteen when the war came to an end. I remember very much all the war preparation, particularly the huge number of airplanes flying above. When they would come by in formation, there would be dozens, maybe sometimes hundreds, and you could hear the roar from miles away, and they would fly over. I remember very much—I was always interested in art. I was going to be an artist at one time. I liked cartooning, and I remember all the cartoons. I could even draw them for you now. Of how Tojo was—very simple cartoons.

3-00:02:00

LaBerge: Maybe you should explain for people who don't know Tojo.

3-00:02:03

Reynoso: Tojo was, I believe, the prime minister or premier of Japan, and he was the one that was characterized as the enemy person. He was the person we were supposed to hate. On the German side, there was Hitler, who was then president and dictator of Germany, and we were supposed to hate him. They all had different characteristics. Tojo wore glasses, so he had big glasses in his cartoon and big teeth, and Hitler had hair growing over one of his eyes and a big square mustache, and that characterized him. Then, Mussolini, who had a big chin, and he was the premier of Italy. I would draw them with great gusto at that time.

3-00:03:01

And then, too, during the war my dad quit working as a farm worker for a little and worked in the shipyards in Wilmington, near Long Beach, building warships. What impressed me at that time is that I asked him what type of work he did, and he brought home some samples of what he did, which was very complicated electrical work they would put on grids. What impressed me was that he hardly spoke any English, he didn't read any English, and yet, with proper instructions—he was always a hard worker—with proper instructions and with color-coded wires, he was able to do very complicated work. I have always been impressed by what employers and companies and industry can do if they really want to put people to work, and the excuses they use very often when they don't want to put people to work.

3-00:04:07

During that time, the greatest change to us was that my parents apparently decided that we could earn more money if we traveled “up north,” which meant going from Orange County, generally to the Fresno/Sanger area, where we would pick fruit. The whole family would pick fruit, and so we were able, I'm sure, to earn more money than just having my dad work. My mom didn't work outside the home.

3-00:04:38

LaBerge:

Was this just in the summer?

3-00:04:42

Reynoso:

Early in the summer and into the fall; we would get back to school late. We had our permanent home in Orange County. Now, we had worked since we were youngsters as farm workers in Orange County itself, picking citrus, particularly oranges, but sometimes the older boys would pick lemons. Some of us did a little bit of—it's called truck gardening—vegetables, but mostly we worked in the citrus. So it was a change for us to leave the house and live up north, very often in tents, for the summer. We spent one summer, a part of one summer, living in a barn. We cleaned off a corner of the barn and lived in it. At the beginning of the summer, very often only my father and the two older boys were able to work, because picking peaches, for example, early in the summer, was done mostly by the men and older boys. That was more delicate picking. Later, when we got into plums, then the whole family were picking plums. The whole family, basically the whole family, at least the very small boys—I worked at it and my younger brother—worked at picking grapes. Mostly Thompson grapes that would be made into raisins.

3-00:06:13

One summer, we came up really early and worked at different jobs. We got as far north as Tracy, California, near Sacramento, and worked at thinning of tomato fields. That is, using hoes to cut the weeds. There are little vignettes that stick in your mind, and there is still one that I remember from working the tomato fields, thinning. It is my dad lying down on the ground, and wiggling very hard and then getting up and shaking himself. We asked him what he was

doing and he would say, “Well, you get tired working with hoes all day long. Haven’t you noticed that horses, when they need to exercise their muscles they will lie down on their back and kick their legs and all that. They’ll get up and they will be perfectly fine.” He said, “If horses can do that, I figure it must be okay for people to do that.” So he says, “I feel fine now. Let’s go to work again.”

3-00:07:13

LaBerge:

Did you use those hoes, I can’t remember the name of them?

3-00:07:19

Reynoso:

The short-handled hoes? We did not, actually. No, we didn’t. They must have come into vogue later on. They were, as you know, very destructive to the human body. But we did not; we used regular hoes. There is another little incident that stays in my mind. That is, there was a Japanese American gentleman who would come out and hoe with us from time to time, and he wore khaki trousers that were always pressed, and wore a cap, not like a farm worker’s cap, but wore the type of cap or hat that you wear in the jungles, you know, like the movies of the 1930s, those round hats. He told us that he had a restaurant, that he ran a restaurant in the afternoons and evenings, and he was working in the mornings, starting very early, to earn some extra money to be able to keep his restaurant going. Again, why I remember that, I don’t know. That impressed me; that a gentleman would come out with clean shoes and pressed trousers to work—to work hoeing in a tomato field. We didn’t have pressed trousers. [laughter] That was only a few weeks, and only the older—well, no, my younger brother, who couldn’t have been more than eight or nine, did hoeing. There were four boys in the family and then several girls. So the four boys, I think, worked at that. Then, I may have mentioned to you that we worked just one day at topping onions.

3-00:08:55

LaBerge:

Was this the heat?

3-00:09:01

Reynoso:

Yes.

3-00:09:01

LaBerge:

Yes, you did.

3-00:09:00

Reynoso:

Yes, that’s the only bad experience that I had. Other than that, we normally would go to the Sanger area, and spend most of our time picking plums and grapes.

3-00:09:14

LaBerge:

Do you remember anything about the Japanese Americans being interned, or any impression of that at that age?

3-00:09:20

Reynoso:

You know, I do not. The main minority group in Orange County, besides Mexican Americans, were Japanese Americans. I don't recall anything about that. I don't think I was even conscious that they had been removed from our neighborhood. When I got to high school, just after the Second World War, some of them had come back. They were truck gardeners and flower gardeners, but I don't recall anything about that.

3-00:09:50

LaBerge:

Probably, you didn't go to school with Japanese Americans—I am just guessing—in elementary school.

3-00:09:58

Reynoso:

Well, when I went to a segregated school, there weren't any there. Part of the Second World War, I would have been in Washington School for the seventh and eighth grade, which was an integrated school, but I don't recall any Japanese Americans at any school.

3-00:10:17

LaBerge:

Any other impressions from the war? Either what your folks thought of it, or—

3-00:10:26

Reynoso:

Oh, yes. Well, first of all, I should tell you—in fact, I have been referring to this recently—I very much remember the message from Franklin Roosevelt of why we were fighting the war. He had four freedoms, and I remember that very clearly.

3-00:10:50

LaBerge:

Did you hear it on the radio?

3-00:10:52

Reynoso:

I guess so, the radio or newspaper or both. And I think there were posters—well, of course—that we saw all over. The posters and the movies. We saw the movies; all the war movies and all that. But I remember that one of the four freedoms was “freedom from want.” I guess that struck me because we were poor, and we had just got through the Depression and that meant something. Then, they had freedom of speech and of religion and a few other, three other freedoms. But, I remember one was freedom from want. I asked one of my assistants to find that speech, and actually, that speech was delivered before the Second World War, but it was repeated after the war got going. I remember hearing it a lot.

3-00:11:41

Of course, I remember all the posters, all the soldiers. The rumors, I didn't have much—I didn't know too much about what was going on between the pachucos and the navy boys in Los Angeles. Terrible fights between Mexican American youths and sailors in Los Angeles. We would just hear rumors about it. Then, the calendars. Mexican American families so often have calendars they pick up in stores. I remember calendars of FDR [President

Franklin Delano Roosevelt] with President Manuel Avila Camacho of Mexico, an American and Mexican flag. So far as I knew, all of my parents and the community and all that were very supportive of the Second World War, and we were all very patriotic.

3-00:12:38

LaBerge:

Let's jump then to high school. We talked a little bit about high school, but we hadn't really got—you moved in at some point with the Randalls. You talked about the jobs that you had, but we really didn't talk about what prompted you to do that.

3-00:12:58

Reynoso:

Yes, well, I really don't recall exactly when. I think I was in the sophomore year. Well, I should tell you first that we lived in La Habra, in the outskirts of La Habra, in a little barrio called Alta Vista. Oh, excuse me, when the Second World War—there is one other thing that I may have mentioned to you, and that is that the Bracero Program got started with great numbers during that time. A large bracero program was set up near the Imperial Highway, which was just a physical block or two away from our little barrio. I used to go and spend hours with the men there, talking about the progress of the war. Apparently, I kept up with the battles, and so on, because we had long discussions. They would ask me about what was happening in the Pacific front, and in the European front, and all that. We would talk about the progress of the war, and all that. I remember those discussions very fondly.

3-00:14:14

LaBerge:

Why would they ask you? Because you had read the newspapers?

3-00:14:17

Reynoso:

I guess so. I guess so, because they felt that I was keeping up more with what was going on. I was always interested in public events. Apparently, I was very interested in the war and kept up with what was happening. So, we would have those long discussions. Anyway, I just mentioned that to you because I went to high school then, at age fourteen, so that would have been—the war was still going on. We would catch the buses to go to high school because it was in Fullerton, maybe ten miles away from where we lived, early in the morning, like at seven in the morning. Then we would be deposited there, also, on Imperial Highway by the bracero camp, so we would take time to talk. I would visit evenings sometimes too. I continued doing that—I think I had mentioned to you the jobs that I had—through a portion of my sophomore year.

3-00:15:27

Then, for reasons that I don't recall, my older brother and I left home. I think I mentioned that to you. He ended up the first night sleeping in jail. The police officers just let him sleep in jail, and he joined the military, I think, the next day. But I did not leave home at that time. I waited for a month or two, until I found a place to go to in Fullerton. I went with a friend who was renting a

room in a private home in Fullerton, moved there in my sophomore year. I had decided I was going to be an artist, but I may have been thinking about the possibility of being a lawyer, because I took Latin the first two years of high school, and I seem to remember thinking that I took Latin in case I decided to be a lawyer because I understood that you needed more Latin to be a lawyer. Actually, it is not true, but that's what I had heard. So I took Latin the first two years of high school, and then Spanish the second two years.

3-00:16:33

LaBerge: Spanish Literature?

3-00:16:33

Reynoso: No, just plain Spanish.

3-00:16:35

LaBerge: Plain Spanish? Because you knew Spanish.

3-00:16:38

Reynoso: I knew Spanish—well, yes and no. I may have mentioned to you that sophomore—probably the junior year—sophomore year I guess it was, I had—I was already with the Randalls and I had borrowed, I remember, their new Packard, which I thought was the most beautiful car in the world. I think I was going on a date and I put on the radio, and the annual state of the nation address by the president of Mexico came on. I listened to it, and I couldn't understand half of it. He was talking about political and economic situations, and using words that I didn't understand. I thought to myself, if I am going to say that I know Spanish, I better be able to understand the president of Mexico. So I took plain Spanish.

3-00:17:32

Incidentally, it was an interesting experience for me, and I still have mixed emotions about the following: Mexican American kids had a hard time getting good grades in Spanish. I finally think I figured out why it was. That's because a language other than English, often referred to as a "foreign language," is taught comparing that language to English. So if you don't have a good grounding in grammar and so on in English, you'll never be able to do the comparison properly. It had a very adverse psychological effect on the Latino kids. They would say, "Gee, I can't even get a good grade in Spanish."

3-00:18:13

LaBerge: Which I should be getting As in.

3-00:18:16

Reynoso: Right. I had to work—actually, I did well in high school—but I had to work hard at my Spanish to do well. But I had also taken—no, maybe it was in college that I took a semester of French. I guess it was in college. At any rate, I talked to the teacher about that, and the discussion went like this. I said, "Teacher, in courses where students study a language other than English, they are normally given some credit for proper pronunciation, but I notice that in

this class we don't get any credit for proper pronunciation." And the teacher said, "Oh, no. I think it would be unfair to give you credit for that because you already know it." I thought, well that sounds fair in a way, but it is interesting how the rules always seem to be such that you don't get credit for what you know, but you get a lack of credit for what you don't know. It was just an interesting byplay, because I have always felt that whoever is in charge makes the rules to favor themselves. Here was just one other rule that seems fair at one level, but unfair at another, in terms of how you grade. At any rate, in high school, I signed up and tried to work hard in my classes. I would work most weekends, not all. I joined the YMCA. I forget who invited me to do that. I think I mentioned to you—

3-00:20:15

LaBerge:

We talked about the YMCA.

3-00:20:14

Reynoso:

—that they asked me to be in charge of that young group. Through the YMCA, I think it was with that group, we went up to the San Bernardino Mountains and I saw my first snow. We went to Sacramento. I think I mentioned to you coming to Sacramento for a junior legislature. So, I think that started giving me some experiences away from the barrio. Living with the Randalls obviously expanded my wings in terms of the many interests they had in the arts and literature.

3-00:20:55

LaBerge:

For instance, were you like a family? Did you have dinners together? With the Randalls.

3-00:21:05

Reynoso:

Oh yes, we always ate together. That is where we got into all kinds of discussions on history and art. We would have books spread out all over this table, and so on, and argue about those things and discuss them. That was a great learning experience for me. I think I belonged to the Latin club for the first couple of years, and did the Spanish club later. I played a little bit of basketball, and I went out for track for a little while. In my senior year, I think, I was elected vice president of the class. I just remember that because it shows in the annual. I don't recall that we did very much.

3-00:22:04

LaBerge:

This school, Fullerton High School, was not segregated?

3-00:22:03

Reynoso:

No. No, it was not segregated. There were some social problems that had come up that were important to me. This just sounds like teenage problems, but they are still important from that time. There was a group of Chicana girls that had invited me to a party. I went, and I really enjoyed it, but I remember, perhaps one of the first dates I had, I dated an Anglo girl and took her to a basketball game. The Chicana girls saw me there, saw me with her, and they never invited me again to a get-together. So, I think there was this sense that

“he has abandoned us,” or something like that sort. But then, later, there was another young lady. I remember she was running for Queen of the Sixteenth of September, and I went out with her. So, it wasn’t everybody, but I remember that sense that these girls who seemed to like me one minute didn’t the next, you know, because I had dated somebody from another ethnic group.

3-00:23:25

I went to a lot of basketball and football games, and most of the boys that I went with were Anglo at that time. I remember two tall twins. I remember they were Roman Catholics because they didn’t eat meat on Fridays. So they couldn’t have hamburgers on Fridays, I remember. Including going one time to a football game in San Bernardino, or some place, in a Model A, and it seemed like it was miles and miles away. I think we had a championship football team that year, so we were playing some out-of-league team, so it was sort of an adventure for us. Those were the main sort of activities that I remember in high school.

3-00:24:23

LaBerge:

But it sounds, from the beginning, you liked school, and you liked your studies.

3-00:24:29

Reynoso:

Yes. Oh, yes. I did, I did. You always worry about your grades or exams, but I always enjoyed the studies. Actually, I found Latin sort of frustrating. [laughter] I don’t remember why. That and science—at least a type of science; I forget which one—were not one of my favorite. But most of the classes, particularly the social science, history, English, all that sort of class I enjoyed.

3-00:25:03

LaBerge:

Your younger siblings, were any of them at high school with you, but still coming from La Habra?

3-00:25:15

Reynoso:

You know it seems to me, this is odd, but it seems to me that my brother Joe should have been in high school at the same time that I was, but I don’t remember. Of course, by that time I think I was with the Randalls. I remember very little interaction with him in high school.

3-00:25:31

LaBerge:

For instance, would you go back home to visit?

3-00:25:33

Reynoso:

Yes, in fact, as we are speaking, I wonder if by that time they were already building the La Habra High School. Because everything was growing after the Second World War. I just don’t remember, but I remember very little interaction with my brother Joseph, who would have been the only one, I guess.

3-00:25:49

LaBerge:

I remember you talking about—I think—Mr. Randall taking a bunch of you to a basketball game at Fullerton Community College. Or that was your teacher.

3-00:26:05

Reynoso:

That was the teacher when I was in grammar school. Oh, yes, that impressed me a great deal. Then, later I went to Fullerton Community College.

3-00:26:13

LaBerge:

Where did that impetus—when did you know that you were going to be going to college, that that was what you wanted to do?

3-00:26:21

Reynoso:

I don't know, but I think I had decided very early that the only way to get ahead was to go to college, because I remember simply assuming that I would be going to college. This is even before going to the Randalls. So, very young, it must have been somewhere in junior high, somewhere through there that I just decided that's what I needed to do. I didn't know how I would afford it. At that time, we had a pretty good public education system going through college, so I had assumed that I could go to a public college, and just work the way I had when I was in high school. Now, I was, I think I mentioned to you, one of those students who believed what teachers told us. It may have been that some of the teachers talked about going to college, and how important that was. I just don't know. I have always been impressed—I may have told you—with the fact that my wife, who was from east Tennessee, a hillbilly, did very well in high school and she wasn't encouraged to go to college. Somehow, somehow I got the notion—whether it was by myself or because of what somebody said, I really don't know how. But it must have been very early because, even taking Latin, I was already thinking that I would need Latin someday, so I must have made a decision even before going to high school.

3-00:27:57

I recall, I mentioned to you the incident of that supervisor in Sanger, who said that I was the first Mexican kid who was interested in education. I remember being offended by that, and thinking that I'd have a college degree someday. I think that was around the eighth grade. So, pretty young, somewhere along the line I decided that I was going to go to college. I am sure that when I heard about it—when people ask me why I kept going, despite obstacles, I tell people, as I may have mentioned to you, that I was just too dumb to know they were obstacles. I think that's probably my attitude at that point. I just saw that as what needed to be done. Fortunately, I was able to succeed. That is, in grammar school, people would tell me how hard high school was going to be, and I did perfectly well. In high school they told me how hard junior college was going to be, and I did perfectly well there. They told me how hard college was going to be, and I did okay there. They told me how hard law school was going to be, and, somehow, I was nonetheless able to maneuver my way through all those institutions.

3-00:29:06

LaBerge:

Tell me about that transition to, for instance, junior college, and was that just a foregone conclusion that you would go to Fullerton Junior College?

3-00:29:18

Reynoso:

I think it was. Yes, I think it was. I didn't have any money, and I lived there. I was commuting with Mrs. Randall, the art teacher, who was teaching at high school. I think it was just, as you say, a foregone conclusion that I would go to Fullerton, so I did go there. Then my experience at Fullerton was quite different than in high school. Mostly by accident, actually. There was a custom, apparently, at the community college—incidentally, Fullerton was one of the first community colleges in the States, so it had quite a history. There was a practice then of asking the speech teacher to have one of their students be in charge of the first class of the freshmen at the junior college. I had delivered a couple of talks already, I remember one of the talks was on cartooning. How to cartoon. I guess I must have been asked to do a chalk talk. So, I showed cartooning, how you make people look sad, how to make them look happy, and all that. I guess the teacher was impressed with my speech-making because he appointed—nominated me to be in charge of that meeting. Students came from all high schools around Fullerton. They didn't know one another. About the only person they knew was the person standing on the stage, so I opened the nominations for president, and somebody said, "Well, we'll nominate you." [laughter] So, before I knew it, I was nominated and elected freshman president. The Randalls weren't happy about it. They thought it would distract me from my studies. But it was sort of exciting and new to me, so I became freshman class president.

3-00:31:27

That got me very involved in student government, and it was really quite an expanding experience actually. Then, since I was freshman class president, I ran for student body president the next year, and I was elected, so I was student body president. Somebody, a while back, said, "Oh, you're Reynoso," he says, "your picture is still up on the wall in Fullerton Community College where they have pictures of all of the past presidents." Some room they have. [laughter] I was very active in student government, which meant that we traveled a lot to Sacramento and other places for meetings. Of course, I represented the students before the administration. A gentleman by the name of Dr. Robert Swenson was the men's dean, and just a wonderful person. I feel badly, because he sent me an e-mail a while back and I haven't responded to him. He must be in his late eighties by now. He was the men's—and I guess our advisor at the student council. It was, as I said, a very expanded experience for me in terms of how to conduct meetings and all that. I don't remember what happened, but I remember I was in charge of some meeting of different schools. Apparently, I must have made a mistake in Robert's Rules of Order because this professor came up to me later and says, "Cruz, you were wrong on that, but you're such a nice guy they let you get away with that." [laughter]

3-00:33:11

LaBerge: That's a learning experience in itself.

3-00:33:12

Reynoso: It was a learning experience, and I should tell you that it has served me very well in my legal profession, because the juries respond well if they think you are really trying, even if you make mistakes.

3-00:33:26

LaBerge: If you're a nice guy.

3-00:33:28

Reynoso: I remember having a case where I was having a hard time, and the judge turned to the jury, and said, "Ladies and gentlemen of the jury, just be patient with us. We have certain rules on how evidence can get to you." I remember feeling about this big. The transcript should indicate that I'm indicating "not very big," like, an inch big! I was trying it with a more experienced lawyer who leaned over and says, "Cruz, that's great. Now you have the jury's sympathy." [laughter] Sure enough, when we got the story over—we were representing the plaintiff—the defendants asked to have lunch, and made us an offer we couldn't say no to.

3-00:34:09

But yeah, actually, those were learning experiences. I remember another learning experience which surprised me. We had asked the administration—we, the student body, had asked the administration to do something, I forget what, which I thought was absolutely logical and proper, and the president of the junior college said No. I remember being so frustrated that I felt tears welling in my eyes. I don't know whether they were actually there or not, but I remember that feeling of frustration, and I think that's a learning experience that you—no matter how logical things are, you don't always get the things that you think logically you ought to, or the people you are representing ought to. So even though it—I guess to a certain extent it did interfere with grades or with study time—it turned out, for me, to be a great experience. I think, probably, that's what got me to Pomona College. Did I mention that yet?

3-00:35:09

LaBerge: No, no, no. We haven't begun that, no.

3-00:35:12

Reynoso: One day, in my second year as president of my junior college, as a student, a gentleman showed up, and he was the dean of men of Pomona College. We sat and talked for two or three hours, just about everything. At the end of that time—I never knew why he came, my suspicion has always been that Dr. Swenson invited him to come over to meet me, maybe meet some other people, I don't know. All I know is that I met with him for a long time, and at the end of that discussion he says, "Well Cruz, if you apply to Pomona College and you get admitted, we will give you a full scholarship." I figured, well I've got nothing to lose. So I applied, and I got admitted.

3-00:36:04

LaBerge:

What did you know about Pomona College, or is that what he was telling you about?

3-00:36:06

Reynoso:

Well, he told me about it. I'm not sure that I even knew much about Pomona College, because I hadn't paid attention to private colleges. So, maybe he, maybe Dr. Swenson told me about it being a small liberal arts college that had a very good reputation, and so on. I liked the idea that it was a small college, and liberal arts, and so on. But I had never been to it. Anyway, I applied, and I still remember that they wanted letters of recommendation, and Mr. Randall wrote a letter of recommendation and it was so glowing, it embarrassed me. I said—his first name was Forest, and we called him "Bud"—I said "Bud, you can't say all these great things about me, they will be disappointed when I show up." He says, "No, they expect me to say those good things about you." [laughter] That was still a little bit embarrassing. Actually, even today, when you get an award for doing something that you've enjoyed doing, you always feel a little bit guilty about it, you know. So, anyway, I got admitted and I got a scholarship.

3-00:37:18

LaBerge:

Did you apply any place else? No, that was it?

3-00:37:21

Reynoso:

No, that was early in the game. I wasn't used to college, you know. I guess somewhere along the line I would have learned about dates for application. I think I had sort of assumed that I would just wait until the summer and apply then, as I had in the junior college. I had assumed I'd go to UCLA, as it was the only public college I knew was around. A graduate, a Latino graduate, from Fullerton had gone to UCLA to play football. He was from our neighborhood, so I knew there was a place called UCLA, and I figured that's where I would be going. In fact, that's the only place I thought about. No, wait a minute. A time came when I applied to Berkeley; I knew about Berkeley. I applied for a scholarship, I remember, so I must have done some things earlier, and I didn't get the scholarship. I figured that I wouldn't go to Berkeley, so I figured I would go to UCLA. Those are the only thoughts that I had in terms of the specifics of where to go to college. The Randalls had gone to Whittier College, so I knew about Whittier College. But it was a private institution. I didn't have the money, so I didn't even think about Whittier. Then this opportunity came up.

3-00:38:44

LaBerge:

You continued to live with the Randalls all during junior college.

3-00:38:47

Reynoso:

Yes, yes. That was really my home until I got married. There are things that I remember at junior college. I remember writing an essay, I forget for what course, on Indian—American Indian—music. I used my art skills to draw the whistles and drums and all that sort of thing. It is funny—again the little

vignettes stick in your mind. I remember, I think it was Dr. Swenson was teaching a class on sociology or psychology. All I remember is that he pointed out how our descriptions of ourselves were so wrong when we referred to ourselves as black people, and white people, and brown people. He pointed to a white paper and the blackboard, to show how we were really all very much in between. And as compared to white and black, we were probably all pretty much the same. Somehow I remember that. Again, I don't really know why. I think, maybe, because I was interested in race relations and that little experiment stayed in my mind. I enjoyed most of my classes.

3-00:40:06

Oh, I was on the debate team. I learned something on the debate team also. We had not a very big and not a very good debate team, but our debate teacher was a great PR person. Probably would compete with the current national administration! He would issue a press release about where we had been, what we had done, and it always sounded absolutely great, you know. It would appear in the student paper, probably in the local paper, which I didn't read. But he was always issuing a little story about our competition, and all that. I remember being impressed by how great it looked, whereas I didn't think we had done so great.

3-00:40:47

LaBerge:

It strikes me, you took a speech class, which is how you even got to be up on stage, and then you took debate. You must have been interested in that, or someone encouraged you to do that from the get-go.

3-00:41:03

Reynoso:

No, no. By the time I got to junior college, either as a senior in high school or very early on, I had decided that I was going to go to law school, rather than be an artist. I enjoyed art a lot, but I felt that I needed a profession where I would be more active. To be an artist means to spend twelve hours a day by yourself, you know. It is not at all a sociable—many artists are sociable, but to do their art, the work itself is very solitary. I didn't think I would be happy with that. The Randalls were disappointed with that, but somewhere along the line I decided to be a—to go to law school. Well, I remember, actually, still being in high school when I had this discussion with the Randalls. I must have been a senior. I remember they were saying, “Well, if you are going to go to law school, you at least need to meet a lawyer.” They took me to meet their lawyer, and I chatted with him for half an hour or so.

3-00:42:11

So, late high school I decided that I was going to go to law school. I knew nothing about law school and very little about lawyering. I had considered being a teacher. I felt that I would enjoy teaching, but at that time teachers were very much under the political control of the school boards, and they couldn't be active, socially and politically. I just felt that I needed a profession where I could express myself, because I had an urge to do something about the injustices that I saw around me. And, in thinking through what profession

fitted that need, I thought that the lawyering profession did, because lawyers are independent, and they're paid to be independent and do things that make people mad sometimes but they need to be done. So, I'm sure that's why I took speech and debate and all that, because those are things that I conceived of as being important in law school.

3-00:43:13

LaBerge:

That shows a lot of insight for a high school boy. I mean, if you think of any high schoolers you might know right now, to think so far ahead, or whether something is sociable or not sociable, or what fits you.

3-00:43:29

Reynoso:

Oh, I don't know.

3-00:43:30

LaBerge:

Anyway, my high schoolers that I know. Maybe they are thinking like that and they just don't express it.

3-00:43:33

Reynoso:

Well, life is never completely even, as you know. There was a friend of mine, who took all the art courses that I did, and I always did better than he did, both in my grades and, I think, in the quality. But he decided to go on to art school, and some years later, I heard he had gotten a contract to do a big mural, and I remember thinking to myself, "I could have been that artist." [laughter]

3-00:44:01

LaBerge:

And you could have! You took a different path.

3-00:44:05

Reynoso:

Yes. So, life is never even. It would have been fun to be an artist, but you make your choices as you go in life, and I have been very pleased with my profession. But you always wonder, you know, how things might have gone if you had gone the other way.

3-00:44:22

LaBerge:

In addition, you have been able to teach, too. So, you have done both really.

3-00:44:23

Reynoso:

That's true. I don't know whether I mentioned to you that I got a note from Mrs. Randall when I took my first full-time teaching job in New Mexico. She sent me a little note saying, "Cruz, I always knew you would be a teacher someday." [laughter] So, maybe she was hoping that I might be a teacher also, though I think they were mostly hoping that I would be an artist. Mr. Randall had gone through all of the struggles that artists go through. His father was very opposed to his being an artist, because he didn't figure he would be able to make a living. His mother, who was a very conservative person—religiously, socially, and so on—was supportive of him. He was always surprised by that, and, by golly, he turned out to be an artist and did very well financially, and so on. So he was able to succeed where folk did not expect him to succeed. I think he probably—even though people say, and it's true,

that it is so hard to make a living as an artist, I think he had confidence that if I had tried to do that, I would have succeeded. I remember one time—if I told you these things, stop me—about the cartoon, I was working on with Mr. Randall, and he got a call—

3-00:45:42

LaBerge: No, I don't think you have told us this.

3-00:45:43

Reynoso: He got a call from a business, and they wanted him to do a cartoon of them, for a Christmas card I think it was. He said, "Well, I don't do cartoons, but I've got an assistant who does." They came to see me, and sure enough, I did a little cartoon of them for their card. I remember asking Mr. Randall how much I should charge. This, again, was obviously a learning experience. He says, "You have to have enough respect for yourself to charge what it is really worth, and not demean yourself." So, I figured, all right, I am going to charge them, I don't know, five dollars or ten dollars an hour, which was a big amount in those days. I put in twice as much time as what I charged them, but nonetheless, I told them I was charging them ten dollars an hour, or whatever, back in those days. I forget what it was, but it was a lot of money, and they didn't blink at all. They paid me the money I asked for. I guess I don't have much of a reaction to your observation that that's something that many high schoolers don't do.

3-00:47:03

LaBerge: If they go that deep: "This career is a solitary one, this one is a sociable one. This one, I would be able to work on injustice."

3-00:47:09

Reynoso: I can tell you that I was never an impatient youngster. You know how teenagers always want to grow up and all that. I remember always thinking to myself, if I don't go to high school and I quit, two years from now I won't have a high school diploma and I will be two years older. Or, particularly in college, if I don't go to college, four years from now I will be working at some place, probably not earning very much money, and I will be four years older and I won't have a college degree. I remember even in law school, seeing a lot of injustices around me, and knowing of them, but telling myself that my main job was to get through school, and there would be plenty of things for me to work on when I graduated. So, somehow I didn't have that—at least in terms of vocational and educational ambitions—I didn't have that impatience that many, many youngsters, including my own children, have had. I just didn't; I don't know why. In that regard, I always did look forward, and maybe that's part of why I was able to do the analysis that I did. But I think, I don't know, I think I could have succeeded as an artist, at least—you don't know. I mean, just as I was a good artist in high school, so is there a good artist in every high school. That means thousands of high schools, so maybe I wouldn't have. You just don't know. But I decided to go differently, and fortunately things went well for me.

3-00:48:44

LaBerge: I am going to just change this tape.

[Begin Audio File 4]

4-00:00:05

LaBerge: We were talking about looking forward and what you were going to be doing with your life. Shall we then fast forward to—not fast forward, but to Pomona?

4-00:00:20

Reynoso: One other thing that always impressed me, though saddened me also, was that I had a friend who was black, in high school and junior college. Whenever there was a dance, he could never date any local girls. I asked him where his dates came from; they came from Los Angeles. He would have to go to Los Angeles to find them.

4-00:00:44

LaBerge: Because he was the only black, or there weren't black girls?

4-00:00:49

Reynoso: I think he may have been, in my class in high school, the only black. He had some brothers, but they were in other grades. So, that always seemed a little bit strange to me. And that was true in junior college. He was active with a white group there that I was active with, so we went on trips together and that sort of thing.

4-00:01:12

LaBerge: This was before, I am just thinking, this was before *Brown v. Board of Education*?

4-00:01:16

Reynoso: Oh, yes. Oh, yes. *Brown v. Board of Education* was 1954, when I was in the army. So, fast forward—

4-00:01:21

LaBerge: Maybe we won't fast-forward. Maybe there's more in this. I mean, that was something that you noticed. Any other things that you noticed?

4-00:01:39

Reynoso: Actually, there was another incident that took me aback. It just reminded me how perceptions can be erroneous. When I was a sophomore in the community college, we got the annual. I went up to this girl, Chicana young lady, and asked her to sign my annual. She said something like, "What, you are asking me to sign the annual?" as if saying, "I always thought you were too good to talk to me." I remember being taken aback—I didn't respond—but I remember being taken aback, that even though we were both Chicanos, Chicano and Chicana, she somehow had the impression, I felt, that I had little interest in the Chicano community. Because the people that I dealt with at the

council level were all Anglo, and most of our activity was not ethnically based, so I guess she thought that I had become so Anglo-cized that I had forgotten my roots. That's how I interpret that exchange, which sort of took me aback, but it was of interest to me just in noting how people react to one another.

4-00:03:10

LaBerge:

Or whether, because you were president, that you had this status in the school, and so that you were that much—

4-00:03:21

Reynoso:

The way she said it—maybe I read into it an ethnic connotation. Maybe it wasn't there. But that is what I read into it.

4-00:03:27

LaBerge:

The fact is that you hadn't forgotten your roots.

4-00:03:34

Reynoso:

No, not at all. I don't recall at that time, maybe there were so few of us in the junior college that we didn't have—that was, of course, before the sixties—we didn't have any of the Chicano groups, and so on, organized groups.

4-00:03:54

LaBerge:

Do you want to talk any about your family? When we first started talking, you said that there was difficulty in your family, and sometime you would address that, but maybe this is not a good time?

4-00:04:03

Reynoso:

I am always surprised in talking to my sisters, particularly, how different the experiences were of each of the children depending on their status in the family. I met with my sisters and some other siblings a few weeks ago and we were talking about this. I was telling about some of the really fond experiences that I recalled growing up with Mom and Dad, and they said, "Well, Amado," my immediately older brother, "has many of those same fond experiences," but they said, many of them—I may have mentioned this to you; I am not sure—many of them, particularly the girls, have rather bitter experiences about growing up. Did I tell you that?

4-00:04:57

LaBerge:

Well, you mentioned it, but I think it was off-tape.

4-00:05:01

Reynoso:

Sometime, maybe during high school—I think when I left home, dad had actually left home because of the problems between my mom and dad. I think he had left home. I think he was living in Fullerton, working, I think for the railroad. He left agriculture and was working for the Union Pacific, where he had worked many, many years before. There were many conflicts between my mother and my other siblings, including the girls. So that, at one point, two of the girls left and went to live with Dad in Fullerton.

04-00:05:43

Then they were talking about the time that my brother Joe—and I didn't realize that he had actually, he himself had left home for a few months one time after having some sort of conflict with Mom. Then returned when the girls called him and told him that Mom herself had left the home to live in Los Angeles for a little while. So, basically there were no adults at the house, and they were young teenage girls. He felt that he should return. He had gone up to the Sanger area—you go to what you know. So he returned to the house and basically became the head of the household as a teenager—seventeen or eighteen—because he felt, among other things, that the girls needed protection. I think they said that they had told him there were some boys who were sort of bullying them, sort of forcing their way into the house and that sort of thing. So he came back. I think it's at that point that, I think I may have mentioned to you, I had some serious discussions with the Randalls about quitting school because I felt that I had some of responsibility in that regard. But I was convinced that I should continue with my schooling.

04-00:07:06

So, they had very different experiences. Then, for a while, both Mom and Dad were gone, and they recall that when Mom or Dad would come, the atmosphere would change in the household. For a little while they were in charge and Joe wasn't. Then they would leave, and Joe was then again in charge. It was a very troublesome time for my brothers and sisters. Fortunately, they all seem to have survived it well, except my youngest brother, who I have mentioned to you ended up using, and trying to get others to use drugs. The family turned on him and called the police, and he ended up being imprisoned. He got out many years ago, and seems to have been doing well since that time, but he was the only sort of very serious casualty in the family. I guess we should be pleased that there were no more than that. There is a case called *People v. Reynoso* because of my brother. I said, "Well, it is nice to have a Reynoso on both sides of the law." [laughter] I would go visit, with frequency, the house, but, you know, I wasn't in charge so there is a limit of what you can do. I remember, one time, visiting when I was at Pomona College, and by that time, I guess I had reached my goal of being able to understand and learn Spanish as it is spoken, because I went home and my sister said, "Gee, Cruz"—we were talking in Spanish—"you sure talk funny," they would say about my Spanish. We grew up speaking a very colloquial, familial Spanish, but to understand what is going on economically and politically, you have to learn a different language. I guess I had learned that by that time.

4-00:09:12

LaBerge:

And that's why you couldn't understand the president of Mexico's speech, because it was a different—

4-00:09:16

Reynoso:

That's right. A very different terminology and so on. By the time I was at Pomona, I took Spanish literature, Mexican and Latin American literature, and

I had educated myself in Spanish. For example, in proper Spanish you say “el agua” not “la agua,” but familiarly, very often you say “lagua” which puts “la” and “agua” together, so when I would say “el agua” it sounded very strange to my sisters. So, they said, “Gee, you sure speak Spanish funny.”
[laughs]

4-00:09:54

LaBerge: That’s funny. Well, should we start on Pomona?

4-00:09:59

Reynoso: Sure.

4-00:09:59

LaBerge: You were offered a full scholarship, including room and board?

4-00:10:05

Reynoso: I don’t think so.

4-00:10:09

LaBerge: Did you just continue to live—well, how far is Pomona from Fullerton?

4-00:10:09

Reynoso: It is not that far. It is maybe thirty miles. Pomona was a very different experience than Fullerton. I figured that—maybe this is part of the thinking that you were talking about a minute ago—I figured that I had already had a good experience in being very active in student affairs and all that, and that it was time to get to be serious about my studies. At Pomona, I concentrated far more on my studies.

4-00:10:44

LaBerge: It is a rigorous school, isn’t it?

4-00:10:45

Reynoso: Yes, yes. I worked Saturdays. I asked at Pomona what sort of jobs there were locally, and got a job at a small, very small, one-man shop that manufactured Lazy Susans. I worked there some Saturdays, and I also got a job working with some artist friends of the Randalls. She was an art teacher at Scripps College, which was right next to Pomona, and he was a full-time artist, and I worked for them. So I got a variety of Saturday jobs, which meant that I couldn’t go to football games and do other things that the students did. I joined a fraternity that was just local. That was only Pomona College. It wasn’t national or anything like that sort. We would meet from time to time, but it was not very time-requiring. That was really about it.

4-00:11:58

LaBerge: You lived on campus? Does everybody?

4-00:12:02

Reynoso: I lived on campus for one and a half years, but actually it was at the edge of the campus. They didn’t have enough housing for the students so they had

bought some old army trailers, and we lived in those trailers. I had a roommate, though my roommate was sort of a party person—we didn't have too much in common in terms of our interests. I was somewhat active, but I didn't belong to all the groups and I wasn't active. Also, it is a four-year institution and if you didn't get there as a freshman, normally you wouldn't have ended up in a leadership position at any rate. But I didn't try, because my job, at that point, I figured, was to do well enough to get into law school. I dated several girls, and so on.

4-00:12:59

LaBerge: What was your major?

4-00:13:07

Reynoso: History. My principal academic experience was the following: I had usually worked pretty hard at my grades, but I was never a great student. I was a good student, but not a great student. I started figuring that God had meant me to be a B-plus student. You know, I told you how folk would always say, "You're doing well here, but wait until you get to the next step." I think I got something akin to a B-plus starting in junior high and high school and junior college. I got to Pomona and I did exactly the same thing, but on the first semester of my senior year, I got a C-plus in one of my history classes. That's the lowest grade I had ever gotten, and it was in my major. I forget which history it was, European or American or whatever, but that sort of shook me up. I said, "My goodness, God didn't really mean to have me be a B-plus student. If I don't study hard I can be far less." [laughs] That last semester I left the campus because the atmosphere was not good for studying, and I just rented a room in the private home of a retired couple that loved to watch baseball games, [Los Angeles] Angels baseball games, and they loved to read to one another, which I thought was a wonderful practice. Very quiet, so obviously I could spend time studying hard. I usually would go out on a date on a Friday maybe, and then I would work on Saturday, and then I would study Sundays and during the week. The last semester I think I got all As but one. So, my grades first went down, then went up. I figured God really hadn't intended me to be a—

4-00:15:10

LaBerge: Also, you put some little effort into that.

4-00:15:10

Reynoso: I did, but it was in some ways an awakening for me because I had always worked hard, but the reality is that you can work harder and work less. Rewards did come if you dedicated yourself to it. I had heard, I don't know if it was true or not at that time, that what you needed was a B average to get into law school. It probably wasn't true, but that's what I had heard. So I wanted to make sure that I had at least a B. I always had more than a B, so I felt comfortable about that, but that one C-plus did bother me. But the last semester, I think it was all As or A-minuses, maybe one B-plus. That made me feel better. Summers I worked with the Randalls.

4-00:15:58

LaBerge: You went back to Fullerton and worked with them?

4-00:16:00

Reynoso: They actually lived in East Whittier. I'd go back and work with them, and I would go visit from time to time, of course, on vacations and on weekends. The Randalls were the only people to come to my graduation. I think my family didn't have much of a sense of what it meant.

4-00:16:27

LaBerge: You even said that your mother, at one time, was embarrassed that you were the lazy son because you didn't go to work, you went to school. It wouldn't have meant as much.

4-00:16:36

Reynoso: No, it didn't. I wasn't that active in school matters. I do remember, one time, talking to the dean of men because there was going to be a dance, and the dance required a tuxedo and I didn't have a tuxedo. I forget why I went to see him, but that discussion came up, and he said, "Let me see what I can do." The next thing I knew, he had this beautiful tuxedo—it's the fanciest tuxedo I think I have ever seen—from a gentleman who couldn't use it anymore. I don't know whether I paid or the school paid or he paid or some friend paid to cut it down to my size, but it had buttons that were felt-covered, and it was just a beautiful tuxedo. I have a tuxedo now, and it is about a ninety-nine dollar tuxedo, doesn't at all look like that, it was just a beautiful tuxedo. So, I wore that, but I remember sort of the embarrassment of being in a school where so many of the kids were wealthy. One of my classmates was the son of the Douglas aircraft family. One weekend he invited us to go to his yacht in Newport, and go out into the harbor and all that. It was a very different world for me to be in that environment.

04-00:18:15

I decided to take an honest to goodness vacation when I was at Pomona College. I had a little car at that time—I forget what type it was, a '32 Chevy I think. I decided to go on a vacation that summer. And so I drove north, going through Gilroy and San Jose, just beautiful orchards around San Jose and Santa Clara at that time, all of which is now housing. I visited a classmate in Atherton. I had never been in such a big, fancy house. Clearly, her parents were multimillionaires. I still remember being embarrassed to be invited—I wasn't going for lunch, but I was invited to join them for lunch. They had this beautiful table and this wonderful detailed white tablecloth. The first thing they did was to serve me a salad, and, darn, I remember the salad had big beans in it. I thought the first thing I did was to cause one of the beans to drop from the plate to that beautiful white table cover. I felt so embarrassed, I didn't know what to do, I just pushed the bean under the plate. [laughter] But I remember thinking what a different life that young lady lived and I had lived. Then, I went north to Winters, very near here, and stayed overnight with a student there. A young lady, who was a history major, and I remember that the

parents then took us to the Music Circus, here in Sacramento. Historically, I noticed that must have been about the second year they had the Music Circus, which has been a long-standing summer presentation of very good musicals under a tent. This year, for the first time, they are tearing down the tent, and they are building a permanent building. So, I came to one of the very first tent presentations, back in the—I guess that was in the early fifties. Then I went back home. But I remember thinking, that is an honest to goodness vacation. I had never taken a vacation before.

4-00:20:37

LaBerge:

You know what? It is 11:20, and I don't want to make—next time, maybe we will go back and talk a little bit more about Pomona and about the atmosphere on campus, because you just started kind of indicating that it was a different—

4-00:20:50

Reynoso:

Yes, it was very different.

[Interview #4: Feb. 19, 2003]

[Begin Audio File 5]

5-00:00:01

LaBerge: Today is February 19, 2003, and this is interview number four with Justice Reynoso in his office at King Hall, at UC Davis. Last time we talked, which was in December, we had gotten you graduated from Pomona, but there were just a few things that we hadn't covered that you mentioned in passing, and one was the different atmosphere at Pomona versus Fullerton [Community College], and how you found that difference and how you coped with that.

5-00:00:40

Reynoso: There were many differences from a personal point of view. One of the big differences I think I had mentioned was that I was very active, socially and politically, at Fullerton Community College, where I had been president of the freshman class, and president of the student body, and member of the debate team, and so on. At Pomona, I had really decided that it was time to settle down and study, and that's what I did, except that for the first year-and-a-half I was in what was called veterans' housing, which were just some old army living quarters that had been bought by the college. My roommate turned out to be a little bit of a party boy, so the last semester I moved out and just rented a house from an elderly couple—a wonderful elderly couple that used to love to listen to the Angels' baseball games out of Los Angeles and they loved to read to one another out loud, which I thought was really a nice way to spend the afternoon. I think I mentioned to you that I had been taken aback during, I think, the first semester of my senior year by getting a C-plus in a history course, and that was my major.

5-00:02:11

LaBerge: And your first C-plus too.

5-00:02:08

Reynoso: Yes, my first C-plus. I was a little bit taken aback by that, so I concentrated on my studies and, in fact, did very well the last semester. One of the other major differences was that, in the community college, we had quite a mix of students who came, many of them from middle-class and some from lower-class, economic lower-class, families. When I went to Pomona, at least to me, maybe because I wasn't used to it, I found a disproportionate large number of students that came from the upper classes, economically speaking. I joined a local fraternity, and it just meant that we got together once a month or so. One of the members, for example, was a son of the aircraft Douglas family. On one occasion, he invited us to go to Newport Beach to go out on his small yacht that he had. Many of the students had relatively new cars they were driving, and I just wasn't used to that.

5-00:03:20

LaBerge: So, how did you react, and how did you cope with that?

5-00:03:24

Reynoso:

Well, you know, I once got into trouble when I was named to the [California] Supreme Court, because I had given an interview where—I forget exactly what I said, but it had to do with the reality that, as a youngster growing up in a poor family and a poor community, you have a sense that there must be something special about people who are rich. They must have done something right in their background to end up with all that wealth and all that power. When I got to Pomona and met many of those folk, I was a little bit surprised that, if anything, I found that the people that I had grown up with had, perhaps, even a greater sense of right and wrong and propriety and dignity, and so on. I confess that people are people. So if I said something like that, I shouldn't have because I should have said that I found that rich people were just like poor people. You know, there are good people and bad people, and folk who are very proud of what they have done, whether what they have done is proud-worthy or not, and the same thing for poor people.

5-00:04:54

Indeed, I can't help but mention to you that, when I was the director of California Rural Legal Assistance, which we will come to in the future, there was a lawyer who was very, very wealthy, and he had gotten engaged to a young lady who was a Spaniard. He went and lived in Spain for a while after becoming disaffected with the practice of law because he thought it was too money-oriented. He was a brilliant lawyer. He went to Spain, and he and his girlfriend were going to be married in Spain. Then, unfortunately, she got a sickness and died. He was very disillusioned, came back to this country, and looked around to do something that he thought was worthwhile. He heard about us, we represented mostly Mexican American farm workers, and he thought, "Aha, that's what I want to do." He had this largely romanticized view of the poor, and we sent him—we hired him and sent him to El Centro. There he did domestic relations work, and he took me aside one time and he says, "Cruz, I don't know that I can do this. You know, this couple comes in and the husband complains that his wife has been beating up on him and he wants a divorce," and he says "I don't quite know what to do." He had this notion that poor people, particularly Spanish-speaking people, were just these wonderful people, and in fact, poor people can be just as mean as rich people.

5-00:06:24

LaBerge:

That they didn't have those kinds of problems, like domestic relation problems, maybe? That their family life was perfect?

5-00:06:30

Reynoso:

Right, and in fact they do. Eventually, he learned to accept that reality of human nature and got to be one of our best lawyers, but I still remember his shock when he found that he had this romantic notion. Well, in some ways, growing up poor, we might have had a romantic notion about people who are rich and powerful. Once you get to know them, you find out that that romanticism is ill placed. In some ways, that may have been my most—my greatest difference in experience. I learned a lot at Pomona; I enjoyed my

classes. I continued taking Spanish literature, Latin American literature, and so on, because, I may have told you earlier, I found out early on that my Spanish was very much of a home or colloquial Spanish, and I needed to learn more. I enjoyed that. So I really enjoyed my two years at Pomona a great deal. I hope to be going in May to the fiftieth anniversary of graduating from Pomona. But I would say that those were the two main differences that I saw. I ran into quite a few—not that many, but several—foreign students, and invariably they all came from the upper classes. They were quite different than my folks, who had come to this country—and their relatives and friends who had come to this country—simply to eke out a living, and then became part of this country. So it was a different experience growing up or being at Pomona College in terms of my classmates as compared to the public schools I had attended. Much as it was a different experience to have grown up, as a youngster, with the Randall family, as compared to growing up with my own mother and father. But all of those experiences, I must say, I think, helped widen my experience in terms of what makes human beings tick.

5-00:08:43

LaBerge:

You didn't experience any discrimination when you were there?

5-00:08:49

Reynoso:

No. In fact, I think—I don't know but I think—that Pomona was probably concerned that it had so few students of color. Because, among the transfer students—and there weren't that many transfer students—at least two of us were Latino, and certainly percentage-wise, that was a far greater percentage, since they had very few in the incoming class. They couldn't have had more than half a dozen or a dozen incoming transfer students, and at least two of us, maybe three of us were Latino, I forget now. But I know at least two of us were. So, I think they were somewhat conscious of the fact that they weren't really representative of the community that they hoped to serve. I didn't feel any discrimination in that regard.

5-00:09:38

I did have the sort of problems, I suppose, that people that don't have a lot of money do. I think I mentioned to you that I worked Saturdays, so I never went to a football game, for example. I may have mentioned to you that on one occasion, I went to see the dean of men because there was some function that required a tuxedo, and I didn't have a tuxedo, and that sort of thing made me feel a little bit odd. Frankly, I still have those feelings from time to time nowadays. I went to a nonprofit meeting one time, and folk were talking about raising money, and this one person said, "I feel so strongly about that issue that I am going to contribute the first million dollars." I looked around and said, "I will be lucky to be able to contribute a hundred dollars." So, that's just part of—I think you learn that that's just part of being around different people that have different resources and different interests. I assume that is also an experience that most people at Pomona didn't have because most were pretty well off—not all, but most.

5-00:10:48

LaBerge: I bet when you go back for your anniversary, you're probably the most famous in your class.

5-00:10:52

Reynoso: That's probably true. [laughter] Pomona gave me an honorary degree, and probably doesn't give too many honorary degrees to their graduates. So, if we make it, it will be nice to go back.

5-00:11:08

LaBerge: How do we get from Pomona to the army, and how did you make that decision?

5-00:11:14

Reynoso: It is not difficult, actually, because I had a student deferment. So when I graduated, I called the draft board and I said, "I graduated," and they said, "Come on down." [laughs] I think the term that was used at that time was a "volunteer draftee." That is, when you didn't wait for them to send you a letter saying you are now drafted, that you called them. And I did because I knew that I was eligible to be drafted, and I wanted to be drafted during the summer so I could get out two years hence and be ready to continue with my education. So I called, and I had a rather interesting experience, actually. The document ending the Korean War, I think either had just been signed or was about to be signed at that time, so—

5-00:12:07

LaBerge: This is nineteen fifty—

5-00:12:06

Reynoso: Nineteen fifty-three. So the need for soldiers had gone down. A friend of mine and I—and he also had called to be drafted—went down to talk to the draft board, and the draft board was represented by this little old lady. I think she was in her eighties, and she worked for the draft board. We went in, and we had a very motherly talk with this lady. She asked why I had called as a volunteer draftee, and I told her I had deferment and have graduated so they were going to draft me, so might as well get drafted now so I can continue with my education. She asked the other young man why he did it, and he hadn't graduated. I forget why he was going to quit school and go with the military, and do it not as a volunteer, which required a three-year commitment, but as a draftee which required a two-year commitment. After listening to us, the little old lady said, "Well, I think we will take Mr. Reynoso because he's ready to go into the military, but you, young man, you ought to go back to school and finish your schooling. We are not going to take you." [laughter] That's what they do when they don't need that many soldiers, I guess. So, I ended up being drafted.

5-00:13:26

LaBerge: Could you pick then, which service you wanted to be in?

5-00:13:29

Reynoso: Oh, no.

5-00:13:30

LaBerge: Okay. Because I know you were in the counterintelligence and that must have been something special.

5-00:13:32

Reynoso: Yes. Well, I didn't know it was, but actually it turned out to be. No, what happened was that then they send you wherever you are needed, and it was the army that needed people. So I was drafted into the army, sent to, at that time, Fort Ord, in Monterey, which is where the training ground was for the western region, then went through basic training there.

5-00:13:55

LaBerge: Now, your brother had been in the army or the air force.

5-00:14:01

Reynoso: Yes, my brother had been in the army, and then in the paratroopers, which is part of the army, I believe.

5-00:14:08

LaBerge: Before this? Or at the same time?

5-00:14:06

Reynoso: No, before I was. No, he had gone there when I was still in high school, so he had been in for some time. I went through basic training. Then, near the end of the basic training cycle—which lasted eight weeks, if I remember correctly—I was asked whether or not I'd be willing to go into the counterintelligence corps. Apparently, they make that decision based on test scores. I thought it sounded interesting so I told them yes, and then they said, "Well, if you are willing to do that, then you have to stay in basic training for another cycle because it takes time to do your background check, your security check." I agreed to do that, so we went through an advanced basic training of another eight weeks, if I remember correctly. Then, apparently, I was cleared, and I was sent to Fort Holabird, in Baltimore, to be trained to be a counterintelligence corps agent. Now, when I got there, I found that most of the people there had volunteered to be in the army and to be in the counterintelligence corps. They had done that because when you volunteer you can select where you were going. I felt pretty special that I was in the counterintelligence corps for only two years, and all my buddies were in there for three years at least. But that's how I ended up in the counterintelligence corps. I had nothing to do with it.

5-00:15:48

LaBerge: What did that mean you were doing? Translating things or—?

5-00:15:51

Reynoso: No, what happened—well, first of all, most of the soldiers that graduated with me were sent to Korea, and in Korea you mostly interrogated people that had

been—soldiers that had been captured, and so on, because counterintelligence really is more intelligence than counterintelligence. You use the intelligence for counter purposes, to prevent the enemy from doing this and that. However, the army did what is very common. They had us fill out forms asking where we wanted to go after we graduated, and I was pretty adventuresome so I put down that I wanted to go overseas, anywhere, even if it meant going to Korea. Most of my colleagues put down they wanted to stay within the forty-eight or fifty states, and, as you might guess, I was left in the forty-eight states and most of my buddies were sent to Korea. I also mentioned that my preference overseas was South America because I spoke Spanish and all that, and much to my surprise one of the officers came to me and apologized that they weren't sending me to Latin America. He must have gone over my résumé, and saw that I spoke Spanish and had done all that work in college in the Spanish language. I forget exactly what he said, but he indicated that he thought that I would have been the perfect person to be sent to Latin America, but I was being sent to Washington, D.C. So, I ended up in Washington, D.C.

5-00:17:23

In Washington, D.C., meanwhile, what we did, with some exceptions, was not very romantic. What we did there, and it does fit within counterintelligence, is that one of our major jobs—of which I spent most of my time actually—was doing background investigation of civilian employees of the army. You would hire somebody to do something, they needed a clearance, and we would be the ones that would go around and talk to their schools and their neighbors and so on. People would always confuse us with FBI agents because we didn't wear uniforms, we wore suits. We worked out of a fort in Washington, but we would just report in the morning and then leave for the day because we were gone most of the day, then we would come back in the afternoon and write up all our reports.

5-00:18:19

There is one interesting irony in my work, and that is that one of the places that we were required to check, in terms of the background, was the House UnAmerican Activities Committee files. I had been a longtime critic of the House UnAmerican Activities Committee. By working their files, my longtime criticism was confirmed. They had the most terrible files, and their files were often based, aside from the hearings they had, on publications. So a person who spoke to the issue of communism, anybody on any issue pertaining to communism, would have that article clipped and a little three-by-five card made up of that person, and they would put down what they had said about communism. So, you can guess, perhaps, who, at that time—this is '53—had the longest file. Remember, at that time it was a popular charge if you were running against somebody for public office of saying, "Aha! He has a file in the House UnAmerican Activities Committee," indicating that he was at least a pinko. Guess who had the longest files in the House UnAmerican Activities Committee?

5-00:19:42

LaBerge: Not Clark Kerr [Chancellor of University of California, Berkeley, 1952-1958]?

5-00:19:41

Reynoso: Oh, no no no! Oh, no no no! More well-known people who would have said more about communism.

5-00:19:48

LaBerge: The president.

5-00:19:50

Reynoso: Yes, FDR [President Franklin Delano Roosevelt], and one other person. J. Edgar Hoover [director of the FBI, 1924-1972]! They had the longest file because they were always talking about communism. So, we would have to go by and check to see whether that person had a file in the House UnAmerican Activities Committee. We must have checked thousands. We never found one person. In part, because the way we interpreted, we wanted to be sure that it was the right person, and the files were so terrible. They would say, "John, initial J, [John J.] attended a certain meeting." Well, if we were investigating John Jenkins, we didn't know whether that was the same John J. or J. Jenkins, you know. So, in all that time—I was working at that time with a fellow who was more superior to me, and we both agreed that their files were lousy. So, we never found them of any help.

5-00:20:50

LaBerge: The other thing that I thought of as you brought up background checks, is the background checks in this day and age, which I think you have spoken out against recently.

5-00:20:58

Reynoso: Yes. Well, that was just after the McCarthy era [named after Senator Joseph McCarthy]. The McCarthy era was still with us, but interestingly, when I was at Fort Holabird—did I tell you about the McCarthy hearings?

5-00:21:15

LaBerge: No.

5-00:21:15

Reynoso: We haven't talked about that? On one occasion, we were in some class and one of the officers was lecturing us about communism. He was praising Joseph McCarthy, and he found communism under every rock and all that. Finally, I couldn't stand it anymore and I stood up and disagreed with everything that he was saying. All of my buddies said, "Well, Cruz, it has been nice having you here. We'll see you in Korea. You as a foot soldier; we as agents," you know? But that officer must have thought that I was kidding, that nobody could be that wrong, because apparently I was never reported. I ended up graduating from there, but shortly after that, the army McCarthy hearings took place. McCarthy, who was viewed very much as a hero, particularly by the intelligence community that was very anti-Communist, and

the military generally—all of a sudden, McCarthy went from being a hero to the military to being the enemy of the military. I was surprised how quickly that happened. That happened when I was at Fort Holabird.

5-00:22:29

By the time I was in Washington, McCarthy had been disrobed, if you will. Nonetheless, much of what he and Richard Nixon [U.S. President, 1969-1974] and others had brought to this country was still with us. I thought it did a terrible harm. Very much, because a person who had a different idea than the fellow that I was working with and I had, if they found a J. Smith and they were looking up a Jack Smith or John Smith or Jason Smith, they easily could have put down, “Yeah, there is a possibility that this is the same person.” And from that, the person might have then been not allowed that job in the army. So you had terrible injustices that happened during that time. That’s why I feel strongly that we have to be very careful about how we do that. But I thought that was sort of an interesting irony in terms of my work there.

5-00:23:24

I did have at least one really interesting assignment, again working with another officer. I say “another officer”—actually, I never became an officer. Though people didn’t know it, and they treated me like an officer because I was in civilian clothing. I was actually a “specialist second class,” which is something akin to a corporal, which is only above a private first class, which is only above a person that has no standing at all in the military. [laughter] But this fellow and I had to do a security check of the White House. That was fascinating. I didn’t know that it had so many basements, for example. We checked everything out. There was actually one area—even though we had, I think what was called a Q clearance, which was higher than a top secret clearance, nonetheless, we couldn’t get into one unit of the White House, but everything else we checked out for security purposes. We had a checklist of things that we had to check, and all that sort of thing. That was rather interesting, and we heard at that time of things where the president met and all that, that wasn’t public at that time. Now, everybody knows about it, so you wonder why it was so secretive then. But, I guess, we were still very much in the Cold War era, and very secretive about a great many things.

5-00:24:55

LaBerge:

That must have been interesting for you just to be in Washington, to be someplace else other than California, in a whole new environment.

5-00:25:00

Reynoso:

It was the first time I had ever been in the East Coast. When we got there, the very first night, we were met by this huge rainstorm with a lot of wind connected with it, the type of which I had never seen in Southern California. I could see these waves of rain hitting the roofs and bouncing off. That was a completely new experience for me. Then, when I went to Washington, Washington was still a segregated city at that time. This was ’54 now. I remember this fellow and I were working in the White House, or in what’s

now called the White House Annex next to the White House. It was called something different in those days. It was lunchtime, so I saw a little restaurant across the street and I said, “Why don’t we go over there?” And this fellow, who had African American friends, said, “Well, I don’t think you want to go there,” because he knew my own feelings. I said, “How come?” and he said, “It is a segregated restaurant, blacks aren’t allowed,” so we skipped that.

5-00:26:18

That was an interesting era. I still remember getting together with a friend of this fellow one time, African American, and he was joking about African Americans who “passed the line,” who became white. He said he had an aunt who lived in Virginia or Maryland, I forget, but passed the line and she was known as a white person. But there had been a death in the family and he was quite dark, and he was saying “All of us relatives who are very dark should show up in the funeral and it will shock all her neighbors and friends.” He didn’t do it, but he was just talking about doing that. I still remember having—you know, to me there is sort of an Alice in Wonderland, that folk could treat one another in that fashion. A family, to get ahead, that was mostly white but had Negro blood, had to cut themselves off completely from the rest of their families.

5-00:27:25

I had other experiences of that sort that I can’t say embittered me because I don’t think I am a bitter person, but it didn’t sit right. When we were at Fort Holabird, on one occasion, on a Saturday afternoon, three of us soldiers went to Baltimore. The fort was in the suburbs. As we were walking down the sidewalk, we decided to go to a movie house—saw a movie house, and we decided to go to the movie house. So this one fellow who was a Latino out of Arizona, very light skinned, went up to buy the tickets, and the third soldier was an African American from California, and we were in uniform. He came back, and he said, “Gee, I am sorry,” he says, “ we can’t go in, they say the movie house is full.” I didn’t think too much about it, though it seemed strange that on a Saturday afternoon it would be full, but I thought maybe everybody in Baltimore goes to movies on Saturday afternoons. I have this mental picture of this wide sidewalk we were walking on. As you walk, sometimes you separate a little bit, and then come closer together. As we separated a little bit, he leaned over and said, “Cruz, I am sorry, I lied. What they said was that you and I could go in, but our black buddy couldn’t go in, and I told them to ‘Go jump.’” I remember having a sense of fury at that time because most of us figured we would be going to Korea, some of the fighting was still going on—even though it was a lot more peaceful than when my brother had been there—and we would be possibly giving up our lives for democracy, and here our government had drafted my black buddy and me from California, taken us to Baltimore and didn’t have the goodwill to protect our civil rights.

5-00:29:19

By that time, I knew enough about the army to know that they could do it if they wanted to, because I had seen occasions where there had been fights or some other problems in establishments near the fort—nightclubs, and so on—and it would be declared off-limits. And in an area that has a lot of soldiers that was terrible for the business. I mean, they really had to shape up. If they had declared the movie houses off-limits to soldiers, I'll bet you that they would have integrated in a few minutes because they needed that economic support. So, I felt very badly that the military was, from my point of view, unwilling to protect our civil rights, and yet there was no question that we were soldiers, we were in uniform. So, I did have a lot of different experiences in the East Coast.

5-00:30:19

LaBerge:

While you were there, on your résumé, or what I have looked up, it says you were at George Washington University. Was that part of the training, or what was that?

5-00:30:29

Reynoso:

No, what happened was that, I guess, during the time that I was in Washington, only about a year and a half, I must have lived in about five or six different places. The last place that I lived in, probably for the longest, was a boardinghouse; they were popular those days.

5-00:30:49

LaBerge:

So, you really were a civilian member of the army, because you didn't have to live in barracks or with the other people.

5-00:30:55

Reynoso:

That's right. The most important thing that happened back East was that I met my wife in Washington, D.C.

5-00:31:06

LaBerge:

Tell me that story and the George Washington [University]. How you met your wife.

5-00:31:10

Reynoso:

What happened, in terms of George Washington, was that after I had been in Washington for a little while and saw the pattern of my life. I saw that I had evenings free, which was not something very usual for students who have to be studying all the time and so on. Then I was a little bit afraid that I would lose my student skills by being out-of-pocket for a couple of years and then going back to law school. I decided to take a couple of courses, at night, at GW. So that's what I did. I took a history course and an economics course. That has its own ironies. I got a B-plus in my history course and I got an A in my economics course—and I was a history major. So I went up to the professor and said, "You know, I am a history major. I thought I knew this stuff, and I just wondered what hints you might give me about writing final exams because, in times past, I have done pretty well in history." So we talked

for a while and he told me some things. Then he asked me if I was taking any other courses, and I said, “Yes, I am.” He said, “What other courses?” I said, “Economics.” “Well, what grade did you get there?” I said, “I got an A,” even though I didn’t understand anything in that economics course. I don’t know how I got an A. Next semester, he gives me an A in history, and I get a C-plus in economics! [laughter] I really didn’t understand what was going on in that economics, graphs and all this sort of thing that I didn’t take to very kindly, so I thought that was funny. But anyway, I just took it to sort of keep in shape as a student.

5-00:33:11

LaBerge: Had you already applied to law school?

5-00:33:12

Reynoso: No, but I had planned to go to law school.

5-00:33:15

LaBerge: But that says something about you, too. How you really—you are so intellectually stimulated that you gravitate toward that.

5-00:33:22

Reynoso: Well, maybe. [laughter] Meanwhile, after I had been in several apartments, and in the summer several of us had rented a house in Northwest Washington. And then, I think after that, two of us decided to go into a boardinghouse on Sixteenth Street, a few blocks north of the White House, and I met my wife there.

5-00:33:54

LaBerge: At the boardinghouse?

5-00:33:54

Reynoso: At the boardinghouse. Boardinghouses have gone out of style in Washington. I think it is too bad, actually, because it was very reasonable. They would give you, I think, two meals a day and a room, and they were very reasonably priced, which is why we went there. She was an employee, a clerk, with the FBI. Interestingly, she had been recruited by the FBI. I have never heard of anybody else being recruited the way she was. I am sure it must have been a program at that time, because Hoover always had an affinity for Southern folk, and my wife was raised in east Tennessee.

5-00:34:45

LaBerge: I didn’t know that about Hoover either.

5-00:34:45

Reynoso: Yes. She had graduated from high school, had done very well, but she came from a very poor family. It is interesting that, even though there were no racial or other differences where she grew up, there clearly must have been some economic differences, because she was never encouraged by any teacher to go on to college or to think about college. She thought she might like to go, nonetheless, but she had to work to save some money. So she started working,

first for an uncle in a restaurant, and then worked in a store in Oak Ridge, Tennessee, in a five-and-ten, as a clerk. While she was at that store, a well-dressed gentleman approached her and said, "Would you like to go work for the FBI in Washington, D.C.?" I think that she declined to talk to him then because she was working, but then talked to him later. It became clear to her that she had already been checked out. They had checked with her school and other people, who had apparently highly recommended her, and so, even though she had never applied or anything, they recruited her. She thought about it, and she said, "You know, that might be an interesting thing to do." So she accepted and went to Washington. At that time, the FBI was a very paternalistic organization, literally. Which had good and bad qualities to it, of course, but for my wife they turned out to be good qualities because they gave them a list of places where they could go to live that had been approved—apartments and boardinghouses and all that. They really were very concerned that the young people they apparently recruited or worked for them, were well protected and all that. So, she to this day, has very warm feelings towards the FBI.

5-00:36:46

LaBerge: What is her name?

5-00:36:45

Reynoso: Jeannene, [spells] and she is sensitive about the spelling of her name because there are a hundred different ways of spelling Jeannene.

5-00:36:54

LaBerge: There are. What was her maiden name?

5-00:36:56

Reynoso: Harness. [spells]

5-00:37:06

LaBerge: What did she do for the FBI?

5-00:37:07

Reynoso: She was a clerk. She worked filing papers and all that sort of thing. Actually, she usually didn't work in what were then the FBI headquarters, which was in the Justice Department. Now they have their own headquarters across the street from the Justice Department. But they had a nearby building, where they had a lot of their records and all that, and she worked most of the time, as I understand it, in the records building, and then sometimes would work in the Justice Department building too.

5-00:37:38

LaBerge: So, you met over breakfast or dinner or—?

5-00:37:45

Reynoso: Well, they would serve breakfast and dinner, so I am sure that I met her during those times. I don't remember. I remember she was impressed that I

always had with me some chili sauce. Because they didn't have any chili sauce there, so I bought that and brought it to dinner. [laughs]

5-00:38:07

LaBerge: You met then, but were you married before you then went to law school?

5-00:38:21

Reynoso: No. Well, you know, we came from very different backgrounds, and we weren't engaged, weren't planning to marry. Then I came to law school, and she came out to visit on one occasion.

5-00:38:39

LaBerge: That's a long way to come to visit.

5-00:38:38

Reynoso: By bus.

5-00:38:40

LaBerge: Oh, my gosh.

5-00:38:42

Reynoso: Yes. She went to visit with her sister whose husband was in the military in Texas and visited there, and then came to California. Then, the next summer, early in the summer, I went to Washington for a convention, and visited with her. I was still living with the Randalls in those days. Then, during the summer—I really had forgotten this, but on one occasion, Mr. Randall said something like, "Isn't it cheaper to just marry the girl than spend all that time on the phone?" [laughter] So, I thought, "You know, that makes sense." I think that I proposed on the phone and she accepted. But I had not very much money, so I borrowed some money from my brother who had been in the military but was now out. He loaned me enough money to buy a small little car. I drove back to Washington, D.C., and picked her up. Then, the two of us drove to east Tennessee, and we were married there. All this happened in a matter of two or three weeks near the end of the summer.

5-00:39:54

LaBerge: Had you met her folks or anything like that?

5-00:39:54

Reynoso: Nope, nope. Met them all when we got married.

5-00:40:04

LaBerge: When you got married. And vice versa; she hadn't met your folks yet?

5-00:40:03

Reynoso: She had not met my folks.

5-00:40:05

LaBerge: But, you were late twenties or—

5-00:40:10

Reynoso:

I was twenty-five by then, and she was twenty-three. We are jumping ahead, but that turned out to be interesting also from the point of view that her parents and her relatives all seemed to accept me perfectly naturally. My parents—my father, particularly, was quite disturbed that I had married, not that I had married an Anglo, but that I had married a non-Catholic. So, she had a harder time being accepted by my family than I had being accepted by her family.

5-00:40:56

LaBerge:

I am assuming it wasn't a Catholic wedding either.

5-00:40:56

Reynoso:

No. Actually, her grandfather was a Baptist minister, and he performed the wedding ceremony.

5-00:41:07

LaBerge:

You want to take a break so you can rest your voice? And I will change this thing.

[Audio File 6]

6-00:00:00

LaBerge:

Here we go, this is disc number six. Well, we'll go back now to Washington, D.C., because we had to finish that story. You were there until 1955, is that right? In Washington?

6-00:00:19

Reynoso:

Yes.

6-00:00:21

LaBerge:

Do you have any more anecdotes about what else you did there?

6-00:00:24

Reynoso:

In Washington?

6-00:00:27

LaBerge:

Yes. Or how that transition happened then to law school.

6-00:00:27

Reynoso:

I actually love Washington. I had gone to visit Washington once or twice while I was still in Baltimore, and just to be there with all of the monuments and the White House and Congress, and for a person like me who was interested in government, it was just wonderful. To visit the [United States] Supreme Court and all that. So then, when I went to live there, that moment of magic really never left me. I spend a lot of time in Washington nowadays, and I still have that sense of awe. I mean, I know all the negatives and all that, but there is still something quite wonderful about all the failings of democracy,

which, nonetheless, at the end of the day seems to work out, even though sometimes with difficulty.

6-00:01:37

LaBerge:

Now when you were there, *Brown v. Board of Education* [1954], that decision was handed down.

6-00:01:37

Reynoso:

Brown v. Board of Education was actually handed down while I was in Baltimore. It was, to me, a very dramatic experience because I had always believed that discrimination—any discrimination, particularly discrimination promulgated by our government—was just terrible. They were taking our own money and then using it to do bad things, from my point of view. So I had always believed that. And then to have the supreme court come down with *Brown v. Board of Education* at that time, I found it inspiring. In fact, this may sound a little bit corny to you, but I really practically felt that the supreme court was talking to me, saying, “Cruz, you’ve been right all these years.” Because I had many arguments with many people pertaining to issues of discrimination, and it was not at all assumed by many that discrimination was a bad thing. Many just viewed it as a matter that nature had brought upon us. So, to me it was very important. And important also in my thought about going to law school because it sort of, to me, reinforced the notion that lawyers and the law can do some good. Much challenged by the [Chief Justice William H.] Rehnquist Court, you understand, but that was to me a really inspiring experience. When I went to Washington, however, which was only a few months later, things had not changed. The black schools were still black. We still had the segregated restaurants; the division was still quite clear. Even some parts of the military were still segregated, despite the Presidential Executive Order [#9981, July 26, 1948]. But all that was in the process of changing.

6-00:03:56

I should tell you one other experience that I had when I was in the military that turned out to be a little bit scary. Soldiers were always talking about travelling around the world on military air transport, MATS [Military Air Transport Service], because a soldier could get on a plane for no fee, so long as it was available. There was always all this talk, but somehow nobody in my unit did it. So, I took a leave of absence and I said, “I am going to go to Europe on MATS,” and sure enough I went out to whatever air force airport it was we were supposed to go to, and I caught a plane. I wanted to visit Spain, so I visited Spain and I took a month off. Everything went really well, except that it was during the [Francisco] Franco dictatorship, and I had always been very anti-Franco. But I found that the people seemed to be surprisingly free to talk about their objections to Franco, and so on. So I guess the dictatorship was, to a certain extent, benevolent. If you talked, but you weren’t a real danger, they didn’t worry about you; it’s only if you really meant it.

6-00:05:19

But, unfortunately, when my leave came to an end, I went to catch a MATS flight back, and none was available. I couldn't get back. I said, "What am I going to do?" Somebody said, "Well, we hear that a lot of MAT flights are flying back to the U.S. out of North Africa." So I said, "Great, I'll catch a flight to North Africa." So I did. Then I was, like, a whole day there, and no flights going to the U.S. Then somebody said, "Well, I hear from London there are planes going to America." "Great!" So I caught a plane to London, and I got there it was so foggy I didn't see anything of London, but I was there like a day or so and I still couldn't catch any flights. I said, "You know, I better get back to where I started from." So I caught a plane back to Madrid. The time was going by, so then I looked at what I was supposed to do, and it said that I was supposed to check in with the local embassy or its representative to let them know I was a military person and I couldn't get back in time. I did that, and I thought that I had done what I was supposed to do, but since time was passing by, and by that time I was AWOL [away without leave], I wired the Randalls. Apparently I just said, "Need money. Send three hundred dollars." Or whatever it cost. When they got that, later they told me, they were sure I was in jail because I had said something against Franco. [laughter] Apparently, I didn't explain why I needed the money, but, in fact, they sent the money and I caught a commercial flight back.

6-00:06:51

When I got back, the officer in charge, a colonel, was very angry at me, and he said that if it weren't true that I was getting out in a few weeks—because this was near the end of the summer—he would court-martial me. But, since I was getting out, he was going to let it go with a warning. Then my wife, who knew other counterintelligence corps agents, said that they all complained about me for all the rest of the time that she knew them, because they said they all wanted to catch MATS flights, but after that experience of that dirty guy Reynoso, they passed a new regulation that if you were going to go to Europe, or out of the country, you have to have bought an airline ticket both ways before you could go. I would tell her, "Look, I'd feel really bad if any of them had done it before I did it, but they all talked about it and none of them did it." Anyway, it turned out okay for me, but it could have been otherwise.

6-00:07:47

LaBerge: Yes, and you still were out three hundred dollars.

6-00:07:48

Reynoso: Oh, yes. Of course. Oh, yes. I had to pay that back to the Randalls. But I was lucky not end up in greater trouble than what I did.

6-00:08:00

LaBerge: What an experience, though. Was it like going back to your roots, to Spain?

6-00:08:04

Reynoso: It was very interesting. In part, it was. One of the interesting experiences I had was that, for some reason I was on a little boat one time crossing a lake. There

were several people there and we were all talking. My Spanish must have been pretty good at that time because these two gentlemen said “You know, we’ve been listening to you talk, and listening to your accent, and we can’t figure out what part of Spain you come from and we know the whole country.” So I said, “It’s called California.” [laughs]

6-00:08:41

LaBerge: Because the Spanish Spanish is different than—

6-00:08:44

Reynoso: Oh, very different. Oh, my ear had to get used to it before I could really have conversations. It was interesting, in—oh heavens, in a big city in Southern Spain—

6-00:09:02

LaBerge: Granada?

6-00:09:01

Reynoso: Granada? No.

6-00:09:01

LaBerge: Seville?

6-00:09:05

Reynoso: Seville. In Seville, I had an interesting experience. There was a big crowd. I had gone down there to look at the Moorish architecture and all that, and I must have smiled at this young lady or something. All I know is that a young man pulled out a knife, and said something like, “You better leave my girlfriend alone,” or something. I didn’t know that I had done anything, but I took his advice. [laughs] It was, I must say, a great trip. My goodness. Again, I had been reading a lot about Spain and its history and its architecture and all that, its artists, because I had been an art major, and to suddenly be there in Barcelona and Seville and Madrid and the northern part, the Basque part of the country. Then, I guess because I was travelling alone, I would be invited places. I met a young man who was going up to Santander, and he invited me to his home where his family was going to have a big get-together. I forget if it was a birthday or what. And I had the traditional paella and all that, and I stayed at their home. You know, somehow I must have been a gregarious person because I had experiences of people inviting me to their homes and all that sort of thing. It was all in a month. You know, it is funny how life goes on and I guess one month is like another, but this was just a month and yet I remember so much about it.

6-00:10:36

LaBerge: Yes. Okay, so then you go back to Washington, and how do we get from there to law school? What did you have to do?

6-00:10:47

Reynoso: You know, it’s funny, but I only knew of three law schools in California. That shows you how little I knew. I knew of Berkeley, UCLA, and Stanford. I

applied to all of them, and I was admitted to all of them, and that's before the LSAT [Law School Admission Test]. In fact, I received a notice to go to George Washington in the morning to take a half-day exam, but we were told that it wouldn't count for our admission. I guess I had applied already when I was still in the army, because then I remember taking that exam in George Washington, and I think they were already experimenting with what turned out to be the LSAT.

6-00:11:31

LaBerge: It was based on grades then, and recommendations?

6-00:11:32

Reynoso: It must have been based on grades, yes. But Stanford was too expensive and UCLA was in Southern California, and I wanted a change of atmosphere, so I went to Berkeley.

6-00:11:49

LaBerge: Had you been there before?

6-00:11:50

Reynoso: No. I knew nothing about Berkeley; I knew nothing about law schools. I didn't even know, as I say—now I know that there were other law schools that existed in California, but I didn't know it at that time. No, I knew nothing about it. I didn't know what to expect at all. In fact, I had thought—I guess I was thinking, like a history major, that we would go there and learn a lot about the great ideals of the Constitution and the great lawyers that had existed and the great judges, and all that. And before I knew it, I was reading all these cases on torts and contracts. I had never heard the term “tort.” Nowadays, there are even schools—magnet schools—and there is a magnet school in Los Angeles, for example, of youngsters who are thinking of going to law school. They came to visit one of my classes at UCLA, and they all knew about contracts and torts, and all that. When I heard “torts,” all I could think of was the Mexican sandwich called “torta,” and that was the closest thing that I could come up in terms of a word. So, it was all very strange to me and different from what I had expected. But that's why I ended up at Berkeley.

6-00:13:12

When we got there, the dean, a quite famous gentleman by the name of [William] Prosser [dean from 1948-1961], greeted us and told us how lucky we were to be at such a fine school and all that. Frankly, I didn't know its reputation. I didn't know whether it was a good school or a bad school. All I knew was that it was a public school that I could afford, and it was in northern California. I guess I didn't even know that Hastings [College of the Law] existed. I might have thought about going to Hastings, if I had known. So, anyway, that's my very short story of how I ended up in Berkeley.

6-00:13:41

LaBerge: You didn't have to come for an interview or anything like that?

- 00:13:45
Reynoso: Nothing.
- 00:13:46
LaBerge: No. Okay. Where did you live in Berkeley?
- 6-00:13:44
Reynoso: At Berkeley, I rented a room in a house owned by a retired professor and his wife. A very famous professor in anthropology by the name of [Robert H.] Lowie.
- 6-00:13:48
LaBerge: Yes, there is now that museum.
- 6-00:14:07
Reynoso: Exactly.
- 6-00:14:07
LaBerge: Oh, my gosh.
- 6-00:14:07
Reynoso: Exactly, and he was really a fine gentleman. His wife was somewhat of a painter. Anyway, I rented a room in their house the first year. My wife and I were married between the first and second year. So the first year I was there on Bancroft, no, what street was it? I forget now, but it was only a few blocks from the law school.
- 6-00:14:13
LaBerge: Was it random that you got Professor Lowie?
- 6-00:14:38
Reynoso: Oh, yes. It was completely random.
- 6-00:14:40
LaBerge: You didn't know anything about him, or that—?
- 6-00:14:44
Reynoso: No, I just looked up a place. I guess they must have had a list at the law school, or at the university, of places that rented rooms out, and that was close to the law school and the price was right. You know, my recollection may be wrong, but I think that with the GI Bill [of Rights] I was getting something like \$110 a month, and that paid for everything. It paid for my fees, it paid for my books, it paid for my rent, it paid for everything. It seems amazing now, but that's my recollection. I may be wrong. My recollection is that Mrs. Lowie fed us dinner, I think, or maybe we could fix our own dinner in the kitchen, I forget now. There was another gentleman renting, a foreign student renting another room. They had a big house. So, I think that's where I was the entire first year.

00:15:42

We got married the second year, went back, and when we went back, my brother by that time had been out of the army, had gone to a community college, graduated, had gone to a college—where did he go; maybe San Francisco State—and had graduated and was picking up a teaching degree or a masters' degree at Berkeley. He was renting a room in another house. Though that house had been converted into apartments, probably illegally. So, he and a friend were renting two rooms upstairs, and a family was renting the downstairs, and there was an extra bedroom. My wife and I rented that bedroom, which was our apartment. What had been the closet was our kitchen, and then the rest of the room was our bedroom and living room together. There was a community bathroom that my brother and his friend and my wife and I—we paid \$37 a month. [laughter] My wife laughs about those days because our kitchen was a two-burner—

6-00:17:16

LaBerge:

Hot plate?

6-00:17:16

Reynoso:

Not our kitchen, I didn't mean our kitchen. Well, that was our kitchen really! A two-burner plate, you know, and she would do all the cooking on that. We didn't have very much money, so we ate a lot of wieners, and she experimented with them—boiled some, fried some. She would cut some and put cheese in them, and she is bemused that's become the big thing nowadays. Did you know that? They sell wieners with cheese in them. Well, she was doing that forty years ago, or nearly fifty years ago, and she said, "Well, they finally caught up with me." So, she was very imaginative on doing things differently.

00:17:55

When we got back, we didn't have any money, and she had been offered a job in the FBI office in San Francisco but decided that it would be too cumbersome to commute. So she looked for a job, and did find a job with an insurance company in Berkeley. She would be getting some money soon, but meanwhile we didn't have any money, and the GI Bill was always late to start. So, for the first month or month and a half, I would pick up odd jobs, afternoons and weekends. I did everything from cleaning houses to working on orchards, which a professor had just across the hill from Berkeley—it's all now homes and industry. I remember digging ditches to help a gentleman put in some pipes. Did some gardening, flower gardening, with a retired doctor. They would pay me in cash, and on the way home I'd buy food for that night. It was literally a day-by-day situation, but we made it through that period, and then, when my checks started coming in and her checks started coming in, well, we felt healthy and wealthy. Then, at the end of that year—I think we stayed there a year—for the second year, we moved up and we rented a big apartment. It was still just one room, but it had one of those, what are those beds called?

6-00:19:31

LaBerge: Murphy.

6-00:19:31

Reynoso: The Murphy bed. It had a Murphy bed in it, and it had a real kitchen, and we had our own bathroom, and we really felt luxurious. But I do think we were paying \$65 a month, which is nearly twice what we were paying before.

6-00:19:49

LaBerge: Have your kids heard these stories?

6-00:19:50

Reynoso: Probably, at least some of them. [laughs] Well, on occasion, when we have been at Berkeley with our children with us, we would show them where we lived. The houses are still around, and we have actually been able find them.

6-00:20:09

LaBerge: That's wonderful, that's wonderful. Well, tell me about your first year taking contracts, torts, and, I assume, criminal law. What professors influenced you? Or what the composition of the class was like.

6-00:20:24

Reynoso: I like the study of law; I did not like law school. I used to refer to it as a "cadet atmosphere." I had just gotten out of the military, and going to law school reminded me a little bit of the experiences I had in the military. We went to school six days a week, if I remember correctly. We would go Monday, Tuesday, and Friday for some classes, and Tuesday, Thursday and Saturday for other classes. Saturday morning; we didn't go all day. We would be seated alphabetically, so I got to know the people close to Rs very well. Next to me was Edmond Regalia; I'm bad on names, but I'll never forget Ed Regalia. On the other side of me, either right next to me, or one below was a Bob Puglia, starting with a P. Eventually, he and I ended up on the same court here in Sacramento. You got to know the people close to you very, very, very well.

6-00:21:37

Generally, we were asked to recite cases; what the facts were, what the holding was, in a somewhat, I thought, mechanical way. We were greeted, when we went to law school, with what was then the traditional greeting: "Look to your left, look to your right, one of you won't be around." I thought that was a rather ungenerous way to greet people into a new experience, and in fact it turned out not to be true. I don't know of anybody, there may have been a few, that did not return because of grades, but most who did not return, did not return because they hadn't done as well as they had hoped to do, or they had family or other problems. For example, we had a student who had been a brilliant student as an undergraduate in Berkeley, an econ student, who had straight As, and had offers of scholarships to pick up Ph.D.s and all that, and went to law school and did very mediocre work. So he quit and said, "You know, I think I will go and pick up my Ph.D. in economics, where I can do well, instead of doing mediocre work as a lawyer." So, my impression was

that not many of us were flunked out. That was the implication in that speech, which again, maybe helped me not have a very good, fuzzy feeling about law school. The first semester had all of the tensions that the students go through nowadays, particularly about not knowing how they will do in their grades. We had a very complicated system of grading in those days, including minus and pluses, and double minuses and double pluses. The average grade in the law school at that time, I think, was something like a C double plus [C++].

6-00:23:56

I had a schedule; I was pretty disciplined, I think. I was rather philosophical about it. I never got as panicky as many people did. I figured, “Look, I will go; I will do the best I can.” I knew, from what I had read, because I had read some of those books entitled “Father to Son: How to be a Lawyer” or “Are You Thinking About Being a Lawyer?” Two or three such books that I am sure didn’t have much circulation, but I found them in some library, and I knew that there was a certain talent that goes with being able to do well in law school, and that it wasn’t necessarily related to how well you had done before in school. I knew that I was taking a chance. I had in my own mind other alternatives if things didn’t go well. That is, I wasn’t going to consider it like a tragedy. If I didn’t do well there, I’d go on and do other things. In fact, it turned out to be a distraction, probably an unfortunate distraction. When I was in the military, one of the things that I had been sort of fascinated by was the Foreign Service. I took the Foreign Service exam and I passed it. Meanwhile, however—you know, I forgot to tell you about this. When I was in Washington, also, I looked around for part-time work. I guess, maybe when I was at the university, I looked at the bulletin boards, and I found a job that I thought fitted my background. A lady was looking for an assistant to help her do drawings and needlepoint that she did, the sewing.

6-00:25:34

LaBerge:

To draw the picture, and then she would do the—?

6-00:25:40

Reynoso:

Right, right, and so I called her and I got a job with her. She was a very wealthy lady in Georgetown, and she did this sort of as a hobby. But she had like a studio and some nice easels where you could draw and all that. In fact, I had done that with Mr. Randall, so I felt right at ease. I worked with her for a while and got paid, but I had a lot of discussions with her. She was a fine lady, and most of her relatives had been in Foreign Service. I just gathered from my discussions with her that Foreign Service was still viewed by—sort of like public service by the wealthy, and anybody who didn’t quite fit that would have a hard time. I had pretty well decided, by that time, that that was not the life for me. Nonetheless, when I was in law school, I got a phone call saying, “Well, you passed the exam, so we want to come interview you.” I went for an interview in San Francisco, and then I got a notice that I didn’t pass the interview. I can understand it, because I hadn’t prepared for it. They asked me some questions, I remember, about Latin America that I knew very well, but I hadn’t thought about it for several years. So, I sort of stumbled over some of

my questions, though, interestingly, later on I learned that there might have been some other reasons why I wasn't passed. But it was interesting to me to have passed the written exam, which I thought was supposed to be the difficult part, then I got a notice that I didn't pass the oral exam. But I just mentioned that because I still had some alternatives in mind.

6-00:27:29

LaBerge:

Do you know what the reasons were? You said you just lately realized other reasons you might not have passed.

6-00:27:34

Reynoso:

I do know, but I won't tell.

6-00:27:39

LaBerge:

Okay. [laughter] I would be remiss in my job if I didn't just follow up. So, we have done that.

6-00:27:46

Reynoso:

Yes, yes, very good. [laughs] It's nothing negative toward me, but it's something that I learned later that may or may not have influenced them.

6-00:27:55

LaBerge:

If law school didn't work, you had other thoughts.

6-00:28:03

Reynoso:

No, it was important to me. I had decided, for some time now, to be a lawyer, but if it hadn't worked, I was still thinking about teaching or doing other things. Maybe still going back to my artwork. At least, I knew that I was taking somewhat of a chance. I think most of the first semester grades, and I think we did get grades, were tentative grades. So, they weren't going to count. I did pretty well, not great, and then, at the end of the year, I did better. I was pleased by that. I didn't do well enough to be Order of the Coif, but I did well enough that, for me, what was important was to do well enough so that I thought I had a good chance of passing the bar the first time. That was really—students nowadays ask me about the importance of grades, and I tell them, "Well, it's important if you want to do several things: teach, clerk, or work with a large law firm." [interruption for phone call] You'll have a hard time putting that together.

6-00:29:19

LaBerge:

We have stayed sort of—some things cover your whole life so that you can't just be linear. Truly, you stay on the subject. But the fact is, there are a lot of subjects—like civil rights, it keeps coming back, or the story of meeting your wife. We couldn't just have it capsulated, because that's not the way it happens.

6-00:29:48

Reynoso:

Right, right. [laughs]

6-00:29:47

LaBerge:

Okay, you were talking about getting good enough grades, but really wanting to pass the bar, and that you advise your students that—

6-00:29:56

Reynoso:

Yes. Many young people, including my own children, are very impatient to grow up and all that. Somehow, for some reason, I didn't seem to have that. That is, I knew that I went to law school because there were a lot of people that needed help that I could give, and I knew that those needs would still be there when I graduated. So, I was looking forward to becoming a lawyer, and I went to law school to become a lawyer. I didn't have the foggiest notion about teaching law or clerking or doing anything else, other than being sort of a traditional lawyer, and my hope was to go to a small town. In fact, that's what I ended up doing. Those were the notions that I had, and so my question to myself was, "Am I getting the training that I need to do that?" I think I was, even though I—as I say, I didn't particularly enjoy law school, the atmosphere of law school. I thought that, in fact, Boalt Hall gave me a good education, and I did learn those things. Another fellow, whose last name was O, so you know he was close to R, and I were in the—Boalt, at that time, had a moot court exercise for first year students, and we did very well in that, and got first prize and honorable mention or something like that. So, I ended up having sort of a sense of confidence that I could do okay in law school, and hopefully, do okay as a lawyer.

6-00:31:32

LaBerge:

Any of the professors, particularly, who influenced you or do you have any memories of wonderful lectures or—?

6-00:31:44

Reynoso:

Actually, I enjoyed [William] Prosser. He was always a funny guy.

6-00:31:45

LaBerge:

He taught Torts?

6-00:31:46

Reynoso:

Yes, he taught—

6-00:31:47

LaBerge:

And he wrote the [Second] Restatement of Torts.

6-00:31:49

Reynoso:

He was the tort guy, yes. We used his casebook. Torts to me was interesting because it was the law, but you could always see the public policy behind the law, and you could see that the law, in a way, uses terminology that sounds very scientific, but in fact is not. There are policy reasons behind those rules, but once the rules are made, the law often pretends that it is beyond public policy. It is sort of like a God-given rule, you know. I think that I was able to see much of how the law functions in torts. I had hoped to like criminal law because that's so important in our lives, but we had a gentleman, I forget his name, who was a former prosecutor in Alameda County, who I understand

had had a wonderful reputation as a prosecutor, but he was very boring. He would call on us by name: “Mr. Reynoso, tell us the facts and the holding of the case of *People v. James*,” and then you would recite it. “Thank you very much. Mr. Puglia—.” Then we had a gentleman whose name was something like Llewellyn, I forget.

6-00:33:11

LaBerge: [David W.] Louisell?

6-00:33:12

Reynoso: Louisell had come from Minnesota. He was, I think, the most warmhearted person, professor, that I had in terms of his sensibilities. But the professor that I really liked most was Frank Newman. When I was there he taught Equity. That was the only goal, he had practically forgotten that. And I was fascinated by Equity because that dealt with right and wrong, and it called on judges to exercise their notions of right and wrong. Not only did the subject matter fascinate me, but Frank Newman was the only professor that invited all the students to his house, and I still remember that very favorably. So, I really liked Professor Newman.

6-00:34:07

LaBerge: Were you on the court at the same time with him?

6-00:34:08

Reynoso: I was. Yes, yes.

6-00:34:10

LaBerge: Isn't that amazing?

6-00:34:15

Reynoso: Yes. But I don't know how much any of the professors sort of influenced me. I don't think my basic notion of right and wrong and those sort of things really changed. Now, I don't know. They didn't teach ethics, and I don't remember that the professors really focused on that in their lectures. So I don't know from whence I got it, but when I started practicing law, I had all kinds of notions about what was ethical and what was not ethical. All of which, in my view, were correct notions. Whether I picked that up from reading or what, I am not really sure, but I know that I was very conscious of that, even though we had no ethics course.

6-00:35:02

LaBerge: Whereas now it is covered in Professional Responsibility.

6-00:35:01

Reynoso: Now it is covered, and I don't know that lawyers are any more ethical now than they were then. Sometimes I wonder. [laughter] Because of other forces.

6-00:35:13

LaBerge: Yes, yes. Well, maybe next time, we could talk about your teaching methods. We would be straying from the path, but your teaching method—because you

obviously had this experience yourself and maybe want to give your students a different kind of experience.

6-00:35:31

Reynoso:

I think that's true actually. I am sure my teaching style relates to just who I am, but also relates to what I liked and didn't like in going to law school. You have got to be influenced by that, it seems to me. So I think that's true.

6-00:35:56

LaBerge:

What about other minority students in your class? Were you the only Latino? Were there any women? Were there any African Americans?

6-00:36:06

Reynoso:

In my class, when we started there was an African American who dropped out. I heard that he went back to school later on. So, for most of the time that I was there, there were no African Americans in my class. There was one Asian American, and yours truly as a Latino. There was a grand total of two minorities in the class. I had always remembered three women in our class, but I was recently reviewing or looking again at our graduation picture and there appear to be four women. I don't know whether there was a woman who came the last year, yet graduated from her own school or what, because I remember three women in our class. So, that was the diversity that appeared in our class.

6-00:36:56

We didn't have minority organizations. We didn't have political organizations. The whole thrust, practically, of the sixties in organizing those types of organizations really did not exist when I was in law school. And, I must say that, as I indicated earlier, I knew there were all these issues around, but I knew that there would be time to face them. The only extracurricular activity that I remember, that had a social base to it, was in politics. Governor [Edmund G. "Pat"] Brown was then running for his first term as governor. When I was in law school, that was—let's see, was that, yes, it's got to be. That was the year that the Democrats took over the state. It had been a Republican state most of the century. So, it must have been in '56, yes, that Pat Brown and all the other Democrats were elected. There was a Latino running on the statewide ticket. He was running for Secretary of State, and I had met a lawyer in San Francisco who was running his northern campaign, and so he got me involved a little bit. I had a big poster in my carrel, and I would get a lot of kidding about it. He was the only Democrat to lose that year. I felt that things were not quite right, politically, when every other Democrat got swept into office, and the only Chicano candidate for Secretary of State.

6-00:38:54

LaBerge:

What was his name?

6-00:38:56

Reynoso:

He ran for Secretary of State. His name was Henry Lopez. I knew him very well, then and for a long time afterwards, actually.

Brilliant guy who had graduated from Harvard. Grew up in Denver, and was very active politically for a while after that, including the Kennedy campaign. Oh heavens, isn't that funny, I can't think of his name right now, but I'll think about it. Interesting guy.

6-00:39:32

LaBerge:

So that was the only extracurricular, the political—?

6-00:39:31

Reynoso:

Yes. I don't really remember much social and political activity that I was involved in when I was in law school. I pretty well concentrated on studying and getting through.

6-00:39:55

LaBerge:

Well, it is 4:00. I don't want to keep you.

6-00:39:57

Reynoso:

Okay. Particularly with my throat, I guess we better call it a day.

6-00:40:00

LaBerge:

Yes, we can pick up a little more on this. Maybe do your teaching and then move on, next time?

6-00:40:03

Reynoso:

Okay, sure.

[Interview #5: October 6, 2003]

[Audio File 7]

7-00:00:07

LaBerge: Okay, here we are. This is interview number five with Cruz Reynoso, and it's October 6, 2003. I was telling you before we started that we had finished law school in the last interview, and you were talking a little bit about the professors you had, and the classes you took, and sort of your impression of law school and teaching. You've done a lot of teaching.

7-00:00:36

Reynoso: I have.

7-00:00:37

LaBerge: Tell me some about the approach you take with your students; maybe that's different from the classes that you had.

7-00:00:48

Reynoso: Well, it is certainly more informal and more conversational than the classes that I had, and I am sure that's based on my own notions of what I liked and didn't like about teaching in law school. I should tell you that I first started teaching on a part-time basis. When I was the director of California Rural Legal Assistance [CRLA], I got a call from the law school at Berkeley, Boalt Hall, asking if I would teach a seminar on—I forget what it was called; whether it was Poverty Law, or Latinos in the Law, or something of that sort—but I had agreed to do it, based on the cases that we were then handling in CRLA. So, I taught a seminar and I enjoyed it. I enjoyed the give and take with the students, but I also became very quickly aware of the time that it took to prepare for classes. I thought at first that I could just show up and teach, but before I knew it, I was taking the afternoon off before—this was a class late afternoon; six o'clock, or something of that sort—and I would be taking the whole afternoon off preparing for the class even though I knew the material very well. Because, to teach, you not only have to know the material, but you have to sort of script in your own mind how you hope the discussion will go. It doesn't always go that way, but you have to think that through, and I just found that it took quite a bit of time. Then I got a call from UCLA, and they asked me to teach a seminar, which I did. Very much the same sort of seminar, and I enjoyed that. Then I think I was asked to teach a seminar in the Chicano Studies at Berkeley, and that was a little bit interesting because, at that time, they had a student committee that met with professors who were going to teach, and they wanted to be sure, I think, that the professors were well qualified in Latino and Chicano culture, I guess. And clearly the young people there didn't know who I was or my background. So when we started talking, and they found out what I was doing and so on, why, then I passed! [laughter]

7-00:03:07

LaBerge: That is so funny.

7-00:03:09

Reynoso:

At that time, too, maybe the last year or two that I was the director of CRLA, I started getting phone calls from not only Berkeley and UCLA, but from other law schools asking whether I was interested in teaching. And I confess that I had never dreamed of being a law teacher when I went to law school, because I had gone to law school to become a lawyer. But I kept getting these phone calls. One time a professor from New Mexico came and visited with me in San Francisco and we must have spent an hour or so talking. Shortly thereafter, I got a letter from the dean in New Mexico, “We had a report from this professor, he was very impressed with you, and we would like you to come to visit the law school in New Mexico.” They said, “It is not a recruiting trip, because we don’t have any openings now, but we would just like to get to know you and get to have you know us.” And so I did go out for two or three days, I forget.

7-00:04:12

LaBerge:

This is in Albuquerque?

7-00:04:13

Reynoso:

This is the University of New Mexico in Albuquerque. I visited with them and with the law school, and I must say that I was really taken, both by the people that I met and by the law school itself. They were doing many things that I thought were the right things to do, including the fact that they had a very active clinical program. The students not only learned in the classroom, but then learned by doing, if you will. I was pretty impressed by them. Then, when I got back to California, either several weeks or several months later, I got a letter from the dean. And it is the type of letter of which, the type of which I have never received before or after. It was really a warm letter where he said, “Well, we unexpectedly had an opening, and the folk here really liked you, and we would like to offer you a job as a law professor.” And then it went on to detail. “We would hope that you could come next fall.” I think they even told me how much I would be earning and how much I would be teaching. It was just warm and yet specific at the same time. That was a new experience for me, because I had had the experience of people calling and sort of asking whether I would be interested in that or something else, but never quite that specific. I remember when I had worked in Washington, D.C., before going to CRLA, with the Equal Employment Opportunity Commission. When I got there, several lawyers whom I knew at the U.S. Commission on Civil Rights said “Cruz, what are you doing back here working with the EEOC? We thought if you ever came back here you would work with us.” And they had from time to time inquired as to whether I might be interested, but I never had a specific offer from them, so you know, I wasn’t looking for a job. I was perfectly happy doing what I was doing, and I had had a lot of that type of phone call from different organizations.

I was impressed by that letter, and I discussed it with my family and with the board—because by that time at CRLA we had gotten through big battles with Governor Reagan and things were going smoothly. I had been with CRLA for

about four years, and I had never conceived of myself as staying as a poverty lawyer for the rest of my professional life. In fact, several lawyers I've known have stayed as poverty lawyers all of their professional lives, or most of it, and have been great lawyers. But at that time it was new, and I didn't conceive of myself as staying in that role all my life. I discussed it with our board chair, and we agreed that if I were to leave, that was probably a good time to leave because things were going smoothly and so on. Eventually I accepted the position in New Mexico. I must say that my wife was not particularly excited about going to New Mexico, but we did go.

7-00:07:11

LaBerge: How old were your children at this point? Because that's always crucial.

7-00:07:16

Reynoso: Well, that's important. The children—at that time, one was in late grammar school, I have got to think now what their ages were. One was, let's see, she ended up being in high school. So, one was pre-school and two were grammar school when we first went there. And then Rondall, our fourth child, was actually born in New Mexico the next December after we went there. We have one child that we call—a person who is born in New Mexico is a “manito” or “manita.” So he's our only manito that we have. And, yes, that was important, because it is always difficult for children to be moving during that time. Anyway, I ended up in New Mexico, and I had figured that if I were to know whether I enjoyed teaching on a full time basis, I actually needed to get away from California because I had been so active as the director of CRLA, and I had many, many demands on me. I figured that if I stayed in California—and I knew already that it would be a time-consuming type of endeavor. I sort of welcomed the idea to be in New Mexico, and learn whether I enjoyed teaching on a full-time basis. And as it turned out, I did.

7-00:08:45

LaBerge: What did you teach?

7-00:08:48

Reynoso: In New Mexico, I actually taught courses different than what I am teaching now. My basic courses were Constitutional Law and Labor Law. And then I taught a series of seminars and other courses on Consumer Law and Poverty Law and on Real Estate Law in New Mexico. In fact, it turned out that that seminar that we had on Real Estate Law had to do with the old system of land ownership in New Mexico. And all of the students who signed up were Spanish speaking. They all had an interest in that. So, we decided to conduct the class in Spanish.

7-00:09:31

LaBerge: Oh, how great. But that was a new, something new you had to learn, too, in order to teach it probably.

7-00:09:40

Reynoso:

Yes, yes. No, I knew something about it but I had to educate myself. Actually, I had read quite a bit about it because that was the basis for much of the political turmoil at that time. There was a fellow by the name of [Reise] Lopez Tijerina, and there had been actually some violence in New Mexico over the ownership of land, particularly of communal land. It had been in the news, and I had read quite a bit about it. But then, when I was there, I not only taught seminars. One summer I was asked to teach one of the courses—and I was a classroom teacher; I wasn't a clinician—but I was asked to teach a clinical program course. Since that time, New Mexico has been particularly good on allowing professors who are classroom professors to teach clinical programs and visa versa, which I think is a good way of doing it.

7-00:10:48

LaBerge:

Otherwise, do they have practitioners teaching the clinics?

7-00:10:52

Reynoso:

Well, actually, while I was there—and New Mexico may have been one of the first law schools to do this—we voted to have all of the clinicians who were practicing lawyers, so they were working with the clinical program full time, to have them be tenured members of the faculty. In many schools, including Davis, the clinicians are practicing lawyers who are not tenured members of the faculty. But we had felt that that was a very important part of the students' learning, and that facilitated the professors who were tenured. Incidentally, the letter said that I would—that they would make a tenure decision on me in two years. Basically, they would be making it on things that I had done before I got there, I suppose. But, anyway, they did make the decision, and I was tenured in two years. In the UC system it takes a little bit longer.

7-00:11:46

LaBerge:

Yes, it does.

7-00:11:50

Reynoso:

The summer program that I taught was actually a misdemeanor criminal program, clinical program, where the students handled cases of folks accused of criminal misdemeanors. And it was really exciting to see the students do the preparation they did, and it was just misdemeanors, so the judges very often didn't get a really well crafted written motion and all that. We had the students—I used to tell them that we wanted them to learn how to do it right. Then, if they wanted to take shorthand shortcuts, as do many private attorneys, they could do that later. But we wanted them to do it completely. So they would often file pre-trial motions and all that, which I am sure the judges in that court weren't very used to. I remember one time when I was with one of the students, and she said "May it please the court, I have a pre-trial motion to make," and the judge leaned over, put his glasses down, and said, "Oh, I'm sure you do, counsel." [laughter] I still remember one of the great pieces of work that one student did that I think would probably—I don't know that it would ever have happened—I am sure that it could happen; I don't know that

it would have happened—with a busy practicing attorney. There was a young African American man who was arrested, and he was arrested for some pretty serious misdemeanor charges: endangering people because he had driven too fast, and so on. And the story he told was that he had come to Albuquerque to sign up to get into the military. Had gone to the military recruitment office, and they asked him to come back the next day. He went to stay with a couple—friends of his—and then, sadly, that night, a quite serious altercation evolved between the man and the woman. Apparently, even a gun was drawn. That’s quite serious. So the woman asked him to go get the sheriff, and I guess he called and he was told, “Well, there’s a sheriff’s car right near you, but they don’t have a radio so you will have to go get them.” So, he got the car and ran over and saw the car and told him about it. They said, “Well, you go on and we’ll follow you.” He took off going real fast and the sheriff’s car was behind him. And then, before he knew it, there was another sheriff’s car, then another sheriff’s car. He wondered why he was getting all of those cars. Finally, one of them pulled in front of him and they jumped out with guns drawn. He said, “What’s going on?” Apparently what happened was that he had lost the original sheriff’s car, and these were new sheriffs’ cars that just saw this young man whirling through the streets. So they arrested him. He told his story, and the judge didn’t believe him and found him guilty. Incidentally, sad to say, during that time, one of the sheriff’s deputies who was testifying mocked our client with what he thought was a Negro accent. After it came to an end, I got up and I protested to the judge. And the judge just said, “Well, counsel, I can assure you that that didn’t affect my judgement,” but he didn’t admonish the deputy sheriff or anything, which I had hoped he would. Nonetheless, the student then made a motion that the judge keep the judgement open for twenty-four or forty-eight hours, I forget, to see whether or not we could get confirmation of what the young man had said. During that time, he was able to get an affidavit—oh, the deputy sheriffs testified that it couldn’t be true. That cars are never put out without radios, and it also did not have the paraphernalia up on top, the lights and all that. Well, he got an affidavit from a lieutenant saying, “Well, we had gotten in a new shipment of cars and we needed one out, so, even though we normally wouldn’t, we had put out a car without paraphernalia and without a radio, and that car was sent to that site.” Then he got another declaration from a sheriff, from a sergeant, saying yes, he recalls the phone call. He was the guy who took the phone call, and he’s the one who gave him instructions to go look up the sheriff. So then we presented those affidavits, and, even without a further hearing, the judge changed his mind and ruled that the young man was not guilty. Isn’t that terrific work?

7-00:16:39

LaBerge:

Yes.

7-00:16:41

Reynoso:

As you can see, I still remember that very story because it was just a wonderful experience. So, I very much enjoy teaching.

7-00:16:51

LaBerge: It sounds like you also really like the clinical aspect.

7-00:16:55

Reynoso: Oh, I did.

7-00:16:57

LaBerge: Which you didn't have in your legal education.

7-00:16:59

Reynoso: That's true. That's true. But I had been a practicing lawyer at that time for some years. So I thought that was a very important part, and I have found that to be true even now. When I was a judge, I would have externs and very often they would comment to me how valuable it was in their learning to finally put all those theories to work in those cases as the issues came up of: What evidence is admissible; what isn't? What standard of care do the judges use? Were the instructions given by the trial court judge proper or improper? And all of that. Their experience with me was a practical experience. And that helped them also get back into the clinical and recognize—not the clinical but the classroom—and find out how important—what their learning in fact is. Whereas, when you don't have that experience, it is just harder to put it all together. It's a little bit like my own experience in law school when we studied Procedure. I thought it was a very boring class. Well, when I started practicing law, it turned out to be all-important. I mean, if I didn't file my case before the statute of limitations ran I was in trouble. So, that practical aspect of it, I felt, was very important.

7-00:18:23

I came back to become a judge, and then, when I left the judiciary, I started practicing law again. And practiced for two or three years, and then I got a call from UCLA, asking if I would be willing to teach there. So I started teaching at UCLA, and I was there ten and a half years before coming to Davis, two, two and a half years ago. I came here because I—for two reasons. One, because they offered me a very nice academic chair for the Study and Teaching of Freedom and Equality [Boochever Chair]. I figured that no lawyer could say no to that. And then secondly, my family home is still in Sacramento County. So it made a lot of sense for me to accept this position, and I have been very pleased here.

7-00:19:11

LaBerge: What did you teach at UCLA? Could you pick, or did you kind of fill in what they needed?

7-00:19:18

Reynoso: Well, I think it was probably a combination that all of the courses that I taught related to my background. I taught there, and I have been teaching here, also, courses that relate to my background. I have been teaching a course called Remedies, which in some ways is a very practical course—not only the theories that you go to court with, but what can you ask the judges to do?

Whether it is an injunction or damages or whatever. So it very much relates to my own background. Then I have been teaching a course on Legal Ethics. And of course, I was very involved with that. I have always been involved with that as a lawyer, and particularly as a judge. When I was on the [California] Supreme Court, at that time—it's no longer true—any lawyer who was disciplined could automatically appeal to the supreme court. So, we had a lot of cases on lawyer discipline and the ethics of the legal profession and so on. Those have been my basic courses at UCLA and here. I have been teaching, also, a couple of seminars. One has been a seminar pertaining to appellate advocacy, which obviously relates to my background. Another one has been in civil rights, pertaining particularly to the issues that we deal with at the U.S. Commission on Civil Rights. Last year, I guess the law school here looked at my résumé because the professor who was teaching Labor Law apparently was on sabbatical, so they asked me to teach Labor Law. And it was sort of fun to get back into labor law, which I used to teach many years ago.

7-00:21:00

In terms of my style, I use what I consider a closer approximation to the Socratic method. It is impossible to really use the Socratic method in a large classroom because the Socratic method implies a discussion between professor and student. Well, how can you have a discussion when you have eighty students or sixty students in a class? What I do is that I do ask a lot of questions, more in terms of advancing the discussion. I know that law schools, I suppose, have a reputation for asking questions that are embarrassing to students and all that. I think that's not as true now as it may have been many years ago, but I never use it that way. In fact, I will ask a question; if the student doesn't know the answer, I might answer the question myself. But it is just a way—I think it's a more interesting way of having a classroom instead of just lecturing. Have people pay more attention. You have a response to the response by the student, and the discussion, I think, goes more easily. But my style, I think, is far more of a discussion style in the classroom.

7-00:22:20

LaBerge:

Whereas, when you were in school, you were put on the spot?

7-00:22:24

Reynoso:

More so, or you were just simply asked to recite.

7-00:22:29

LaBerge:

Recite the facts of the case.

7-00:22:31

Reynoso:

Yes. "Mr. Reynoso, tell us the facts of this case and the ruling." In fact, I thought that was a waste of time. What I do is that, if we are talking about a case, I normally summarize the case, and then I will say, "In light of that, Jim or Jane, why do you think the judge ruled this way?" Or, "What's the difference between this case and the case we just ended up talking about?" In

fact, in Remedies we are now talking about the difficult issue of whether or not a certain hearing that the judge has to impose sanctions after something has already happened, is a civil or criminal sanction. And the reality is that those standards and how the judges look at it are rather iffy. It is hard to come down with very clear black-and-white answers. And we were dealing with a couple of those cases that the students sometimes, especially after their first year, get a little impatient with that. They just sort of want to know what the rule is. But the reality is, when you start practicing law, that the rule so much depends on the facts; so much depends on the nuances of that case. So, I trust that I deal with it in a more nuanced fashion. I am not sure, you know? That's what I try to do.

7-00:23:52

I can't help but be affected, obviously, by the experiences that I have had, both as a lawyer and as a judge. And most law professors haven't had that much practical experience. The most common professional cycle is for a student to have graduated from school, clerked maybe for a couple of years—some up to three or four years—practice for two or three years, and then go into the academy. Well, I am not sure that gives many of the professors the sort of depth of experience, particularly in a course like Remedies, to have a really good understanding of how the courts and lawyers function. I ended up having a little more experience than most. I remember, one time, we were discussing these issues at a meeting of the faculty at UCLA. A former dean came up to me later, and he says, "You know, I was counting noses on how many of our professors actually have a lot of litigation experience." I forget the number that he gave me, but it couldn't have been more than a fifth of the professors. That's got to influence how I teach.

7-00:25:12

LaBerge:

Okay, let's go back to ending law school, and taking the bar exam. How did you prepare for that?

7-00:25:21

Reynoso:

When I was in law school, I had pretty well decided on a schedule. My recollection was that I took Saturday evenings off, very often I worked on Saturdays, and I took Sundays off. Maybe at least Sunday during the day until the evening, I think. So, when I was taking the bar, the first thing that I did was to sort of analyze what my chances were of passing the bar based on my grades. But I knew—in fact, the year before, a person had graduated very near the top of the class and not passed the bar. So I knew that life was uncertain, but chances were with me, in terms of getting through. I looked at all the bar courses, and then I counted the days that we had to study. And I was quickly disabused of the notion that I could really have an in-depth review. I forget now, but I think we had something like two and a half or three days for each of the subject matters. I knew that the best I could do would be to review my notes from class. I had kept pretty good notes from class. In fact, I kept all of those notes until about ten years ago. Then finally I said, "The law has changed so much, what do I need all—?" I had put them in little covers—you

know, the little covers that you put over your papers—and I had them all well organized. And that’s what I studied for the bar.

7-00:26:57

LaBerge: You didn’t take a review class?

7-00:27:00

Reynoso: Oh, yes. I did take a review class. All of us at that time took a review class in San Francisco. We would share rides from Berkeley to San Francisco, and then we would study. I actually just studied with another person a day or two. I really could study better by myself. Many studied with groups. So, I basically studied by myself, and I figured out a schedule about how much time I had for each class. And I knew that it wasn’t going to be enough, but that’s what I did. I worked hard at it. Again, I think I took Sundays off, or maybe a portion of Saturdays, but basically devoted myself to studying it. It is the only time, until recently, that I ever exercised in any scheduled fashion. Since I was going to spend so much time sitting, I figured that I needed exercise. And I forget now, but I remember I had a little exercise schedule because I figured otherwise I would become a lump. [laughs] I just stuck to that schedule and took the bar exam. I had a fellowship to go to study in Mexico City after the bar.

7-00:28:18

LaBerge: How did that come about?

7-00:28:21

Reynoso: Well, my recollection is that the Ford Foundation at that time had scholarships that they had given to the law schools, encouraging law schools to give out scholarships so folk would study in countries other than the U.S. They were trying to encourage students to know a little bit more about the world. My recollection is that we had three scholarships, and I remember one of the folk who got the scholarship went to Europe, and I got a relatively small scholarship to go to Mexico, to study Mexican constitutional law.

7-00:28:53

LaBerge: When you applied for it, you knew it was going to be in Mexico, or—?

7-00:28:57

Reynoso: Oh, yes. I applied specifically to study. In fact, I wrote a paper on what I wanted to study, which was a Mexican equivalent to the writ of habeas corpus here. I knew precisely what I wanted to study. I took the bar very seriously and I studied hard for it, and then, fortunately, things went well. Nowadays—and I don’t think it was quite like that when I went, though I can’t tell for sure—but nowadays, the students ahead of time know when the bar results are going to come out, and they are all on pins and needles, and all that. I don’t think it was true in those days, but it certainly wasn’t true for me, because I was in Mexico. The number of folk who took the bar, however, was sufficiently small that when the bar results came out, the daily paper would print all of the names. For example, in Los Angeles, the *LA Times* would print

all of the names. At that time, I was still very—though I was married, I was still very close to the Randalls. So, when they saw the list, they cut it out and sent it to me. And I think their note, their letter, and the notification from the bar got to me about the same time saying congratulations, you have passed the bar. So, that was it.

7-00:30:26

LaBerge:

That was it.

7-00:30:27

Reynoso:

Funny things happened, though, when I started practicing law in Imperial County. I ran into a lawyer I had met studying for the bar. He was from Ohio, and we just met in San Francisco, then I meet him again in Imperial County, of all places. So, that was my experience. I chatted frequently with the people that I knew in law school, because we were all studying together. A few went to other states to study. Some wanted to practice in New York. I remember they went to New York to take the bar, but most of us just took it locally, and most of us studied in San Francisco or went to the lectures in San Francisco. It was just, you know, a step that we had to get through, and fortunately I was able to get through it without having to take it again, which is a terrible thing to spend another six months, or whatever, studying for the bar. However, when I came back from Mexico, there was a lawyer that I had been in touch with who wanted to talk to me about a possible job with him in San Bernardino. So I went to see him, and afterwards I went to the courthouse, and I said, “I am a new lawyer, and I have these forms here to fill out to be a member of the bar.” And the gentleman said, “Well, fine,” he says, “sign here.” And I signed, and I waited. Finally I said, “What do I do now?” And he says, “That’s it. You’re a member of the bar.”

7-00:32:08

LaBerge:

You didn’t have to take an oath?

7-00:32:09

Reynoso:

The oath was the written oath.

7-00:32:11

LaBerge:

Oh, it was the written oath.

7-00:32:12

Reynoso:

He didn’t give me an oral oath the way you normally do, and he had nothing to say, so that was the most uninspiring—[laughs] So, whenever I have sworn students in, even individually, I will deliver a five- or ten-minute talk about what a lawyer should do, and all that sort of thing. Because I felt so deflated, you know. [laughs]. Here I had gone to school three years, I had taken the bar, I finally am a member of the bar, and I just sign this little paper and the guy says, “That’s it.” And I guess he was right. Later, I had to petition to become a member of the federal courts because, nowadays at least—and I think it was true then—when you become a member of the bar, they also swear you in to be a member of the federal courts, the Ninth Circuit and the District Court

where you are being sworn in. And I wasn't, so then when I started practicing before the federal courts I had to get myself sworn in.

7-00:33:18

LaBerge: Well, tell me some more about your study in Mexico.

7-00:33:19

Reynoso: I had gone to study this provision of Mexican constitutional law called "juicio de amparo." It's different than habeas corpus because it only applies to government officials. It's a constitutional provision, like the writ of habeas corpus, whereby a person can get himself before a federal judge, arguing that he has been arrested or incarcerated improperly. I was very interested in that evolution, which had really come about from their studies of the writ of habeas corpus. It found its way into the Mexican constitution after the revolution of 1910. When I went down to Mexico, my wife and I went down, and my wife had a friend who was from Mexico City. Her friend had a mother, and her mother was widowed, if I remember correctly. At any rate, she had an apartment that had an extra room to it. So we roomed with this friend of my wife's. We were in downtown Mexico City. I would take the bus out to the university, or sometimes just study in a nearby library. I got there during the time that there was no school, during their vacation time. So I just went to the law school and studied in their library. I met the dean, and got to know him pretty well.

7-00:34:53

LaBerge: I can't remember. Had you been to Mexico before?

7-00:34:58

Reynoso: Well, I had been to Mexico after I graduated from college. I went down for a month or so just before going into the military. And I had been down there as a child, as a baby. But that was about it. So, this was the first sort of really extended time. Since the classes weren't taking place, then I started studying by myself. I must have introduced myself or told the dean who I was and why I was there, because we started having discussions. They were very interesting. And then, he and a friend of his taught at the medical school. They invited my wife and me to go to some winter lectures, and the only thing that I have from my experience in Mexico City now is a very impressive graduation certificate. If you read it carefully, it is a certificate of attendance, but it's got the big seal and everything else. I was looking for it—I couldn't find it the other day. I even had it framed the way I have my supreme court framed, with the same color and all that. Generally I have had it up in my law office to show that I've studied in Mexico. But actually, since I got there when they weren't having classes, then, when classes started, I only had two or three months to go—I forget now. I was there six months, and then I asked permission to audit the class on the juicio de amparo, which I did, but I never formally signed up for the school. The instructions were great from the law school, I must say, when I got the scholarship or fellowship. "Go down," they said, "have a good time, and hopefully learn something."

7-00:36:53

LaBerge: This is from the Ford Foundation.

7-00:36:56

Reynoso: No, this is what the law school said. That was their instructions based on the Ford Foundation [grant]. Apparently, it was just an effort to get young lawyers out to learn something more about legal systems in other parts of the world. So those were their instructions. It was completely up to me what I did. I signed up just to audit the classes, and the professor—as is true in many Latin American and other countries, for that matter—was a part-time professor. He was an expert, the recognized expert in the field, had written the leading book and all that, but he was also a lawyer. He would have his class at seven in the morning, and the class was completely full. It was a straight lecture. It wasn't at all the Socratic method. He would just get up and lecture, and we would take notes like mad. And then I would study other matters pertaining to it and wrote a paper, more for my own benefit than anything.

7-00:37:59

LaBerge: You didn't have to do it as part of the scholarship?

7-00:38:02

Reynoso: I didn't have to turn it in. And then I had many discussions with the dean, and they were fascinating because when I first got to know him, we would go have lunch or drink some tea or something and we would talk about things political and social as well as things legal. He was an expert on banking law. In fact, he gave me a two-volume book he had written on banking law, and he was a banking professor, but he too, like many others, had a position with the government. I forget what position. As well as being the dean, as well as teaching. The evolution of our discussion was very interesting because he had first argued that Mexico, at that time, was a pure democracy etc., etc. But I knew otherwise because my folks and the people that they were—all my relatives were proud to belong to the opposition party, which was called the PAN [National Action Party (Partido Acción Nacional)], in contrast to the official party, which was the PRI [Institutional Revolutionary Party (Partido Revolucionario Institucional)]. They came from an area of Mexico that was very panista, and they all complained about the corruption in the polls and the intimidation. For example, sometimes—I don't know whether it was all the time—they described to me that during the voting time, they would have one voting booth for the PRI and one for the PAN and you would have to go to a separate voting booth if you were going to vote for one or the other. Well, obviously it was meant to intimidate the non-government people. Nonetheless, the people from there were very ornery and independent, so they would always vote for the PAN. But after the election, even though the PAN line was always half a mile long, and the PRI line was a couple of blocks, the PRI would always win. So they were moderately suspicious that maybe something was happening with the count. Nonetheless, he argued strenuously that we had a pure democracy in Mexico. As we talked and I got to know him better, by the third or fourth month, and particularly near the end, he says, "Well, you

know, we don't have a democracy in Mexico. But we just need more time to have the folk be accustomed to democracy because," I remember he said, "if we had a pure democracy, the archbishop in Mexico would be elected president, and we can't have that," he said. Because the country was predominantly Catholic.

7-00:40:23

LaBerge: Catholic, yes.

7-00:40:24

Reynoso: But it was just interesting to me, the evolution of our discussions. Mexico was still at that time, quite controlled by the governing party. I recall that my father came to visit us. He was from Mexico, and he was at that time working with Southern Pacific, and we had read that there was a big railroad strike going on at that time in Mexico. He was interested to go look at the trains and all that. Then, before we went, the newspapers all announced that the strike had come to an end and all the trains were running and all that. Well, the next day or the following day we went to the main train depots, and all that. Not a train was moving. Clearly, the strike was completely successful. Nothing was happening, and yet the newspapers were reporting that everything was okay because the newspapers were basically at that time controlled by the governmental body. So, it was an interesting experience. Of course, as you know, since then things have become far more democratic. They now have a president that's a panista and so on, but it wasn't quite that open when I was down there. [laughs]

7-00:41:41

LaBerge: And what did your wife do when you were there?

7-00:41:43

Reynoso: She didn't study, so she would go shopping and do that sort of thing. She got to know the markets. At that time—things change of course—at that time Mexico City was a very clean city. The streets would always be swept, the market was always very well arranged. She could speak quite a bit of Spanish, so she would do all the shopping and all that at the local market, though she still remembers some faux pas when she was asking for green beans. She asked for "frijoles verdes," which translates to green beans, but that's not at all the term that's used in Spanish. But then she learned it. [laughter] And she had a pretty good accent in Spanish also. But in some ways it probably was not the best of times for her because when I was gone, she would either go shopping or be in the apartment. She wasn't that busy.

7-00:42:43

LaBerge: There wasn't that much to do.

7-00:42:44

Reynoso: Right, right. But then we would always take weekends off, and then she attended the lectures with me—they called it winter lectures. Then, through the dean and his friend—medical professor, professor in the medical school—

they invited us to join university-sponsored trips all over Mexico. So we went—she and I accompanied them on several of those trips, and they were great because they would have a professor explaining the history of the monuments or the churches or the areas that we were visiting. That turned out to be sort of a highlight, in many ways, of our visit there. We had a good time and I learned some. Then came back and started practicing law.

7-00:43:39

LaBerge:

Yes, so tell me about that. Because I am looking at my schedule. Next, I have down that you were—well, two things. That you practiced law, and that you were a legislative assistant to State Senator Bird.

7-00:43:52

Reynoso:

[William] Beard, actually.

7-00:43:52

LaBerge:

Beard.

7-00:43:56

Reynoso:

Yes, yes. Well, when I came back, and as I had understood it, finding jobs was difficult at that time.

7-00:44:02

LaBerge:

Because this is 1959.

7-00:44:03

Reynoso:

By that time, '59. And I think I may have told you that my wife and I sold our car, and she was working, and we saved money because, in case I couldn't find a job, I was prepared to open my own office.

7-00:44:18

LaBerge:

Okay, so where did you come back to from Mexico?

7-00:44:22

Reynoso:

First, when we came back, we actually came by bus and went to visit with her relatives in Tennessee. Then we came back and then were with the Randalls. Then from there, we started interviewing. I had already seen the lawyer that I mentioned in San Bernardino, but then I called the law school. It will give you a sense of how things have changed—the associate dean was also the placement officer at that time. So, I talked to the associate dean, and he says, “Well, I’ve got this list of people who are interested in hiring.” I think it may have been because I was looking for a job in May. Well, in May, students were just about to graduate. I think probably no other young lawyers, or very few, were looking for jobs. So, anyway, he had a list of people who were looking for lawyers. My wife and I decided to start in Southern California and go to northern California. The first place we went to was El Centro. They had an opening for a lawyer and for an assistant. The legislature had just approved, for the first time, a regional assistant, a representative, for the state senators. And that was to be a half-time job. I went down and I met one of the partners. There was just two partners, the senator and another partner. We

liked the area. Of course, it's the lower desert and we went in May, and I was wearing a dark gray woolen suit. Later I was confident that I was the only person in Imperial County wearing a dark gray woolen suit on that day, but I wanted to be serious, you know—it was for an interview for a job! My wife went with me every place that we went. We had been given, we had bought for a couple of dollars, an old Ford car from my concuño, my sister-in-law's husband in Tennessee. We drove it across country and we were using that car to travel. And then, from there, we had been given the name—I had told the dean, the assistant dean that I wanted to go to a small town.

7-00:46:52

LaBerge:

Do you remember who the assistant dean was? Not Jim Hill by any chance?

7-00:46:54

Reynoso:

I don't remember, I am sorry. So he had given us El Centro, that small town. The other small town that he gave us was Beverly Hills. So we went to Beverly Hills, we went up this big tall building, looked around and said, "This is not exactly what we had in mind for a small town." We interviewed with that gentleman, but he didn't seem very interested and I certainly wasn't very interested. So then we went to Bakersfield, and met with two gentlemen there. I really liked them, and they seemed to like me. I think I had an offer, one of those things where you are not quite sure, but thought I had an offer. We really liked them, and they seemed to like us, but then we told them we had some other interviews to do. Then we went to Sacramento to meet the senator, and seemed to get along well with him. We were on our way to Santa Cruz to interview with a lawyer when we decided that the job in El Centro looked pretty good. So we called the lawyer in Santa Cruz, maybe one other place, and cancelled the appointment, called the lawyer in Bakersfield and told him that we had accepted another job, and started practicing law in El Centro.

7-00:48:13

LaBerge:

And what were you going to be doing?

7-00:48:15

Reynoso:

The job was to be a half-time job as the assistant to the senator, and a half-time job working at his law firm. With respect to the senator, it was my job to meet constituents, to go out to meetings, and all that sort of thing. It was a perfect job for me, because I was new in town and that gave me an entrée to meet all of his friends and all that. Very quickly, I seemed to know practically everybody in Imperial Valley. I was interviewed by the newspaper and they wrote an article and all that sort of thing, but that—constituency work, and I had a few things that I had to research for him in terms of the law and that sort of thing, but mostly it was constituency group work. I practiced law at this firm, and I did all kinds of things. I sometimes mention to my students that there is a whole field of law that I had never heard about when I went to law school called "workers' compensation," and because I was the only native-speaking, Spanish-speaking lawyer in town, many of the farm workers who got injured on the job started to come see me. Then it turned out that many

lawyers didn't like accepting workers' comp cases, so they started referring workers' comp cases to me, and before I knew it—by the time I ended my practice in El Centro, probably a quarter of my work was workers' comp work, an area that I didn't even know existed. So I always forewarn my students that they still have a lot to learn once they start practicing law. But I did all kinds of work. I still remember my first trial.

7-00:50:03

LaBerge:

What was it?

7-00:50:04

Reynoso:

An old cowboy had had a shed built by a contractor, and he felt that the contractor had done a terrible job, so he didn't pay him, and I think the bill was a thousand dollars. It was a case that the law firm already had, but it was a small case, so I was asked to defend the case. No jury. So, we went before a judge, but it was my first case so I was determined to do it right. I went out to look at the shed myself, and I looked at it and ran my own judgement, then I hired an expert witness to testify. So we went into court, and with all the preparation I had done, it was hardly a contest. We won hands down. [laughter] The lawyer on the other side was very angry, and I think that he felt that it was unfair of me to hire an expert and do all that work on a lousy little case of a thousand dollars where he thought it was going to be a "he says, I say" sort of case, you know. But it didn't turn out that way. That lawyer later became a judge, and I always thought that he was not quite friendly. I think he always remembered what probably was a humiliating defeat for him. Here comes this young kid, and the case turned out to be an easy case for us to win because if you have an expert, they've got to have an expert on the other side to counter your expert. Well, those were the days before you had as much pre-trial discovery as you do now. So, we didn't tell him who our witnesses were. He didn't know that we were going to come in with an expert.

[Audio File 8]

8-00:00:07

LaBerge:

Here we go. You were telling me, the law school at Berkeley called you—

8-00:00:10

Reynoso:

Yes, the *Law Review* called to see if there was a book that I remembered reading that influenced my life. And I told them, "Sure, I remember one very clearly." It's a book that I read when I was a teenager, by Carey McWilliams, called *North from Mexico*. It was the first time that I had read a book like that, or even an article, recognizing who we were as Mexican Americans, so it made a great impact on me. He asked if I would review the book. I told him I would, and so I am dictating now—I reread the book and am dictating—because you may recall, I think I must have mentioned to you, that, as a youngster, one of the things that was disturbing was that we felt isolated because nobody that I knew that was Mexican American had an official

position. The storeowners weren't Mexican Americans, the post office, the postmaster—postmistress, actually—was not Mexican American. I just didn't see that representation in the community as a whole, and I think there is an impulse among folk to be recognized. I sometimes think about Indian children in California, and how they must feel sort of isolated because they see very little representation of Indians, at least favorably, in movies or radio or whatever. And I had that sort of sense—to finally see and read something that recognized who we were, the contribution we had made, the hopes for the future and all that, made an impact on me.

8-00:01:50

LaBerge:

That is wonderful, and that you read it when you were fifteen?

8-00:01:54

Reynoso:

I think I was seventeen at that time. I noticed that it was published in '47, '48, I forget now. Actually, I have the book in my briefcase, and I think I figured out I was seventeen. In part of the book, Carey McWilliams mentions that there is a lot of evolving to be done in the Mexican American community. For example, he says he wasn't able to find biographies and autobiographies of Mexican Americans. He thought that that would be a phase of evolution, of maturing of the Mexican American community. So I asked my research assistant if he could find books that I will put in a footnote on biographies and autobiographies, and sure enough he found, what, eight or nine. And then, at that time, there were very few—no books on Latinos and Mexican Americans, and I asked him to just find several books on Mexican Americans—I know there are a lot around—and he found maybe a dozen. So, I will just put in some footnotes.

8-00:03:03

LaBerge:

Well, what we are doing right now is going to be one.

8-00:03:06

Reynoso:

Oh, of course. Of course.

8-00:03:07

LaBerge:

So you are contributing even more. [laughter]

8-00:03:13

Reynoso:

That's right. I think Carey McWilliams would be pleased to see that evolution. But he specifically mentions that, isn't that interesting? And he mentions many other things that—I am not sure that I learned that much from the book, but it sort of fortified the things I was learning, sort of fortified the notions that I was developing about where I fit in society being both Mexican American and American. And he even has a discussion there of the 1930s, when so many Mexicans were deported to Mexico, and the experience of folk getting to Mexico and recognizing that, even though here they are referred to as Mexicans, when they got to Mexico they were as much Americans as Mexicans. And the Mexicans made fun of them because they either didn't speak Spanish very well or their customs were different, and so on. I'm often

reminded of that when I remember, when I went to Mexico—and I may have mentioned this to you—after college, many of the young students that I met around the university were very derisive of Mexican Americans. And they would tell me that I was one of the few Mexican Americans that they had met that knew about world history and about Mexican history and about literature and all that. Because they would say, “We’ve got cousins up there, and they are all so ignorant.” They were very derisive. You sort of have to figure out where you fit in society, and I am sure that I was going through that process. I had evolved quite a bit by that time. I was living with the Randalls, so I knew a lot about, on an intimate basis, Anglo American life, so I think I had sort of figured most of those things out myself out by that time. But to have it black and white, and to have him confirm, not only what you knew about the unfairness of society, but also the hopes that he had for Mexican Americans. It was really to me greatly uplifting.

8-00:05:32

LaBerge: And so your review is going to be in the *Boalt Hall Transcript* or some such?

8-00:05:37

Reynoso: I think it’s the *Law Review*.

8-00:05:38

LaBerge: Oh, the *Law Review*. Okay. I am going to look for it.

8-00:05:41

Reynoso: I hope I get it done in time. I am always late on these things.

8-00:05:45

LaBerge: Well, that’s just one more thing of all the things you are doing.

8-00:05:48

Reynoso: But it will be very much like what we are doing here, actually, because I’m going to explain the background and why it was an impact. To do that, I have to go over some of the things that we have been talking about.

8-00:06:00

LaBerge: That is great. Now, I could get you the transcripts of the things that we have already talked about if you want?

8-00:06:07

Reynoso: Oh, if you can?

8-00:06:09

LaBerge: Yes, yes.

8-00:06:09

Reynoso: Are they done?

8-00:06:10

LaBerge: They have been transcribed, they haven’t been edited yet.

- 8-00:06:13
Reynoso: Well, that's all right. Why don't you send me a copy?
- 8-00:06:16
LaBerge: Even though they have not been edited, after you edit it, then we could edit it. Because usually we edit it, send it to you—
- 8-00:06:22
Reynoso: Yes. Why don't you, if it's not too much trouble, why don't you just run a copy and send it to me for these purposes, but then go on with what you normally do?
- 8-00:06:30
LaBerge: Okay, all right. I will do that.
- 8-00:06:31
Reynoso: Because I know that the way you talk and the way it appears in print is always totally different.
- 8-00:06:37
LaBerge: Totally different. Yes. We try to keep it the same conversational tone.
- 8-00:06:41
Reynoso: Yes, but still you have to change a lot. I made the mistake one time of not insisting that they send me a copy of the transcript, and it was just—. It was a panel, but I have found that even when they take a talk—for example, I gave a talk and they wanted to print it. I speak from notes, generally, so I asked them to send it to me, and then I had a lot of rewriting to do. Still keep the conversational tone and all that, but you speak just very differently than you write, and it looks very odd when you are reading it.
- 8-00:07:26
LaBerge: Okay. I will send it to you.
- 8-00:07:28
Reynoso: Okay, I would appreciate that. Actually, it will help me because I have been reviewing some other things to put this together. Good.
- 8-00:07:36
LaBerge: Okay. Well, we are in El Centro—
- 8-00:07:38
Reynoso: And I will give you credit.
- 8-00:07:40
LaBerge: Oh, that's okay. You can say it's "from my ongoing oral history from the Bancroft Library," or something.
- 8-00:07:47
Reynoso: Yeah, I will get a proper cite for you.

8-00:07:50

LaBerge:

The Bancroft Library will love that. Okay, we are in El Centro and you just told me about your first case. What other anecdotes come to mind—of particular cases or people that you met?

8-00:08:08

Reynoso:

It was an exciting time. Everything that one does at that time is new, so everything that I was doing was new.

8-00:08:17

LaBerge:

What about workers' compensation?

8-00:08:19

Reynoso:

Well, I represented a lot of workers. Mainly farm workers, but not exclusively. And many things come to mind. One, unrelated to farming—many of them were braceros, and in part, out of that experience, I became very politically opposed to the Bracero Program. What would happen was that a worker would get injured, and then they would require medical attention. So, then they said, "Well, you have got to stay here while you get the medical attention," but meanwhile they weren't working. But still they had to pay room and board, and there was barely enough money from the workers' comp to pay the room and board, and meanwhile they were trying to send money to their families in Mexico. It was a very difficult situation for them. That and many other situations were bad. So I was opposed to the Bracero Program, but I represented a lot of those workers, including Mexicans in the Bracero Program. The Mexican consulate apparently was very pleased with my representation. They asked me one time if I would consent to be the official lawyer of the Mexican consulate. I said, "Sure, that would be fine." I figured that would get me more business and all that. Then, nothing happened for several months and finally the local consul called and he said, "Cruz," he says, "I am sorry to tell you this, but we can't get your name past Mexico City." He says, "Apparently they have heard of your opposition to the Bracero Program." So, I was never approved by Mexico City.

8-00:10:01

LaBerge:

So the Mexican government did approve of the Bracero Program?

8-00:10:07

Reynoso:

Oh, yes. Oh, yes. No, the Mexican government, at that time, and it's doing the same thing now, pretends that it's not in favor of it, that they are doing it only as good neighbors to help the U.S. In fact, the Bracero Program was very important economically to Mexico. The braceros would send tons of money home; it provided employment. They were very much in favor of it, even though they always said that—

8-00:10:32

LaBerge:

They said they weren't.

8-00:10:34

Reynoso:

Well, they were neutral—they were just doing it as a favor to the U.S. But, in fact, they saw it as an economic bonanza for Mexico. One of the interesting things that I would tell the lawyers in the poverty law firm when I was a poverty lawyer, was that, during all that time, I represented the local collection agency. “Cruz, how could you do that? Those are dirty guys.” And I would tell them that, just to remind them that it is always dangerous to draw broad conclusions about anything, including that collection agencies are all bad. It was a locally owned collection agency, so I knew the owner and the person who ran it. He would call and get advice from me on how to send demand letters and all that so it comported to the law, and they weren’t abusive and all that. I would try to keep up with legislation to let him know. That was the only client that I had on retainer, regular retainer. I would bill on an hourly basis and that sort of thing.

8-00:11:46

But, just to give you an example of the sort of person that this fellow was, one time we had a judgement against a couple for medical services, and the law permits you to require a person against whom you have a judgement to come into court. And then you can ask them about any of the assets they have so you can attach them. This was in Brawley, California, justice court. So, we had called this couple in. It was a monolingual Spanish-speaking couple and the story they told was the following: They had gone to see this doctor. We knew that this doctor dealt mostly with poor people, and we knew also that his license to practice in a local hospital had been revoked. So, there were some problems. The story they told was that they had gone in because the wife was giving birth to a baby, and she had seen this doctor before and went there. The doctor was very busy at that time with several other births, so she gave birth in his office. He had no place to put the baby, so he took a drawer out that was empty and put a newspaper and put the baby there. After they had been there several hours, they were sent home. The baby started coughing, very seriously, blood and all that. They came to see the doctor several times, and the doctor would just look at that baby and say, “Well, she’s okay, come back in a while.” And two or three weeks later the baby was dead. So, they said they just didn’t feel that they should pay that bill. As we were listening to the story, I looked at my client and he looked at me and even without saying anything I knew what he had in mind, and I got up and said, “Your honor, we would like to make a motion that the judgement,” I am forgetting the terminology—oh, “That the judgement is satisfied,” i.e., we weren’t going to proceed against these people because it was such a terrible, terrible situation. But they had done, the collection agency had done, the right thing. They had sent out a series of demand letters that they sent. They didn’t get any responses. Finally, they sued them. The folk didn’t respond. They finally got a default judgement. All of that cost them money. Finally, we were in court; they had to pay for my hourly wage. They had gone through expenses. Nonetheless, when they heard that story, it was such a terrible story that we

said, you know, we aren't going to proceed with this case, even though they had every right to proceed with it.

8-00:14:30

And in fact, one of the funny things is that I had so many clients that came to see me who had been sued by the collection agency. And I would say, "I just sued you two months ago. How come you're seeing me?" He said, "Well, you treated me fairly, so I figure that you are okay as a lawyer." And I think that's because most people who owe money would rather pay it. I mean, they aren't not paying it because they are bad people; they just don't have the money. So that, when we were able to work out a payment plan or a deferred payment plan that made sense to their own economic situation, they figured they had been treated fairly. I got a lot of clients by suing them. [laughs] One of the more memorable experiences that I had was when I was there only about six months maybe, and there was a strike by farm workers. That's before Cesar Chavez started organizing. This was the AFL-CIO Agricultural Workers Organizing Committee as they called it, AWOC. They were trying to organize farm workers. They never succeeded, but they were trying. And they called a strike. We had this wonderful judge, I really liked him, but he obviously hadn't kept up with the constitutional law for a while because he ordered all of the picketers to stop picketing. Well, you can't do that—there is something called the First Amendment. He didn't say, "Don't be involved in violence." He didn't even say, "One picket every ten feet," or whatever. He said "NO picketing." Well, as you might guess, they continued picketing, and he ordered them all arrested. And they all ended up in the tank. At that time, the rules permitted the jailers and lawyers to go into the tank. So the lawyers representing the workers called me because they were all Spanish-speaking, many of them monolingual Spanish-speaking, called me to see if I would go see them on their personal needs. I wasn't representing them. So I agreed to do that. I viewed it as a mission of mercy. I went down and interviewed them, and got names of spouses they should contact and medical needs and that sort of thing, then I reported to the lawyers and went back to my office. My office was no more than about a block away from the jail. Nonetheless, when I got there, my two partners were there. They were very concerned that many of our clients who were growers were getting angry, and we were taking sides in an economic battle, and all that. And I remember thinking to myself, "You know, I became a lawyer to help people." This was—I didn't charge them or anything; this was a mission of mercy. Fortunately, the rules permitted us lawyers to go in. Nobody else could go in. And I remember thinking to myself, "Well, if my colleagues become that unhappy with me, fortunately I have a little card that says Attorney at Law and I'm independent and I can set up my own shop." Well, it never got to that, but I remember having to think very quickly about what it means to be an independent professional. And, you know, I wasn't going to give up on the things that I had become a lawyer to do. I still remember that very vividly.

8-00:17:51

LaBerge:

How did that affect your then going to do other things besides practice law, like work at the EEOC or at the CRLA?

8-00:18:02

Reynoso:

Well, that has a lot to do with the political environment, and so on. And as always, it was shifting. While I was there, I was very active politically because I had been with a senator. He was, unfortunately, defeated.

8-00:18:21

LaBerge:

I noticed he was only there four years. He was a Democrat, I am assuming?

8-00:18:25

Reynoso:

He was a Democrat. But, interestingly, he was defeated by another Democrat in the primary. He always blamed the fact that he had voted against the death penalty as being the reason for it. I don't know whether that was true or not, but he was barely defeated, actually. In fact, there was a recount because it was so close, but he was defeated, so he left office. I stayed with the firm for another year, year and a half, and then opened my own office. We were very active politically during that time then. That was '59, and in '60, I guess, [John F.] Kennedy was running for office. Another fellow and I were co-chairs of the Viva Kennedy club in Imperial County. And we succeeded in having, at that time, the biggest dinner rally that had ever taken place in Imperial County. So we were quite proud of ourselves. Folk didn't think that we could do it, but we worked very hard. I still remember the one joke I have ever written and told, and you are about to hear my one joke. It was very well received. Kennedy was running against [Richard] Nixon, and at that time, the highway patrol was beginning to ticket people who had stickers on their back window. That was very common in those days, but the highway patrol had decided that it impeded the view, so they started ticketing people. I told the crowd there that a highway patrolman had stopped this person with a Kennedy sticker and he was getting this ticket. And while he is being ticketed, a car passed by with a Nixon sticker, and he wasn't being ticketed. And he said, "How come you are ticketing me, but you aren't ticketing that fellow with the Nixon sticker?" And the highway patrolman: "Well, anybody can see through Nixon." [laughter] That was the joke.

8-00:20:32

LaBerge:

That is very good. And that was before people did see through Nixon.

8-00:20:38

Reynoso:

That's right! Based on my political activity, I think, I was asked if I wanted to run for the assembly, four years after that. So, I ran for the assembly, and it was very interesting to me because I had been active politically. I had helped many candidates run for local office and all that. And in politics, it is a matter of, you help somebody and hopefully they will help you later. But it was interesting that when I declared, after I had been asked to run, several people whom I had helped were reluctant to help me. They were in favor of helping another person running in the Democratic primary. It turned out that that

person hadn't registered when he had moved, and so he couldn't run. Those same folk then did help me. But I just found it interesting that here I had helped them, and some of them seemed reluctant. Now, it may have been just their assessment that I couldn't win. I had only been in the Valley five, six years, and no Latino had ever run for countywide office. That was before reapportionment. But then, we had another opponent in the primary. He was the mayor of Brawley, which was the second largest town. Everybody figured that the mayor would win the primary. And much to everybody's surprise, we won by about 60 percent of the vote. Suddenly it became an exciting race. It was pretty—we were running against an incumbent and eventually lost, but it was an exciting race. I saw so many interesting things. Some Latino elected officials sort of resented having this young kid suddenly sort of become the head of the political Democratic Party locally, and they were reluctant to support me. But when they saw that most of their constituents were supporting me, then they supported me. I mean, it is just fascinating to see how politics work. But eventually I lost. And part of the reason why I lost—there was one precinct. We did a lot of door-to-door work.

8-00:22:51

LaBerge:

When you say “we,” the whole group or your wife?

8-00:22:54

Reynoso:

Oh, no, no. By “we” I just mean the people who were helping me. There was one precinct that was predominantly Anglo and predominantly middle-class, a lot of schoolteachers and so on. And I was going to pay particular attention to that precinct. I figured if we won that precinct we would win the election; if we lost it, we would lose. And we lost that precinct. People actually voted, I think, against their own best interests. But, based on an ambience, I think the fact that I was Latino, with those folk, didn't help. Then, the fact that I was controversial. In fact, the Republican Party had run a full-page ad, red-baiting me. And the headlines ran to sound like, who's trying to take over the Imperial Valley? They ran what they said was a reprint of the *People's World*, I think it was, the Communist paper. And they had mentioned that a Latino by the name of Legaspi had gotten elected to the board of supervisors in Calexico, and somebody else had gotten elected to something else—another Latino—and now I was running for the assembly. This was all in a Communist newspaper about the new activity of Latinos in politics. They ran this with big red headlines, so we sued the newspaper, but then things went badly. I had then asked the lawyer who had actually wanted to hire me from San Bernardino—I had handled some cases with him. He is a great lawyer, but obviously didn't understand the politics of Imperial County, because my deposition was being taken for that case, and I don't really remember why the deposition was being taken before a judge in the courtroom. That's rather uncommon, but that's the way it was. And the judge was the old judge who had lost that first case, and worse, he had run for a judgeship, asked me to support him and I told him I couldn't because I was supporting his opponent. So, I think it was not a good situation. They started asking questions which

were clearly improper. And when they are asking questions that are improper, you have the right to leave, and then ask the judge later to rule on its propriety. So, he said, “Cruz, we are leaving. They are asking all these improper questions.” I argued with him that we should stay, but he insisted, so we left. The headlines the next day were, “Reynoso walks out of court.” [laughter] I think even some good people who didn’t know me thought, “Gee, you know, we’re not that sure about this guy.” I think we picked up 45 percent of the vote or something. It was still an exciting race. But also I still remember a classmate of mine called and said, “Cruz, congratulations on your victory. We’re looking to endorse people for the primary. Would you mind meeting with us in Los Angeles?” I said, “Oh, not at all.” I went to Los Angeles and met with him. It was a fellow that I knew quite well.

8-00:26:22

LaBerge:

From law school?

8-00:26:23

Reynoso:

From law school. Did I say high school?

8-00:26:25

LaBerge:

You didn’t say.

8-00:26:28

Reynoso:

Law school. And he was a liberal Democrat, so he said, “We’ve got this group, and we are interested in helping people who will be an articulate spokesperson for liberal Democrats.” And I said, “You know, I consider myself a political liberal, and if I make it, that’s the way I will vote because that’s why I am running. And I am running my campaign on that basis. But,” I said, “I come from a very conservative area. I am not going to be able to go out and deliver all of these speeches on all of these great liberal issues, and so on. I will vote the right way, but I’ll want to moderate my talks and all that. And further, I have got a responsibility to represent everybody in Imperial County. Many of them are very conservative.” I tell people that everybody ought to run for office at least once because, even though I thought I knew the Valley, once you start running, you find all kinds of little clubs and units that you never heard about before. It is really an eye-opener. And you tell yourself, you know, it will be my job to represent all these interests. Well, you quickly start moderating your views, I think, quite logically. These folks wanted me to be an overt, outspoken liberal like the type you have out of San Francisco. Now, I just couldn’t be that type. They decided not to—

8-00:27:55

LaBerge:

To endorse you.

8-00:27:57

Reynoso:

Not to endorse me. Particularly not to give me any money. So, I thought it was interesting. Here, I would have been the first Latino in the legislature who was a liberal who agreed with them on most things, but because I wasn’t going to be a vocal articulator of their political views, they didn’t endorse me. I

thought, you know, it's a strange world. But it was an interesting and exciting campaign. We formed some youth clubs, and had some ideas that didn't work out. For example, we had an idea of having a political club where people would just contribute one dollar to the campaign. We figured, you know, if we get a couple of thousand people, we get a couple of thousand dollars. But it was very hard. Not that people wouldn't contribute the one dollar, just the people power that it takes to get people to contribute the one dollar. We tried different things to make it really a grass roots campaign. And it was very time-demanding. I even had to borrow some money from some friends to finish out the campaign. Nowadays, it would all be viewed as pennies, but to us it was a lot. And then, when the campaign was over, I got back to my work and I had to pay the loan back, and all that. It all worked out, but it was a challenge. But great fun, too, I must say. And those observations—I have mentioned to you, I have seen folk reluctant to help you, and then when things change, they all, "Oh, I better help him." Others, of course, never helping you. One fellow who was in a service club with me came up to me. He and I disagreed on everything politically, and he said, "Cruz, best of luck in your campaign." He says, "As you know, I can't support you." I said, "You know, Buster, I would be disappointed if you supported me because we disagree on everything. That doesn't mean we can't be friends." So, it was an exciting—

8-00:29:46

But then, I was telling you that because you asked, what about your practice of law and what did that do? I wanted to tell you one thing about that, then mention some political things. One time, I had a business friend, a business client, and we were kidding, so I asked him how come he had me represent him, when I had the reputation of representing these other folk on civil rights and other controversial cases. He said, "Well, Cruz," he says, "I figure if they can't intimidate you to not represent those folk, they aren't going to be able to intimidate you when you represent me." I had my share of business clients and others. It was a nicely balanced practice that we had. But in terms of the political side of it, to me again this is fascinating. I had met a gentleman, and I had really liked him, and he apparently liked me, when the senator was still a senator. And this fellow was a special assistant to the governor. After the campaign, I was appointed to be the assistant executive officer of the Fair Employment Practices Commission by Governor [Edmund G.] Brown [Sr.]. Now, as it turns out, even before I ran for office, I guess the work that I was doing, people were hearing about it. I guess, because I was in trial and when I got to the office, my office staff was all excited. They said, "The governor's office called." Now, that seems routine. I get stuff from the governor's office all the time.

8-00:31:27

LaBerge:

Oh, sure, but they know you now.

8-00:31:29

Reynoso:

But at that time, it was a big deal, you know. "And they want you to call back." I called back the next morning, and the person who answered said,

“Oh, the matter the governor called you about has been resolved,” or something of that sort. I never knew what happened. Later, I found out. He was actually calling to appoint me to be a commissioner of the Fair Employment Practices Commission, but they needed somebody from Southern California and northern California. When he called the person from northern California, that person couldn’t accept. So they had to go with somebody completely different there, and that changed the character of the type of person they wanted. Maybe they now needed a female or something from Southern California. So that’s why it had been resolved. I was told that by this fellow who was in the governor’s office, who then told me the following. He said, “Cruz, as different positions have come up in the governor’s office that I thought you would be good for, I have recommended you to the governor. But he has always had his appointments secretary then check you out. His appointments secretary was his sister. His sister had a way of checking people out where she checked with former police chiefs and FBI agents, and you always came back as a very suspicious guy. So, I was never able to get you appointed.” He said, “She retired.” Actually Art Alarcon—now a very conservative judge, very conservative person, but who obviously had a very different view of what you look at—was appointed appointments secretary. And when, apparently, the first opportunity came up, he recommended me for this position. Art looked at my background and said, “Great,” recommended me to the governor, and I was appointed. So, who can tell? You know, I get calls all the time by people who want to be appointed to the bench or whatever. And they say, “What is good to get appointed?” I told them, “I don’t know.” How could I know?

8-00:33:26

LaBerge:

You wouldn’t have known about—?

8-00:33:27

Reynoso:

Never. Now, actually, I don’t know whether my campaign—I am sure that my campaign brought me more to the attention of political people, but apparently I must have come to their attention even before. Nonetheless, I have a feeling that having run, having done quite well and all that, probably elevated their attention to me. Now, I didn’t look for that job. I had no—it came as a surprise to me. And then, when they offered me the job, I said, “You know, I have been working hard to build up my law practice, and I really can’t leave it.” And they said, “Oh no, you can keep your law practice. So long as you devote full time to this.” I said, “Well, can I go back and still help my associates with some of these matters?” They said, “Oh sure.” So then I agreed to serve. Again, it was sort of a difficult time, though you don’t think of it as a difficult time. I would then go to El Centro every other weekend to meet, and we would drive—because we were then in the Bay area. The office was in San Francisco. But, every other weekend, we would go to El Centro to meet with my associates to go over cases and all that. And it was amazing. I would go there, and my clients, sort of by osmosis, would know that I was in town, because they would come and knock on the door when it was closed.

8-00:34:49

LaBerge: To see you and talk to you?

8-00:34:51

Reynoso: Right. During that time, we just had two children, two little girls, and we would get into our station wagon on Fridays, after work. Drive halfway down, and normally sleep in a little park in Madera. We had identified a park that had a place to play and all that, or some other place. And we would drive the rest of the way to El Centro, get there Saturday morning, then meet with the lawyers Saturday. Then, Sunday, go to church and have breakfast and so on. We would stay in a motel because we had leased our house to one of the associates, and then drive back to the Bay area Sunday afternoon. And we did that for the year and a half, or so.

8-00:35:39

LaBerge: Who was your friend in the governor's office? Because that must have helped too. The fact that you had a friend there?

8-00:35:50

Reynoso: Yes, yes. Though I really didn't even know he was a friend. I mean, I had just met him. Bill Becker was his name. And I got to be very good friends with him later when I had more contact with him. So, that's how I ended up being there, and then when the governor was defeated, I used to tell people, boy, anybody who touches me politically, they lose. My boss, the senator had lost. The governor lost. So I went back to practice law, and entered into a partnership with one of my associates. And then, some months later, just a few months later, I got a call from Washington. And they asked if I would go to talk about maybe working for the EEOC [Equal Employment Opportunity Commission]. And maybe we could talk about that next time.

8-00:36:40

LaBerge: It's already past an hour and a half. Is that okay?

8-00:36:44

Reynoso: I better wrap it up because I have got this—

8-00:36:47

LaBerge: Well, we will start with the EEOC next time. Did you also do staff secretary to Governor Brown?

8-00:36:54

Reynoso: Yes, but we can talk about that.

8-00:36:56

LaBerge: We will talk about that one too.

[Interview #6: December, 22, 2003]

[Audio File 9]

9-00:00:17

LaBerge: We talked about the campaign and various issues. How you were—a couple of people didn't support you because you couldn't be as liberal in your speeches as they wanted you to be. Is that the right take?

9-00:00:39

Reynoso: That's right. Yes.

9-00:00:40

LaBerge: I mean, that was your position, but you were representing other people in Imperial County, and you had to represent everybody. So that was the gist of it. We could go over a little bit—I want to just say this is tape seven, interview six with Cruz Reynoso. Part of that, you were saying that they noticed you in the governor's office. That at first it was the governor's sister who was his appointment secretary.

9-00:01:05

Reynoso: That was my understanding, yes.

9-00:01:06

LaBerge: And then someone else came in and they noticed, or they approved you.

9-00:01:13

Reynoso: Yes, yes. Well, I had done things before, presumably, that had gone to the governor's attention, or at least his people. But I think also the campaign fortified that. So a time came that I was appointed to—the title was assistant chief. At that time, the term "chief" was used for many departments, but I always referred to myself as assistant executive officer—because that's really what I was—with the Fair Employment Practices Commission, and worked there for about a year and a half. And then I was asked to be a staff secretary for Governor Pat Brown in Sacramento, and I worked there for about three months. He was not successful in his reelection campaign against Ronald Reagan, so I returned to my law firm for about six months. And then I got a call from Washington D.C. from the new chair of the commission, the Equal Employment Opportunities Commission, who invited me to go back to be interviewed and meet him, and he offered me a job as associate general counsel.

9-00:02:22

LaBerge: And who was the chair?

9-00:02:29

Reynoso: Stephen N. Shulman was chair. [Sept 14, 1966 – August 3, 1967]

9-00:02:34

LaBerge: Okay, but the year is 1967?

9-00:02:37

Reynoso: It's 1967.

9-00:02:41

LaBerge: Before we go onto that, tell me what you did at the Fair Employment Practices Commission.

9-00:02:46

Reynoso: The Fair Employment Practices Commission dealt only with employment. We handled complaints that came in pertaining to employment matters. We were involved in training state officials and others on equal employment laws. One of the big projects that I was involved in—and was placed in charge of it—was doing a study of testing for employment purposes, because that was one of the vehicles that had proved deleterious to the efforts to have equal employment. So we had a task force of very prominent people in the testing field from throughout the country. It was very interesting. I don't remember if I mentioned that experience to you.

9-00:03:40

LaBerge: No. No, you didn't.

9-00:03:40

Reynoso: At first, all of the people we had appointed for the advisory committee were very professional and very correct in how we were handling our studies. But, as I got to know them better, they started relaxing a bit more, and near the end of many months of working and testing, this one gentleman—whose name I forget, but he was the most prominent person in the personnel testing area—said to me, "Well, Cruz," he says, "If you really push me on whether or not our tests actually test what employees will be doing, I'd have to take the Fifth Amendment." He says, "Our job really is not to test what people are going to be doing and whether they are the best people to have that job. Our job is really to come up with a test that appears to be fair, and thereby cutting down the number of folk that the employers need to interview or need to consider. For example," he says, "at that time, clerk/typists was a very popular employment, and clerk/typists, we all know that a clerk/typist spends very little time typing. They file, they meet, they greet whomever they are dealing with. They do all kinds of things. Nonetheless, our recommendation was that we give them a typing test, and whoever types the greatest number of words per minute with certain accuracy factors is the most qualified." He says, "You and I know that doesn't really test what they are doing, but that appears to be fair, and that way they can take the top three people, interview them, and make the decision. It saves the employer money." So, I thought it was a—to me I have always remembered that because it was revealing in terms of what the real role of tests is. And very often, it has little, some, but little to do with actually testing what an employee is going to be doing.

9-00:05:35

LaBerge: And this commission is a federal commission?

- 9-00:05:35
Reynoso: No, this is a state commission.
- 9-00:05:38
LaBerge: Okay.
- 9-00:05:40
Reynoso: The Fair Employment Practices Commission is a state commission, actually established by the state of California before the 1964 Civil Rights Act, which established the Equal Employment Opportunity Commission, and indeed, the federal commission was patterned after the California and New York experiences in setting up such commissions. So, it is very important in a historical context.
- 9-00:06:04
LaBerge: Who else served with you?
- 9-00:06:11
Reynoso: The chair when I first joined was Ronald Dellums, the uncle, I believe of Congressman Dellums. He is the more prominent person that comes to mind. Let's see, we had six members, and I forget who the others were.
- 9-00:06:38
LaBerge: For instance, just what that one person told you about having the test appear to be fair, how did you change it? If you did.
- 9-00:06:50
Reynoso: What we eventually did, and actually I have some place that we actually published a report on testing that then was sent to all the employers, and so on, including cautionary provisos.
- 9-00:07:07
LaBerge: I know you taught labor law before this, so did that have any—?
- 9-00:07:12
Reynoso: No, I taught labor law afterwards.
- 9-00:07:12
LaBerge: Oh, after it. Okay. University of New Mexico. I was thinking before because we talked about it. Well, then maybe this experience informed—
- 9-00:07:19
Reynoso: I am sure it did. My job was to a large extent administrative, to make sure that the cases were being processed. To be in touch with the office in San Francisco and the office in Los Angeles, and be sort of a troubleshooter and person who in some ways was the person who did most of—not all, but much of the public speaking and that sort of thing for the commission.
- 9-00:08:01
LaBerge: Okay. And then when you were briefly a staff secretary to the governor, tell me what you can about that. Any anecdotes, or what you did?

9-00:08:10

Reynoso:

Well, there were a lot of little things that I was asked to look at, but the major thing that I remember looking at was that, at that time, there was a rumor that the highway patrol in the state of California had some sort of a sweetheart deal with Ford Motor Company. They were buying cars from Ford Motor Company without following all of the proper state procedures.

9-00:08:35

LaBerge:

We haven't talked about this.

9-00:08:41

Reynoso:

And that was during the time that the governor was running for reelection, so I don't know whether he was concerned that in fact there may be something wrong there and it would be used to attack him or whether he just heard these rumors and wanted them checked out. I was asked to investigate that. That was the single most interesting thing that I did, and what really impressed me was that, as a lawyer, you have to struggle to get information from parties. And it just amazed me how, when I would call people and I would say, "This is Cruz Reynoso, I am calling from the governor's office. The governor asked me to look into these matters." And all the files would open up for me. I would talk to people, I would read files and all that, and then I eventually gave the governor a report. I couldn't find any wrongdoing at all. But to me, it was just fascinating to see those doors open just because you were with the governor's office. So, that was the single most interesting thing that I remember doing in the governor's office. I worked closely with, by that time, the staff secretary. I was a staff secretary working with Winslow Christian, who later was appointed to be a judge.

9-00:09:57

LaBerge:

There is an oral history of him.

9-00:10:05

Reynoso:

Oh, good. I think probably it would be important to have as much oral history as possible around Governor Pat Brown, because I still consider him the last great governor that we have had in this state.

9-00:10:14

LaBerge:

Yes, yes. There is a whole set called the Knight/Brown Era. I don't know if he was interviewed; different people who worked in his administration were interviewed, agency secretaries—it is quite a big thing. I could get the listing for you because you would be interested in that. And that's why Winslow Christian was interviewed. In the process, did you also get to know his son? I was wondering how that came about.

9-00:10:48

Reynoso:

You know, I met him only once, and he was then a very young person, and my recollection was that it was some informal gathering at the governor's mansion. Pat Brown was still in the old governor's mansion—which I loved; I really was unhappy when Reagan decided to leave it—and I think he was just

sitting by the pool, and we said hello and that was it. I didn't really consider that I knew him.

9-00:11:11

LaBerge: But later on you got to know him?

9-00:11:20

Reynoso: Well, strangely, when I was with California Rural Legal Assistance later, one of our staff attorneys had gone to work for him when he was Secretary of State. And he said, "Cruz, you gotta meet the Secretary of State, he is a very interesting guy." So, he invited us to come to Sacramento, and we came— another fellow and I came up, and we must have spent two or three hours with Jerry Brown on that occasion. That's the one and only time that I remember really sitting down and talking to him ever before I was—

9-00:11:51

LaBerge: Before being appointed to—

9-00:11:52

Reynoso: Before I was appointed to the bench, right. I think that my later appointment to the bench came not because I knew him, but because I knew other people around him.

9-00:12:01

LaBerge: Who suggested—?

9-00:12:06

Reynoso: Who no doubt suggested me for that position. And then I had met him. He obviously knew about me because he was an admirer of Legal Services [Corporation] and I was the director of Legal Services. He was an admirer of Cesar Chavez and I worked with Cesar Chavez for many years. So I am sure that through all those contacts he knew very well who I was, but in terms of knowing him personally, my contact was about a two second meeting when he was very young, and then just two or three hour meeting in Sacramento. I wasn't around when he ran for governor; I was in New Mexico.

9-00:12:42

LaBerge: That's right, that's right. Were you still in New Mexico when the Agricultural Labor Relations Act was signed?

9-00:12:47

Reynoso: Yes, yes.

9-00:12:50

LaBerge: Okay. Well, we will get back to that, but since you mentioned Pat Brown, tell me your impression of Pat Brown and why you think he was our last great governor?

9-00:12:50

Reynoso:

Pat Brown was interested in governance, to a large extent, which I don't think any governor since that time has really had that interest: Looking at the whole state, seeing what needed to be done, taking the steps to do the things that needed to be done. We may or may not agree with the water policies and all that, but it was a studied approach to the needs of the state, and then an effort to implement them. To have a plan of where you want to be or where you think the state should be in five or ten or twenty years, and then working toward it. It seems to me that since that time, we have had every governor looking way ahead for say the next twenty-four hours maybe, maybe for the next election, but certainly not five or ten or twenty years. As a whole. Now, some may, in given issues. Deukmajian was very interested in the death penalty. Jerry Brown was very interested in agricultural workers and, I am sure, looking toward the future in that regard, but not taking a look at the whole of the state and asking what needs to be done.

9-00:14:11

That doesn't mean that I agreed with Pat Brown on everything. I was active, as I indicated, in trying to help the farm workers, and we tried to pressure Pat Brown to meet with Cesar Chavez. Finally, he agreed to meet with Cesar Chavez, and we celebrated! Not that he had agreed to do anything; just that he had agreed to meet with him. So, you know, in politics and public life you don't always get everything that you want, but he had that vision of California, and then tried very hard to implement it and to work with the legislature. He was a very gregarious person, remembered names and all that. The last time I saw him was at UCLA, where he had come to talk to students, and I ran into him at the faculty club. He was having lunch there with another professor. And he was just always a very friendly, very gregarious person, and at the same time a very serious person. So, I just think that he is the last governor that we had that really took seriously the notion of governance. And by contrast, look at our current governor. [phone rings]

9-00:15:22

LaBerge:

Yes, that's for sure. Do you need to get that?

9-00:15:26

Reynoso:

Maybe I should.

9-00:15:49

LaBerge:

Okay. [break] We were talking about Pat Brown, and you mentioned that you got a meeting for Cesar Chavez with—or I don't know if you got it, the governor agreed. Tell me about your involvement with Cesar Chavez, because this is the same period of time, and what you were doing in that area?

9-00:22:48

Reynoso:

Cesar Chavez was the staff director for a group that I joined when I started practicing law in 1959 in El Centro. A new chapter had just been formed, or was being formed, of a group called Community Service Organizations—CSO would be the initials. And at that time, Cesar was the staff director—in fact,

the only, I think, full-time person. Dolores Huerta would also work for the CSO; I don't think she was full time.

9-00:16:34

I met him through the CSO at the various meetings that we attended quarterly, when he would come down to El Centro. We had various campaigns—for example, campaigns to register voters, campaigns to get out voters, campaigns to, at that time, get a statute passed that guaranteed a state pension for older people. These were all statewide campaigns where we tried to get hold of the legislators, and all that, and Cesar was very active at doing all of that. Then a time came, maybe a couple of years after I had met him, where he was in El Centro meeting with the chapter in one of those efforts, and he suggested that we go out and talk after the meeting, which we did. I remember we went to a Chinese restaurant in El Centro, and we talked until late that night, and he was telling me that he was thinking of leaving CSO because even though he loved CSO, CSO had chapters in cities as well as rural areas. His principal interest was in working rural areas and working with farm workers.

9-00:17:43

For example, he had been very involved in the Oxnard area in organizing local farm workers who would then show up en masse at the door of growers and say, "Here we are. We're ready to work." And they would do that because, at that time, the Bracero Program was in force. And braceros were supposed to be used only if there was not local help available. Well, clearly there was local help available. So it was one way of pressuring the government, the federal government, to eventually do what it did, and that is to terminate the program because it was really an exploitive program when there were plenty of local workers who were willing to do it. Sometimes they would need to be paid a little bit more, but that's supposed to be the way the free enterprise system works. He was very interested in the plight of the farm worker and told me that he was thinking of leaving to organize farm workers. Not as a union, but like the CSO, as a self help organization. The CSO would establish, when it could, credit unions. And all of the chapters had a mutual funeral aid society because the members were poor and so when somebody died, the poor people would pool their resources, and this was a way of pooling resources ahead of time to help with the burial of individuals. As I said, it was a self-help organization, and that's what he hoped to do with farm workers, and indeed that's what he did for several years as the farm workers movement got stronger.

9-00:19:20

I think I mentioned to you that I've read articles or biographies that say that he always wanted to be a labor leader. Well, if so, that's different than I remember it, because, from my many discussions with him, he was very suspicious of labor unions. He had very much in mind, for example, a labor union strike of farm workers that took place in Imperial County—as they did other places—organized, at that time, by what was called AWOC, the AFL-CIO Agriculture Workers Organizing Committee. And the strike failed. When

it failed, of course, the organizers left the area but the farm workers were left, and they were blackballed, and so on. So he was very cautious of a traditional labor organization effort at organizing farm workers. Further, labor had tried on and off for years to organize farm workers and they had never succeeded. Because of the vagaries of the pool in California, the tradition had always been to have many more workers available than were required. That's the way we were set up politically and economically. So the growers could always draw from that pool, but that meant that off-times you had a 20, 30, 40 percent unemployment rate among farm workers because they needed a pool that would meet the highest demand of the growers. It put the farm workers in a very disadvantaged, disadvantageous position in terms of organizing.

9-00:21:00

There was quite a bit of soul searching, I have no doubt, when finally the farm workers, headed by Larry Itliong, called a strike and asked the farm workers headed by Cesar Chavez to join them. Finally, Cesar Chavez and the farm workers decided that, yes, they would turn the farm workers organization into a farm workers union. It was not a farm workers union until that happened. And I think what happened, though I never had an in-depth discussion with Cesar about this, I am sure what happened was that, after several years of self-help, I think they recognized that self-help was not enough. That economic and political forces set against advancement by farm workers was just too great. They needed greater power, and that would come about perhaps through a union. But I think Cesar also recognized that the traditional approach of unions couldn't work, and so the genius really of what Cesar did, I think, was to combine the lessons learned from the civil rights movement with the labor movement. And that's what they did by calling on boycotts, by picketing, by propagandizing the plight of the farm workers. Really, there was a combination of Walter Reuther and Martin Luther King that I think really expressed the approach that the farm workers had.

9-00:22:51

LaBerge:

And did you have any part of that in advising him or helping to organize or—
?

9-00:22:52

Reynoso:

No, not really. I would see him from time to time after he left the CSO, but I was never in the inner group of that organizing effort. Later, he and I both served on the first board of California Rural Legal Assistance, but even then it was not an intimate relationship.

9-00:23:27

LaBerge:

Well, anything more as we go along, if there's something at that period of time that you remember, let's stick in because we never had a chance to interview him. We have interviewed Dolores Huerta.

9-00:23:40

Reynoso:

The last discussion I really had with him before he died was in 1986, I believe. We had a sit-down talk, and the main thing that I remember from that was—there were a couple of things. One, that they were increasing their more formal propaganda at that time. They were going into the Internet and all that. But the thing that I really remember is this: He mentioned that, that year for the first time—or the previous year for the first time—they had gotten more monetary support from East L.A. than from West L.A. That was interesting because they always had a lot of support from white liberals and the Jewish community. Of course, the Latino community is poorer too, but that year he said they reached a new milestone where they got more economic support from East L.A. than from West L.A., which I think was interesting in terms of the evolution of the Latino community in California.

9-00:24:48

And I was going to mention to you, sadly, that he was involved in that big lawsuit in Arizona when he died. Just a few days before he died, I got a call from a lawyer whom I knew and who was—had not been involved in the initial litigation, but had been asked to come in and help with the litigation in Arizona. And as he got involved in it, he had called me and we had a long discussion about strategies and all that in that particular case and then he died a few days thereafter.

9-00:25:26

LaBerge:

And whatever happened with the suit?

9-00:25:30

Reynoso:

I think it was just dropped. It was a suit against the union. I think it was dropped.

9-00:25:42

LaBerge:

Let's go on then to the EEOC. When you got that call, how did you make the decision that you wanted to do that?

9-00:25:53

Reynoso:

The EEOC? Well, what happened was—

9-00:25:56

LaBerge:

Because you still had your private practice.

9-00:25:57

Reynoso:

Yes, well first I should tell you that the agreement I had with the state was that I would not close my office while I worked for the state. So, I think I mentioned to you that I used to drive down like every other weekend.

9-00:26:10

LaBerge:

Yes, with the kids.

9-00:26:13

Reynoso:

Right. When I went back to El Centro I had two associates, and the more senior associate in time and I then entered into partnership when I had gone down to practice law again. So then I had a partner and they were not just associates. I got the call—well, first of all, they agreed to pay my way and my family's to go to Washington to be interviewed. So, it was an easy call to go. Secondly, I should tell you that a dream that I had always had was to have my own law firm and to take time off from time to time for government service.

9-00:26:53

LaBerge:

Now, where did that idea come from?

9-00:26:51

Reynoso:

I don't know. I think I read about lawyers taking time to serve in different capacities and that sounded to me pretty good. But I had also, I had spent some time in Washington in the army, and I had also talked to long-time government employees who were very—who cautioned me that it was too easy to get a government job and then get so tied to it that you couldn't get away from it. I valued my independence, so I did not want to ever feel tied to a job where I could be intimidated, in terms of not saying or not doing what I thought was the right thing to do. I didn't want to work for the government permanently or professionally, but I wanted to be able to go in and serve in a certain capacity and then leave. I had met my wife in Washington D.C., and I would tell her from time to time that some day we would go back to Washington to spend a little bit of time working for the government. And she would always say, "Yes, yes." And seemed to be disbelieving. Suddenly here there was an opportunity. So we went back to Washington, and sure enough I met the new chair and he offered me a job. We couldn't leave right away because my wife at that time was pregnant, but he agreed to wait several months for us to report. And so I accepted. I was always interested in equal employment, obviously. This was a new statute, so it was exciting to be there at the ground floor.

9-00:28:29

LaBerge:

And the new statute is the civil rights law.

9-00:28:32

Reynoso:

Yes, the 1964 Civil Rights Act. The commission didn't really get going until maybe late '65, and I was going there in '67. It had just been in operation for a couple of years and all the original commissioners were still there. It seemed to me like an exciting time to go back to Washington, so I accepted the position and went back there, again with the agreement that I would retain an interest in my law firm. But by that time it was easier because I had a partner who could continue doing all of the work and I didn't feel that I needed to be flying back every other week. So that's the arrangement that I had with my partner. I went back to Washington and I was there for about a year, and enjoyed the experience.

9-00:29:26

It was a quite different experience then than now. We had perhaps seven or eight lawyers in the whole agency. Now they probably have several thousand. At that time, the law did not permit us to file actions directly—we had to do it through the justice department—but we could file amicus briefs directly. And I was very impressed with the capacity of federal judges to change their minds and overrule themselves once they were educated as to what the law said. Because they would issue, very often, rulings that didn't comport to the new law. Then we would file an amicus brief saying, "Hey Judge, this is what the law says," and sure enough they would reverse themselves and follow the law. I was impressed with the power of a statute and the capacity of judges, whether they agreed with the law or not, to enforce it. Indeed, one time I remember going to see a judge in San Francisco with an order for him to sign and the clerk said to give it to him, and he would take it to the judge. So I gave it to him. It must have taken the judge fifteen minutes to come back—this was a very simple order—and he obviously wasn't very happy. He came out and he says, "Well, I guess I have no choice. I guess I have to sign this order, don't I?" I said, "Yes, your honor." "Okay" he says. [laughter] So he signed it.

9-00:30:59

LaBerge: Do you remember who that was?

9-00:30:56

Reynoso: No.

9-00:30:58

LaBerge: No.

9-00:31:01

Reynoso: But they did it, and that was very impressive. And then I remember too, one time there was a large employer in the South, a very strongly segregationist employer, and an order had been issued to not discriminate anymore. It appeared that they were going to fight us. They had the resources, so we thought we would be in court for several years, then all of the sudden, we got a phone call that they were willing to settle and follow what he had interpreted to be the law. I was just curious to what had happened, so I checked into it, and what had happened was that they had a corporate law firm, as big outfits like that do, they asked the law firm to look into it, the law firm then assigned the job to a young associate to research. The young associate looked at the law, and wrote a little memo saying "Hey, this is the law. Our client should follow it." That's what they advised the client, and the client said, "Well, we are paying good money to lawyers to advise us, so I guess we should follow the law." And it was settled. So, it was just interesting.

9-00:32:08

On the other hand, other things were interesting at the commission at that time. It had relatively few Latinos working for the commission, and I was the most senior of the Latinos in terms of not time but position, and so a

delegation of them—two or three—came to see me on behalf of the seven or eight Latinos who were working there. They felt that they were not being treated fairly, so they asked me to talk to the chair. In my position, I served at the pleasure of the chair. So I told them, “Yes, I will check into it, but I needed to talk to all the employees and get the proper story as to what their concerns were and so on before talking to the chair.” Apparently, the rumor got back to the chair that this was happening—

9-00:33:02

LaBerge: Before you ever spoke to him?

9-00:33:00

Reynoso: Yes. So, I got a call from his assistant saying “Mr. Reynoso, the chair would like to see you immediately.” And I said, “I am sorry, would you tell the chair that I am not yet ready to talk to him.” There was this silence on the other side. They couldn’t believe that an underling would say no. And then I finished talking to the people, and I called back and I said, “I am ready to talk.” But I still remember that silence and disbelief that somebody would say—would not jump up and say “Yes, sir!” But I remember being very happy that I had a law firm to go to. If they fired me, that was fine with me.

9-00:33:40

LaBerge: So, being independent gave you a certain freedom.

9-00:33:43

Reynoso: Absolutely, which is what I wanted. That’s why I didn’t want to be tied to a job in Sacramento where my job was dependent on the president or the chair of the commission. They could fire you in twenty-four hours because my position was not a civil service position at that time, and then you would be in a very difficult situation. I just valued my own independence. I remember that I was very happy that I had my independence. Aside from that, I—

9-00:34:16

LaBerge: How did that turn out?

9-00:34:16

Reynoso: It turned out fine. When I met with the chair he was very gracious and listened to what I had to say and took some steps to correct the situation and so on. So, it actually turned out well, but I wouldn’t have been in a position to even talk to him before. I could have gone and talked to him and said I will come back to you and report to you again, but I really wanted to know more about what was happening so he wouldn’t be in a position to say, “Ah, these are just troublemakers.” Then, the other interesting thing—unrelated to the job, really—was that the Poor People’s campaign took place at that time. I was there, and some of us were on the committee to help them—Latino government workers mostly. But some were not government workers, just folk who practiced law, or were residents of D.C. As matters evolved, the job of our subcommittee was to help the people from New Mexico—find places to stay, and so on—headed up at that time by Reise Lopez Tijerina. I don’t know

if you remember a shootout that took place in Northern New Mexico, back in the early—mid-sixties over the issue of land grants.

9-00:35:46

LaBerge:

You talked about it a little when you were talking about teaching that you learned about this, but fill me in some more.

9-00:35:54

Reynoso:

Well, land grants were given by Spain and Mexico to many families, and they were held in common. One of the techniques of the American occupation forces when they took over was to privatize as many of those land grants as possible because once they were privatized they could be taxed, and it was easier to change ownership, let's put it that way. And in fact, there were efforts along those lines during the Mexican territorial time, even after New Mexico became a state, and many families feel that their land was basically stolen from them. That has been—it continues to be—a strong political issue, particularly in northern New Mexico. It was particularly strong in those days, and formed part of the civil rights complaint that Latinos in northern New Mexico particularly had—not just in northern New Mexico, but principally headquartered in northern New Mexico—much like the failure of the federal government to provide four acres and a mule to former slaves. Things that were supposed to happen never happened. Or the many treaties that were broken with the Indians. And so they formed part of a group of Latinos who came to protest during the Poor People's campaign. Another group was the [Rodolfo] Corky Gonzales group out of Denver, and then a large group came from Texas, and then a smattering from the other states. But those were the three large groups.

9-00:37:52

Somehow our subcommittee, though we met with representatives of all of them, ended up helping the New Mexico group. We were able to find a private school, actually, that agreed to have them be able to stay there, to stay there at night, and we would try to provide money and food and that sort of thing. But the campaign—the Poor People's campaign itself—was interesting. You may remember they set up tons of tents in front of the Lincoln Memorial, and there were programs and all that to emphasize the issue of poverty. Somehow—I may have mentioned this last time, that Martin Luther King has become a little cuddly bear these days. Everybody loves him, but they forget that he was moving into foreign policy, into unionization. He died in Tennessee there with trash workers who were on strike. He was concerned about poverty as such, and folk now want to forget all about that and just remember that he wanted to look inside poor people's souls. The Poor People's campaign was a manifestation, obviously, by [Reverend Ralph] Abernathy and others to carry on with that emphasis on the lack of economic justice in the country. So, as I say, I and many others participated in that as sort of a local core, and it was very interesting.

9-00:39:21

LaBerge:

And this is not any part of your job; this is because of your interest?

9-00:39:25

Reynoso:

No, strictly extracurricular. Those are some of my principal memories I have of spending that time in Washington, other than a winter that had snow and all the things that it is supposed to have. Oh, but then also, that's during the time that Martin Luther King was killed.

9-00:39:27

LaBerge:

Yes, '68.

9-00:39:45

Reynoso:

And there was a rioting in downtown Washington. I could see the smoke from my building, which was only a block away from the White House. And then, because of the rioting, they dismissed all the workers early that day, and the transportation was—I have always been bemused by all these plans about what to do when there is an emergency. That simple little riot completely clogged up all the streets. I lived, oh, I don't know, worked downtown and lived near the Maryland border, and so I remember walking all the way home and I was walking faster than the cars were moving. I don't know, five, six, ten miles. I forget how far it was, but I got home walking faster than the cars could move. How folk figure that all those big plans they have for evacuations will work, I've never been able to figure out. But I remember the drama of that day. So, a lot of happenings in a year and a half.

9-00:40:56

LaBerge:

Yes. Well then, how did you decide to leave the commission?

9-00:41:03

Reynoso:

I started getting phone calls from members of the board of CRLA asking if I would join CRLA as a staff person. I had never considered doing that. Then, the director—the founder and director—Jim Lorenz came and stayed overnight with us and visited and also urged me to join. The idea was that I would join as deputy director, and then when he resigned, then I would become director. Eventually I decided to do that. And they too had agreed that I could continue with an interest in my office because I had worked all those years to build it up, but I thought it would be a little bit awkward to do. So when I decided to join them, my partner and I then terminated the partnership, and then I was free to devote my time to CRLA. Meanwhile, the headquarters of CRLA had moved from Los Angeles to San Francisco. The idea was that it was better to have the headquarters not in a rural area, even though our principal effort was in rural areas, but that way there couldn't be any charge or concern that we were somehow favoring one rural area over another. So CRLA was headquartered in San Francisco by the time I joined it.

9-00:42:27

LaBerge:

And it's a state agency, or is it private?

9-00:42:27

Reynoso:

Oh no, it's a private non-profit, funded at that time by the War on Poverty that Johnson had set up. Later, the Legal Services Corporation was established and now most legal services programs get at least some of their funding from the Legal Services Corporation, but at that time, it was simply part of the War on Poverty. As it turned out, just two or three months after I joined CRLA, Jim decided to give up the directorship, so I became director very quickly and continued in that capacity for about four years. That was really how it happened. I was just convinced by the phone calls and so on that maybe I could do some good as the director. I didn't know at that time that it would turn out to be quite as high a visibility job as it turned out to be, but—

9-00:43:34

LaBerge:

Yes. Tell me about that, and tell me about your dealings with Ronald Reagan.

9-00:43:36

Reynoso:

Well, I hadn't been at the CRLA very long when it was clear that the governor was not happy with CRLA. At that time, the law permitted the governor to veto a program, a poverty program, including legal services. Certainly legal services; I think, any public program. And then the president had the capacity legally to override the veto. Every year that I was the director, we would get expressions of concern from the governor that we were doing things that he didn't like. We were suing the government and he didn't like that. We were suing welfare departments and he didn't like that. And we would get threats that he would veto the program, but he never did for two or three years. Then, eventually, about the third year that I was with CRLA—so it must have been in about '67 maybe—he did veto the program, and it turned out to be a very dramatic fight with him. We didn't know whether we would be able to win that fight, because Nixon was president. What people have forgotten is that Reagan had made noises about running against Nixon for president. It seems so disbelieving now, but he had actually made noises because Nixon was not very popular and he was running for reelection. So Reagan thought that he might have a chance, because Reagan had won in the previous—let's see, Reagan had run against Ford and Ford beat him. And then, let's see, I guess Jimmy Carter came in, right?

9-00:45:39

LaBerge:

Yes, after Ford. He replaced Ford. Ford was the vice president.

9-00:45:46

Reynoso:

Yes, that's it. So Reagan had run against Ford, then Jimmy Carter came in. Oh wait, but Nixon had—I am getting confused now.

9-00:45:57

LaBerge:

Because Nixon resigned, and that's when Gerry Ford stepped up.

9-00:46:05

Reynoso:

That's right, so it had to be before then—

9-00:46:09

LaBerge: Somehow he made noises about it.

9-00:46:08

Reynoso: Well, let's see. What year did Carter get elected?

9-00:46:16

LaBerge: Seventy-six, I think.

9-00:46:23

Reynoso: Seventy-six. That sounds right, '76. Nixon was elected in '72. That's about right. So, before Nixon was elected, Reagan had been making noises about maybe running against him. And Nixon was very anxious to have him not run. So it became a very interesting balancing act. As soon as we—and Reagan was very good at using the press. He issued his announcement that we would be vetoed, I think, on a late Friday night. It is said that that's not a good time to issue a press release because fewer papers will carry it, but it is good from the point of view that the opposition doesn't get a chance to respond to you. But fortunately we had friends in the press and they called and said they had this announcement. And we got on the phone and called all the major newspapers so they got our response in the same story, and then the battle was on.

9-00:47:32

LaBerge: What did he say was his complaint about you? Not you personally, but—

9-00:47:41

Reynoso: I should tell you that we had heard rumors that the War on Poverty office in Reagan's administration, headed by Lew[is K.] Uhler was investigating CRLA. They were going around asking all kinds of questions. The chair of the board and I went to seek Ed Meese, a classmate of mine, and said, "Ed, we hear that there are investigators out there, and if that's true and if you find anything wrong please let us know. We would be anxious to work with you to correct it." And Ed says, "Gee, I really don't know anything about that. You'll have to talk to Lew Uhler." So we went to see Lew, another classmate of mine. We said, "Lew, we hear these rumors, and if you find anything, let us know and we would be happy to work with you," and he assured us that he would, and so on. Of course they never did, and then the next thing we knew we were vetoed.

9-00:48:43

The veto contained a large report, 170 pages or something of that sort. We broke it down, and it included dozens of accusations against us: we were fomenting riots in prisons and fomenting murders, we were attacking welfare departments for no reason at all, we were bringing lawsuits that were not proper against government entities, we were unethical in various things that we had done. We were really being accused of being felons. If what was true in this report—if the reports had been true, we should all have been in prison. The problem that Reagan had was that we had been reviewed just a few

months before. There was an annual review of legal services programs, and that review team sent out from Washington was headed by Tom Clark, retired justice of the U.S. Supreme Court. They in turn had written a long detailed report that extolled the virtues of all our offices and the work we were doing, and how ethical and how marvelous our lawyers were and how they were doing everything exactly as required by OEO at that time. So we have this report that says, “Gee, look how good these folk are,” then another report saying, “These people are criminals and unethical lawyers.” It was quite a quandary for Nixon.

9-00:50:07

The battle went on for a long time. One of my recollections is going to Washington D.C.—incidentally, [Donald] Rumsfeld, of recent note, was the director of the OEO when this battle began, who incidentally was rather liberal and empathetic with legal services at that time. Something’s happened in his life.

9-00:50:27

LaBerge:

That’s for sure.

9-00:50:34

Reynoso:

And then he was replaced with one Frank Carlucci, who later went on to be Secretary of Defense and all kinds of things. They had the quandary that, because of the report and because we had had a lot of support at that time from Republicans as well as Democrats—the Republican Party has changed a lot from that time. There are no longer the Senator [Jacob] Javits of the world in the Republican Party. We had a lot of support, including Republicans from California, and so the administration was in a quandary. Rumor had it that Erlichmann and others in the White House were supportive of us. I don’t know whether it was true or not, but it sort of demonstrates the conflict that was going on. They were very anxious to make Reagan look good, but at the same time not—they couldn’t quite rule against us, so they were issuing all these press releases, thanking the governor for bringing these things to their attention and all that and, to not be overly unkind, they were all untrue. And this was the federal government issuing these reports. So, we blew up the messages they were sending out in big print and all that, and I called a press conference in Washington, and all of these people came because we had very good press relations and whenever we called a press conference it was a good story for them. So they were all there.

9-00:52:06

I get up, and here I have blow ups of what they have said and here was Clark or an unimpeachable source had said. It was just clear that they were lying through their teeth. I hadn’t been into the press conference more than ten minutes when a reporter raised his hand and says, “Reynoso, did you call this press conference to tell us that high public officials lie.” I said, “Absolutely.” They all walked out on me. I mean, this is way back in the seventies. Apparently even then high public officials lying through their teeth was so

common that it wasn't even a news story. I felt like a country bumpkin. I thought it was news when they were lying through their teeth the way the current administration does, for example. They are so used to it, they're inured to it in Washington. That's why it doesn't make the press, and the people don't even know that the current administration, for example, is just lying through its teeth. It is so common that it doesn't get reported and the people don't know it. So, anyway, I really felt like a sort of ignorant country bumpkin from way out in California calling this press conference.

9-00:53:10

LaBerge: So, they did not report your—

9-00:53:14

Reynoso: No, not a thing. I wasted their time. I felt so badly because we had good relations and they always got a story. I thought this was going to be a good story, but it didn't happen.

So, we were in negotiations, and the thing that stands out was—

9-00:53:27

LaBerge: Okay, when you say “we”, CRLA and—

9-00:53:30

Reynoso: CRLA and the head of OEO.

9-00:53:31

LaBerge: Frank Carlucci.

9-00:53:37

Reynoso: Yes. Well, let me backtrack. The president was in this quandary I mentioned to you. The solution was to appoint a committee, right? But the committee was of three distinguished judges, all conservative and all Republican from state supreme courts—the chief justice from Maine, a justice from Colorado, a justice from the state of Washington, I believe. He had to drop out, and another justice was appointed. Anyway, three distinguished judges. They came out to California, and I remember the very first—well, first of all, the governor announced that he was not going to cooperate with them because he thought they had been appointed to investigate, not to hold hearings. And the judges said, “We are judges, that's the way we do things. We hold hearings. We want you to present us the evidence.” The governor said, “We won't participate.” They said, “Okay, but we are going to hold hearings.”

9-00:54:35

I remember the first hearing they held was in San Francisco. I testified, and Sargent Shriver, who had established this office, testified at great length about the great work we were doing, and all that. One of the principal contentions to show how bad we were, was a lawsuit we had brought against the school board of Madera because they had started school late so the children could go out and work in the fields because the growers needed more pickers. And we

brought a lawsuit because it happened to violate the law. They said, “This is a clear example of CRLA and their clients interfering with the economic welfare of a community and doing terrible things. And besides, they are wrong. They are just harassing local government.” What was so dramatic was that, on the very first day of the hearing, the California Supreme Court came down with an opinion in favor of our clients. The timing was just perfect.

9-00:55:44

Then hearings were held up and down the state. I remember the hearing where a local lawyer, who was quite respected and so on, testified that we were unethical, and the reason for that was that there had been a farm workers’ strike and the farmers, the growers, were providing housing as part of the compensation. When the strike took place, they said, “Okay, get out of our housing.” The farm workers came to see us and we said, “Wait, that’s housing. If they want to get rid of you they have got to give you notice and follow all of what the law requires.” The lawyer felt it was highly unethical of us to so advise them because it was compensation, and why should the employer be providing compensation when they were on strike. We argued, “Look, the law’s the law, and it says that if you are in a house, before you can get rid of them, you have got to serve them a thirty day notice and so on.” Well, that case went to the Cal Supreme Court and again they agreed with our clients.

9-00:56:54

Just to backtrack a little bit, a couple of the principal charges that Reagan had against us was that we were interfering with the democratic process. He was very unhappy that he had recommended the legislature a piece of legislation that included something like several hundred millions of dollars in terms of how to implement some federal programs to provide medical assistance to the poor. And the legislature bought his arguments—there was a Democratic legislature—and passed the law. One of our clients was literally about to be operated on when the doctor said, “Sorry, the law has just been passed, we cannot operate on your back anymore.” He was the main plaintiff in the case. We sued and we won. The person who wrote the opinion at the Court of Appeal level was a Reagan appointee. Nonetheless, he went on television and attacked us, saying that the legislature passed the legislation, the governor had signed it and we were interfering with democracy to bring a lawsuit like this. He again forgot to say that they were violating federal law and that’s why we won the case.

9-00:57:57

Then he also attacked us because we were bringing lawsuits—actually, they were administrative appeals—from denial of welfare. And he particularly pointed to Marysville, in Yuba County. What had happened there was that we had indeed filed something like nineteen appeals, and they were mostly based on the fact that the local welfare director was not taking applications in writing. The rules required they be in writing—I guess so later they could check to see whether it was properly administered or not. The easiest way for

them to save money—I am sure because she was under pressure from the board of supervisors to save money—was to simply not take it in writing, therefore the application never existed. And so several people came to see us and said, “We applied; we didn’t get the assistance.” “Well, show us your paperwork.” “No paperwork.” “Did you sign anything?” “No we didn’t.” “Was a report taken?” “No it wasn’t.” So, then we would file an appeal. At the time that the government complained about us, we had won eighteen of nineteen cases, and I think we won the nineteenth later. Not that we were great lawyers—it was just that the violations were so clear! But he attacked us for attacking, he said, the whole welfare system in California. So, it was that sort of thing that was in his complaint.

9-00:59:17

Well, jumping back then to this commission of three judges. They held hearings throughout the state. By about the third hearing, they started doing something that is rather injudicious. They started issuing little press notices saying; “We find no basis for these complaints, A, B, C, D.” And then finally they filed a report to OEO. OEO then declined to show us a copy. So, we were negotiating then with OEO.

9-00:59:49

LaBerge:

I need to change the tape right because I don’t want to miss any—

[Audio File 10]

10-00:00:01

Reynoso:

Are you ready?

10-00:00:06

LaBerge:

Yes, yes. So, you were negotiating with OEO. They declined to give you the report.

10-00:00:14

Reynoso:

Right, and one of the most dramatic things I remember is that Carlucci said, “Look, you are the leading legal services program in the country. If we de-fund you, if we don’t fund you again, that’s going to be a terrible blow to legal services, so we’ve got to work things out.” And they were proposing all kinds of restrictions that we found unacceptable. And I remember that we said when we met, we said “We said look, if we—the best known and most important legal services program in the country—accept all of your restrictions, the next thing will be of course to enforce it against all the other programs. That we can’t do. We would rather not be a legal services program than to have those restrictions.” And the reality is that we had alternate plans. We didn’t know whether we would get refunded or not, so we had plans to become a private legal service—a private law firm, to have the same regional offices. We knew that we wouldn’t be able to do as much free legal work, but if we had say three attorneys per office, probably one attorney would be able to devote his or her fulltime and the other two attorneys would do work for pay to keep the

office going. We were prepared to do that. So, again, we had the independence that didn't permit them to intimidate us. So we just said, "We just won't do it." I think that they were in a quandary in terms of what to do. Then they had this report that said, "These are great lawyers doing exactly—." And they knew they had it. Then, [laughs] we filed a lawsuit against them.

10-00:01:47
LaBerge:

Against OEO?

10-00:01:48
Reynoso:

Against OEO. *CRLA v. OEO*. I remember reporting to the board saying "Gee, it felt so good to have a law—a case entitled *CRLA v. OEO*" because they were giving such a hard time. Freedom of information to get the report. We lost at the trial court level. We thought we would lose because of the judge, so we had already prepared the papers to file an appeal. On the day—I guess the judge ruled late morning. We were prepared to file the appeal that afternoon. Meanwhile, we got a call from OEO, and they said "We understand that the *New York Times* has gotten a hold of the report and they are going to print it tomorrow morning, therefore, you can come and take a look at it." The Vietnam papers, what were they called?

10-00:02:37
LaBerge:

The "Pentagon Papers."

10-00:02:38
Reynoso:

The "Pentagon Papers" had just been published by the *New York Times* a little while before, so it seemed very believable. We went to read the report and it was practically embarrassing to read it. It starts out by saying what great lawyers we are, et cetera, et cetera. No wonder they didn't want to make it public, because—I think they found one little technical thing that Reagan had put in his report to be correct. Everything else was untrue, so it was terribly embarrassing for the governor. Once they said that we could see it, I think they pretty well knew the jig was up. Shortly thereafter, they announced a compromise.

10-00:03:21

The compromise was a very clever one. One, they had funded us for a six-month period instead of a year while all this investigation and hearings were going on. Then, they decided to fund us for a year and a half, which was longer than usual, and happily took us beyond the election. Then they announced they were going to give the governor several hundreds of thousands of dollars, or maybe some millions of dollars, I forget now, to experiment with other ways of serving the poor because he was very much in favor of what was called "Judicare," I believe it was called. You hire private attorneys to represent local poor people to do divorces and things, certainly not class actions, and then you pay them. And I guess he experimented with it. I don't know. We never heard boo from the governor's office after that. So, that was their compromise, and they issued press releases saying what a great

governor he was and what a great service to the nation he had done by bringing this to their attention, et cetera, et cetera. And that was the end of the program. That was the end of the battle.

10-00:04:25

I met with the editorial board of the *Sacramento Bee*, as I had done from time to time. I remember their saying, “Reynoso, this is the longest front page story we have ever carried,” because it had—with presidential politics and all of that, it had been in the front pages for about a year and a half. I always used to tell people that one gets known by one’s enemies, and our enemy was a well-known guy nationally called Ronald Reagan, and so I guess that’s why we were in the newspaper so much. So that’s the story.

10-00:05:00

LaBerge: Tell me about the people you worked with, the other attorneys there.

10-00:05:05

Reynoso: Well, we had a quite exceptional group of lawyers at that time. Bob Gnaizda, who now works with [The] Greenlining [Institute]. Several of these lawyers went on to form public council after that. And then Martin Glick, Marty Glick is a private attorney, who incidentally spends a lot of pro bono time now defending CRLA against the Legal Services Corporation. Many of those same issues. Can you believe it? A fellow by the name of Green, who is a private attorney in San Francisco now, and Jim Lorenz himself. That was the core of the folk that we worked as a team, but then Mickey Bennett, who was our administrator, not a lawyer, but was a very key person on this. He and I spent weeks and weeks in Washington later trying to establish—get the legislation to establish the Legal Services Corporation, which we hoped would protect legal services from politics, but it turns out that it couldn’t do it.

10-00:06:17

LaBerge: And that’s a national corporation.

10-00:06:20

Reynoso: National, yes.

10-00:06:26

LaBerge: Well, I found—I was looking for different things in our library with your name on it, and I found this report that you gave on the status of the elderly, the Mexican American elderly.

10-00:06:46

Reynoso: Yes, you know, I had been named—and I forgot about this for a while. I had been named by a senate committee to be a member of an advisory group on the aging. I remember they sent me an ID card and all that—all of which I think I have lost—by that committee. And then they asked, I thought it was two of us—

10-00:07:05

LaBerge: Well, there is another name there. Let me see—I just looked at this morning so—Peter—

10-00:07:08

Reynoso: Yes, Coppelman, Peter Coppelman.

10-00:07:13

LaBerge: Is that who it is?

10-00:07:14

Reynoso: Yes, I think it is Peter Coppelman, or Frank Easton maybe?

10-00:07:15

LaBerge: No, that's it. Peter Coppelman.

10-00:07:21

Reynoso: And I remember we gave this report. Also, you know, Mickey Bennett and I wrote an article on CRLA in the first *Chicano Law Review* out of UCLA, and that goes over a lot of the material of our battle with Ronald Reagan.

10-00:07:43

LaBerge: And in this, all the senators just give you high praise for this report, for what you found. Maybe you just want to say a couple of things about why or how the Mexican American elder is in poorer shape than others.

10-00:08:05

Reynoso: I don't know whether I have told you about this in terms of my early practice, but it sort of capsulizes, I think, the plight of so many Mexican American elderly. This happens to be rural, but you will find the same thing in urban areas. I don't know whether I told you that I had a client, a couple that came to see me shortly after I started practicing law, I think the first year, maybe '59 or '60 and they were farm workers. They were by that time retired farm workers, by which I meant that they were too old and physically unable to do farm work. They had no income. They came to see me to see whether I could help them in any way. They had heard that there might be some programs to help them. At that time, farm workers were not covered by Social Security. So I called the welfare department in El Centro, and the rules and regulations weren't very well kept in those days, and this lady—a very fine lady—and I spent hours going over the state programs that did exist. As I mentioned to you, CSO succeeded in getting a statute that had a very small pension for older people. So it turned out that they were entitled to that older pension, just a few dollars a month, but for them it meant a lot. It turned out, after he was examined physically, that he was legally blind—that is, less than 20/200 vision—so at that time, he was entitled to another small pension for the blind, a state of California pension. California has really been progressive in many of those areas when the federal government wasn't doing anything. And then she had a—when the lady came to see me she had physically open sores on her lower leg, and had a goiter condition including a large growth underneath her chin, which I understand is common when you have a goiter

condition, which you get from bad water. She was able to be operated on and cured at the local county hospital, public hospital. So my wife and I would go visit them from time to time. They lived in a small house that had no floor—that is, it had dirt. No running water, they had to walk about one hundred yards to a faucet to get their running water, but at least after I had been able to help them, they had a few dollars a month coming in and they were able to make ends meet. Not easy, not easy.

10-00:10:50

LaBerge: No, not easy, not easy.

10-00:10:52

Reynoso: And I am sure I had that sort of thing in mind when Peter and I were doing these studies. And if you find folk like that in the city, which I am sure you do, their circumstances are probably even worse. What do you do when you get too old to work and you don't have Social Security, you don't have public assistance, and so on?

10-00:11:11

LaBerge: And how about the language barrier?

10-00:11:20

Reynoso: Well, these folk spoke principally—I always spoke Spanish with them. I think they spoke only a few words in English, as did my own parents, so they never would have been able to defend themselves or to apply or to go through regulations, and so on. Clearly that affected them, also. The poor—actually, the elderly nowadays, oddly enough, are not very well off compared to what they were. But at this time, this is '72, among the poorest were the elderly, and that's why I think even today you have special prices that restaurants give to the elderly, even though the elderly nowadays may be better off than their grandchildren.

10-00:12:05

LaBerge: Right, and they understand how to get those prices. [laughs]

10-00:12:07

Reynoso: Yes, but in '72, many of those programs simply did not exist. Most Mexican American workers had been low-income workers whether it was in an urban area or a rural area. If they were farm workers or predominantly farm workers, they were not entitled to Social Security. The way of getting on government programs is always complicated. They were just basically distrustful of government, if they were immigrants, based on their experiences in Mexico. And if they were not, based on language and other considerations, it was just very difficult, even though there were programs for them to take advantage of it. I think in that regard, actually society has gotten quite a bit better. Not better, incidentally, in terms of the life of farm workers. In my view, they may be even worse off now than they were when I was a kid, but for the elderly, things have gotten considerably better.

10-00:13:08
LaBerge:

And what about your own parents, either at this point or—?

10-00:13:19
Reynoso:

My parents, my dad learned a little bit of English through his work; my mother never did. So my mother—I am not even sure whether she got Social Security, but my younger sister took her in when she became old enough that she couldn't be by herself, and simply cared for her. We have a lot of brothers and sisters and we offered to help, but she said she didn't need any help. And then our dad had worked for the railroad as well as being a farm worker, so he had a small pension with the railroads. Then I think, by the time he retired, there was some Social Security. I am not sure. But at least I know he had a little pension with the railroads, and he had worked—besides the railroads—on certain jobs that did pay Social Security, so he may have had a little Social Security. He worked running a little store for many years before he retired, a little neighborhood store, because he had remarried and it was a store that his then-wife had owned and the two of them ran it. He and his wife had enough money to buy a duplex in Los Angeles, in East L.A., and they rented part of it. They lived in one section and rented the other section.

10-00:14:42

So he did okay actually in his old age. That doesn't mean that he had all the money in the world. He gave up his car, and he used to refer to the bus as his "big automobile." He would go everywhere in the big automobile, in the buses in Los Angeles. And I guess he would get these monthly passes, and of course it always—it takes like two and a half hours to get from East L.A. to West L.A., but since he retired, I guess he could take the time to do that. So, that's what he did for the last few years of his life. Then he got Alzheimers, and again when he got too bad he went to live with my sister who was working. She couldn't take care of him so he went to live with another sister. The other sister offered to take him in. She, bless her heart, actually quit the job just to take care of him, and again we offered to help but she said no, she didn't need it. And bless her heart, she would tell me later that those last few years that she spent with him taking care of him, were some of the more precious years that she spent with him. She and my sisters had had sort of a hard time because our family was breaking apart when they were just teenagers. It was a very difficult time for them. So she actually treasured that. She was actually a municipal bus driver, and when dad died, she tried a few odd jobs, didn't like them, and went back to bus driving and was able to buy back her pension. She retired, I think, just a few months ago, but on her full pension. So she is doing okay.

10-00:16:30
LaBerge:

That's very nice. Um, let's see. Back to CRLA. One—just a little capsule I found here. While you were there, you did something about banning pesticides, banning DDT. Do you remember anything about that?

10-00:16:49
Reynoso:

Yes. Well, we had—there were a series of pieces of legislation that were meant to protect farm workers. We had like a two-year program of trying to enforce—we ran a survey and found that some huge percentage, like 97 percent of the growers were violating one or more of those laws. These were very simple laws; I am not yet to pesticides. These were very simple laws having to do with clean water and chemical toilets, and all that. So we ran this long campaign, which we knew we would have to do intensively, working principally with our community workers, which are like paralegals, filing complaints with the local health department, talking to local DAs. It was like pulling teeth. Elected officials are very responsive to those who have power and money, so it was very difficult to get health officials or DAs to bring charges against those who were violating the law. Nonetheless, we kept after them. Then we ran a survey. I guess we ran a couple of surveys. At any rate, the last survey we ran I think it was something only in the thirties who were violating one or more of those basic laws. So, we felt good about that.

10-00:17:55

These little vignettes stick in your mind—there was a somewhat moderate assemblyman—I forget his name now—from the Central Valley, who would complain about us and write letters to us and to everybody in the world about how we were harassing his constituents. Then he left the legislature and was doing some work, I think in Sacramento. At any rate, I ran into him and he came up to me and said, “You know, Cruz,” he says—because I had got to know him pretty well—“I just want to let you know that I have reflected a lot about those battles we had some years back, and you folks were absolutely right. Thinking back now, I don’t really quite understand how I could have complained or fought you on something as simple as having chemical toilets for farm workers. In light of, one, sanitation, and plain human decency.” I heard the mayor of Fresno a year or two ago speak at a dinner. He’s Anglo, and his parents apparently were farm workers, and he says he remembers the lack of chemical toilets and how particularly folk who were working in tomato fields, who didn’t have a lot of trees and all that, sometimes word would go out that folk needed to go to the bathroom, say the womenfolk, and then all the menfolk would stand up and look the other way. Just not very nice, frankly, and he was recalling that. We were very involved with that.

10-00:19:41

Then, the reality was that chemicals were used—as they are now—a lot in the fields, including pesticides. One of our lawyers—a great lawyer, in fact—Ralph Abascal, who wrote that letter, was very involved. People didn’t call it at that time “environmental law,” but we were basically involved in what is now called environmental law. So, we started investigating and bringing charges against growers for using pesticides without proper instructions. I may have mentioned to you that I did a lot of workers’ comp work when I was in private practice, and I remember how the workers then would get all this white powder—they didn’t realize it was pesticides—with their bare hands, and spread it around and all that, and then they would get sick. I couldn’t find

any doctors who would confirm that they were sick from those pesticides. But Ralph, particularly, was our lead attorney in bringing actions challenging the use of pesticides—DDT, and all kinds of pesticides. So, we were really very much in the forefront in those battles. Again, to a great deal of political opposition, as you might guess: You are interfering with the economic basis of California!

10-00:21:12

I should tell you Ralph's favorite story, if I haven't. He often lectured it to young lawyers. We would deal with a lot of situations like pesticides, and he would tell the following story. There was a very good man who saw a person drifting downstream in the river and nearly drowning, and he threw a rope to him and saved him. And then, a while later, there is another person coming down, nearly drowning here. He jumps into the river and saves that person. And, by golly, a third one comes down, and they just keep coming. Finally, he decided he better go upstream and find out who is throwing them into the river. If he were able to prevent that, then he wouldn't have to work so hard at saving those individuals. And the story was that that's what CRLA lawyers ought to be about—trying to find out what's causing that problem. So he was always very interested in those environmental issues.

10-00:22:27

But very often, as happens even nowadays, you have to fight environmental issues through other laws. There was a famous case where he was involved, where there was going to be a huge expansion of a plant in the Central Valley. The laws only required that those notices be published in the local newspaper—which, there, happened to be miles away from where the plant was and where Latinos lived—or on the property. The property was private property up in the hills, so the local community never found out about it. When they did find out about it, they went to protest to the board of supervisors, but the board of supervisors weren't that interested. Their votes weren't that important, and this plant, if it got expanded, would greatly increase the taxes that were going to be paid to the local county. They didn't get anywhere with that, so finally Ralph filed a lawsuit on their behalf, and eventually they decided to abandon the plans. But the lawsuit was not filed based on the fact that it was going to be bad for the neighborhood. It was based on the fact that they hadn't given proper notice. It was the first case that a court decided that notice had to be bilingually if they knew that those who were going to be affected were bilingual. So, it was all these actions divorced from the environmental issue, but that's the way you had to do it in those days, and he was very successful at it.

10-00:24:15

We were often charged with dreaming up these cases. The notion being that there really weren't any health problems, and so we were just dreaming them up. Of course, now it is recognized that in fact those problems are very real, but it wasn't true in the seventies when we were fighting these battles.

10-00:24:38
LaBerge:

Today, is CRLA still funded by the federal government?

10-00:24:39
Reynoso:

CRLA is still funded by the federal government—in part. I attended one of the training sessions recently.

10-00:24:54
LaBerge:

To give the historical overview, or—?

10-00:24:56
Reynoso:

More of an inspirational-type talk. I mentioned to them the plans that we had to have an alternate law firm if we had been defunded. I mentioned to them that they were in a perfect situation now to keep CRLA going, but nonetheless training their lawyers so the lawyers could go out after they decided to go into private practice, and establishing law firms like the ones we had in mind in those days. That's one of two things that I mentioned to them. What's interesting is two things. One, many of the restrictions that we did not accept from OEO have now been imposed by Congress. Thus, for example, legal services programs can't file class action suits. I consider it completely unethical to tell a law firm that they can't file the best remedy for their client but that's the reality. So CRLA now has what they call CRLA Basic. And that's CRLA as funded by the federal government. I think that's only about half of CRLA now. Then they have a portion of CRLA that's strictly devoted to migratory farm workers. Then they have yet another portion, I believe, that is funded by the state and private funds and so on that doesn't have the restrictions that Congress has imposed. Just from hearing them report, they would get up and say, "I'm with CRLA Basic," I think is the way they would say it. And they would say, "I am with CRLA Farm Workers." So I think there are like three different units, and only about half of it I think now comes under the federal government.

10-00:26:39

The federal government hasn't improved funding for legal services in ages. It is estimated that there is one legal services lawyer for every 10,000 poor people. There is one lawyer for something like every 322 Americans. That just gives you a sense of how poorly represented the poor are, and yet you often hear it said that the rich have all the lawyers they need, the poor have all the lawyers they need, it's only the middle class that needs help. The middle class does need help, but the notion that poor people have all the lawyers they need is simply not true.

10-00:27:25
LaBerge:

Any more anecdotes from that time that come to mind?

10-00:27:28
Reynoso:

Oh, heavens! There are many anecdotes. The very first case that I had, and I was reminded of this the other day too because I swore in a new lawyer who grew up in Livingston. The very first case I had when I was in CRLA, we got

a phone call from some folk in Livingston, CA, and what was going on then—this must have been 1968—was that there was a student strike. Mostly Chicano, but some black and Anglo students were also striking, complaining that their history books didn't really represent true history of who they were, and that they weren't being treated properly by the school officials, and so on. So they were on strike, and they were out there picketing, had signs and all that. We were called. We went down there and there was a community meeting, so we met with the community to hear their complaints and all that. Meanwhile, the county counsel or DA, I forget, was threatening to arrest them and their parents because they were truants and violating the law and they were criminals.

10-00:29:00

To me, it was a traumatic experience for me because, as a lawyer, I had always refused to talk to the press. I figured that cases should be decided in court. That's the first time that I started talking to the press because the enunciations by these officials were scaring the parents and making them appear to be criminals in the light of their fellow residents. So, I started speaking publicly about things like the First Amendment and the right to picket and so on. Then, the school board said that these children should go back to school, but as soon as they went back to school they were going to be suspended for being truants. After the students had picketed for a week or two, they had made their point and they were ready to go back to school, but they didn't go back to school with that threat. So we went to federal court, filed an action against the school board and got a TRO [temporary restraining order]. Everybody was shocked that we were able to get a TRO. It was a very conservative judge and they said that he never gave out TROs. But he was convinced that the kids were entitled to go back to school and they couldn't be suspended without a hearing and so on. So he gave us our TRO. We were there when the kids walked back into the school with all their flags and their posters and so on, and they couldn't be suspended. It was my first experience with CRLA. It was such a great experience. And, you know, I can't say that I remember what happened with the children after that. I think they were never suspended. I think that the community really got behind them, and the board was forced to deal with the issues that were being raised. But there are many stories with CRLA. It really was an exhilarating experience.

10-00:30:39

LaBerge:

And you contributed so much.

10-00:30:38

Reynoso:

Well, we felt we were doing some good. The interesting was that, you know, it used to be said that we won 97 percent of all our cases, but I would tell people, we are not one of those places with great lawyers. We think we are great lawyers, but we're not winning them because we're great lawyers. We are winning them because the violations of law—by government, particularly—are so obvious, and they are just used to having poor people not do anything and not know about doing anything, not being able to protect their

rights. Now they have lawyers who are protecting their rights. Also true of large private organizations, like growers associations and so on, and now they weren't able to run roughshod over these folk.

10-00:31:22

At the same time, I always understood that winning a case meant nothing. Winning a case to me was like having a statute passed. You can have a great statute passed, but if it doesn't get enforced then it doesn't mean anything. So, winning a class action didn't mean anything, except that it gave us the power to try to enforce it. For example, we had a case called the Diana case, and what had happened there was that a mother came to see our Salinas office because she had moved to California from Texas. Her little girl had been doing very well in school in Texas, but when she went to school here in California, she started doing very poorly. She used to get straight As. She started getting Bs, then Cs, then Ds, and had no interest in school. We checked into it, and found that she had been placed in an educationally mentally retarded class. Then, when we looked into it, we found that all children in the educationally mentally retarded class were Spanish speaking. Actually, like this young lady, might have spoken English also, but they were all Latinos and Latinas. So, we went to—the Salinas office, went to see the administration. And we said, “Look, we think there is something wrong here.” The superintendent said, “Look, if you have these youngsters tested,” because they claimed that all these youngsters had low IQs, therefore they should be in that class. They said, “If you have them tested by a California certified school psychologist bilingually, we will accept those reports.” We had them tested.

10-00:32:59

This young lady who was doing so poorly had an IQ of 134, or maybe 154. Anyway, she was in the genius category. There was only one that potentially should have been in the EMR class. All the others should not have been. We presented that to the superintendent. He said that he would take care of it and they would all be removed. Months went by and nothing happened. In fact, I usually didn't get involved, and by that time I was the director. I would get involved after the lawsuit was filed. I beg your pardon, the lawsuit had not been filed, but I went down to negotiate with the superintendent after we had given them those reports. And he promised us at that time that they would all be removed and put into other classes. Time went by and it didn't happen. So we filed a lawsuit in federal court. Against him and against the state Department of Education, which was allowing these things to happen. Then as soon as we filed, we settled. We had a stipulated judgement that all the youngsters would be removed. They would be tested bilingually, and not only with that school district, but over the state of California. The same things were happening in Orange County, for example, and other places.

10-00:34:22

We inquired as to what had happened. He had promised us, and then nothing had happened. It turned out that his own psychiatrists would say, “Hey, it's impossible. We tested these kids, we know what we are doing.” Internally,

politically, he wasn't able to swing what he thought he was going to be able to swing, but once the lawsuit was filed and they knew they would lose, I guess, at that point he had enough political power to say, "Hey, boys and girls, we have got to do this." And so it was done, but it is just interesting to me that this little girl had had that type of experience. Doing so well, and then—we've heard this so often before. In fact, I had a personal friend, a black friend who had the same thing happen to his little girl. His little girl was getting straight As in one school, then got transferred to another school, I guess to junior high, and they lost her records, so she was placed in a very low learning class, and she went from getting straight As to getting Cs and Ds and being very unhappy. On one occasion, this gentleman was having a get together for parents, and one teacher said, "You know, it strikes me that your girl is brighter than being in the class that she is in." He said, "What do you mean?" And they got into this discussion and found out what was happening. They didn't know. She didn't, the girl didn't know why she was unhappy. Then when he found out, then the school officials found out there was a mistake. They looked and finally found the report. The report actually had an entry saying this youngster is particularly gifted, be sure you place her in this type of placement and so on. So then they sat down with the little girl and said, "Look, a mistake has been made, but you are halfway through the school year. Do you want to stay where you are now, or do you want to switch now?" She wanted to switch right away. Not so much because of the schooling. All of her friends were in the other classes. So she was switched and she immediately started getting straight As. You hear these stories, but when it affects a whole group of youngsters as it did in the Diana case up and down the state of California, it was just outrageous in my view. So, anyway, things like that really stay with you.

10-00:36:48
LaBerge:

Yes, it's wonderful what you have done.

10-00:36:49
Reynoso:

Then other things happened that are not quite so nice. I was refusing, I think, to name a staff attorney as directing attorney of one office. And the community workers—we had advisory committees in each office, and they invited me to go up there to meet with them to talk about this issue. I was willing to meet with anybody so I went up there and we met in a park. And they all said what a terrible person I was. Didn't I know that this was the best person for the job, and all that sort of thing. And I listened to all of them, but I still didn't change my mind because I didn't think he was ready for that job, and we had another attorney that we were going to transfer to that office who was more mature and ready to be the director of an office. And then they said, "Well, if you don't name this director, we are going to show up at the board meeting and ask them to fire you." I said, "Fine. You are free to do whatever you want." I had those sort of things all the time. Running poverty law firms is not easy. [laughs]

10-00:37:52
LaBerge:

No, you have to have a thick skin.

10-00:37:51
Reynoso:

So, I said, "Of course, come up and we will make room for you to express your ideas to the board." So they came, but what really sank them is that—people have always kidded me because I am just not given to harsh language, particularly bad words. I just don't use them; it's just not part of my vocabulary. And telling the board what I had said, they used all kinds of expletives and so on, so the board knew right away that it wasn't quite the representation, quite accurate in detail. So they didn't get very far. And other times, folk would come up and say, "You've got to do this, or we are going to go to the board." And I would say, "By all means," and usually they wouldn't. You can't allow yourself to be intimidated. You have to listen and all that, but you still have to use your best judgement about what to do.

10-00:38:46
LaBerge:

That's why you were a good judge.

10-00:38:52
Reynoso:

Thank you.

10-00:38:53
LaBerge:

Well, shall we call this a day?

10-00:38:55
Reynoso:

Is it—?

10-00:38:57
LaBerge:

It's almost 4:30.

10-00:38:58
Reynoso:

Yes. Yes, we should.

10-00:38:59
LaBerge:

And next time—see, we've done—

10-00:39:00
Reynoso:

It's almost 4:30?

10-00:39:02
LaBerge:

Yes.

10-00:39:02
Reynoso:

I was thinking we were only going to 3:30.

10-00:39:04
LaBerge:

I just kept going!

10-00:39:06
Reynoso:

That's all right.

[Interview #7: February, 10, 2004]
[Audio File 11]

11-00:00:06

LaBerge: Okay, can you say a few words to see if everything is—?

11-00:00:06

Reynoso: I will say a few words to see if everything works.

11-00:00:09

LaBerge: Okay, I think this is going to be fine. This is February 11, 2004, and Professor Reynoso was just telling me about experts testifying in Florida, I assume during the Gore-Bush election.

11-00:00:30

Reynoso: Yes, but this little conversation will show that I am a Neanderthal insofar as progress and technology. Because the testimony we had was that the most correct voting—in terms of making no errors—was the old fashioned way of having people have a ballot on a piece of paper and they are marking it with a pen or a pencil. Or, the very modern way with computers. That the worst possible way was the middle way that California and Florida and many others have been using with the hanging chads and all that. You made the most mistakes that way. The reasons, of course, why they went to machines was because of the newspaper demands that they know right away what the election results are, and all that sort of thing. You know, I still prefer the old-fashioned paper and pen way. One, because it is more accurate and, two, because it gives a person more of a sense of participation, it seems to me. And I know it would take a long time to get the reports in. It might even cost more money because you would have to count them by hand instead of by machine, but it just seems to me that it is far more communal to do it that way, and far more accurate. And I would rather go with accuracy than speed on something as important as elections. So, I was just going to tell you about those pieces of expert testimony we had in Florida, all of which made sense to me.

11-00:02:02

LaBerge: Since we are just talking, why don't we talk about that because I wanted to ask you about it at some point. We will hold the judicial for a couple of minutes. I want to say for the tape that you are on the U.S. Commission on Civil Rights, and that you were—well, tell me what you did during the Gore-Bush election.

11-00:02:20

Reynoso: First I should just tell you parenthetically that I have been on the commission now about eleven years. The commission has eight members, four of whom are appointed by Congress—two by the Senate and two by the House—and I was originally appointed by the Senate. The term is for six years. Then, I was reappointed by the president because there was an informal agreement that each party would name one person to the commission, but the president's

people weren't sure that the then newly Republicanized Senate would abide by that agreement. Since they wanted the chair and me as vice chair to continue, the president reappointed us. So I am now a presidential appointee.

11-00:03:08

LaBerge: This is President Clinton reappointing you?

11-00:03:10

Reynoso: Yes, this is President Clinton.

11-00:03:11

LaBerge: And the majority leader appointed you first? Is that right?

11-00:03:16

Reynoso: Well, the Senate appoints, but actually, the real appointment was Senator Paul Simon, who was the head of a subcommittee—within Judiciary, I believe—that had oversight of the commission. And I think the Senate depended on him to make a recommendation to the Democratic leadership and they made the recommendation to the Senate and it would be approved automatically. So, I went back and met with Senator Simon. That in some ways relates actually to my judicial activities, which we will discuss in a few minutes, because I got a phone call from a former extern of mine. An extern is a law student who works with us, usually for a semester or summer. This young man was from Stanford and came and was an extern in my chambers in the supreme court for a semester and he at that time was working with Senator Simon. He called one day and said, “Justice Reynoso, we are looking for a member of the U.S. Commission on Civil Rights, would you have any interest?” I actually had many relations with the commission, having done some informal work with them and having been at one time a consultant for the commission. So I said, “Yes, I would be very interested.” And he arranged to have me go back to Washington and meet with Senator Simon. We had a long discussion. Apparently things went well from his point of view, and certainly from my point of view. I think he was a great senator. He recommended me and so after a while I was appointed.

11-00:04:44

LaBerge: Who was your extern?

11-00:04:50

Reynoso: John Trasviña, who is now dean of USF Law School.

It is interesting how one activity that one has had in one's lifetime then can come up at another time.

11-00:05:05

LaBerge: And you wouldn't expect necessarily you to get a job through an extern. You might expect the extern to get a job through you.

11-00:05:12
Reynoso:

That's right. [laughter] But, in fact, these opportunities come up in many different ways. And then, former externs and former clerks are now legislators and judges, and so on. So it can happen. And former clerks of course. That's the way I got on, but it was sort of interesting too that I didn't hear anything for weeks. So, I called them and said, "What's happening?" He says, "Oh no, you are going to be appointed." Then eventually I got a very badly Xeroxed copy of the *Congressional Record* where a Senator got up—not even Senator Simon—got up and said, "Mr. President,"—you know, the Senate has a president also—"Mr. President, I move the appointment of Cruz Reynoso to the U.S. Commission on Civil Rights." The president says, "Without objection, so ordered." That was it. I got this Xeroxed copy without a cover letter or anything, and that came only after I had—on one occasion I was driving from Los Angeles to San Francisco, and I like to take back roads, so I was taking some back road through the hill country between Los Angeles and San Francisco, and I had the Fresno bilingual radio station on and the noon news came on and they said, "Today we have a press release that Justice Cruz Reynoso has been appointed to the U.S. Commission on Civil Rights." That's the first notice that I had. Then they had a five-minute news program and they took the whole five minutes to talk about me, who I was, what my background was.

11-00:06:53
LaBerge:

Oh, my gosh!

11-00:06:53
Reynoso:

Then, sometime later, I get this Xerox. Now, when I was reappointed by the president, I got a big certificate of appointment signed by the president and all that—appropriate, I am sure, for framing. I have never framed it, but they imagine that's what you will do. Institutions have such different approaches to these things,

11-00:07:21
LaBerge:

Who was the chair when you were the vice chair?

11-00:07:20
Reynoso:

The chair and I were appointed by the president at the same time, so she has been—Mary Berry's her name—and she has been the chair all the time that I have been vice chair. However, when I was first appointed, Mary was not the chair and I was not the vice chair. Initially, I was simply a commissioner. Then, when the president got elected, he named Mary as the chair and me as vice chair. That was interesting also because we have a very convoluted statute.

11-00:07:51

What happened was that the commission was established in 1957. President Eisenhower and Attorney General Brownell recommended it because there were so many debates on civil rights. You know, the African Americans and many civil rights people would say, "All these schemes in the House are

keeping blacks from voting,” and the Southern politicians and others would say, “Who, us? Why, it’s not our fault that they don’t have the money to pay poll tax. This is strictly neutral. We are very democratic. Blacks just don’t like voting.” So the president basically said, “Look, we have got to find out what the facts are, so lets have a commission with power to subpoena. Let’s find out what the facts are and let the people of this country decide.” It was named then, and was very effective. It had six members, all appointed by the president, confirmed by the Senate. Then a problem came up. We had a president, you may recall by the name of Ronald Reagan, once. And he kept appointing commissioners whom the Senate felt had no interest—and in fact were antagonistic to—civil rights, so they refused to confirm them. Then they had sort of a stalemate and a conflict because they didn’t have enough commissioners to run the commission. So a political compromise was entered into whereby the president could now appoint four members without Senate confirmation, and at that point, Congress was to appoint four members. That was the compromise. I came in after that compromise. The further compromise was that the president could appoint the principal staff director of the commission and the chair and the vice chair, but they couldn’t take office unless they were confirmed by a majority of the sitting commissioners. When we were named, there were not a majority of sitting commissioners appointed by Democrats. It was a four-four split. I was confirmed by my colleagues, but several of the Republican appointees didn’t like Mary Berry, and so they refused to confirm her for, I don’t know, two or three months. Eventually the chair, who was a Republican appointee but actually a civil rights person, then voted to confirm Mary. So then she took over as chair and I as vice chair, and we have been in that position now for many years. It’s a very convoluted statute that we deal with now.

11-00:10:17
LaBerge:

Well, how often do you meet?

11-00:10:17
Reynoso:

We meet once a month, except one month during the summer. We meet quite often in Washington D.C., where our headquarters are, but we also have hearings and meetings throughout the country. Particularly the last few years, we have invigorated the notion of having meetings outside of Washington D.C. Folk are invariably so pleased to see us, and to hear their issues heard, because very often folk involved in civil rights battles feel very frustrated because the local politicians and powers that be dismiss their complaints.

11-00:10:52

For example, we had hearings in South Dakota pertaining to the problems that Indians have in South Dakota, and the interest in our hearings was just tremendous. It focused on administration of justice, but we heard about health and many other issues. The governor was completely dismissive of our commission, saying, “What are these outsiders doing coming to have these hearings here?” And was quite antagonistic. Meanwhile, however, several of the DAs testified to some of the issues that came up, and for example found

the simple issue that the Indians ended up in prison far more frequently compared to their population than the non-Indians. But, interestingly, after we had the hearings and after we issued the report, the state government then authorized a local researcher under contract to study these issues. Though he is hired by the state, he reported to us actually a few months ago, and his very detailed analysis—with greater insights as to how the government actually works, because he is under contract with the state government—has been actually able to confirm our initial findings. Then, it was a preliminary report. He still has to check out a little bit further, but it was interesting to us that even though the governor was so dismissive, the politics of it were such, obviously, that he felt compelled to then name a third party, who then basically has confirmed what the Indians and many others were saying in South Dakota. That, in turn, has an impact on the internal politics of the state and what the legislature will do or not do in terms of making life a little bit more fair for the Indians in that state. It is just interesting how these things go. Next month, this month, we are meeting in Seattle to talk about some of the civil rights issues, including contracting, government contracting, education and so on that they have in that area. We have had hearings in Detroit, pertaining to the issues of Arab Americans. They are very interesting because—

11-00:13:20

LaBerge:

In Dearborn. Did you know I was from Detroit?

11-00:13:22

Reynoso:

No.

11-00:13:22

LaBerge:

I didn't know, I thought maybe that's why you brought it up.

11-00:13:26

Reynoso:

No, I just point that out because that's sort of a concentration of Arab Americans. And it was interesting how they indicated—the consensus was that they were initially very concerned about private actions against Arab Americans, physical attacks, verbal abuses and so on. But even by the time we had that hearing, their concern had shifted from concerns about individuals to concern about what the government was doing. They brought to our attention all the things that the government was doing that they felt was very detrimental to the Arab American community. For example, at that time, the FBI was interviewing thousands of Arab Americans, and it scared the community. You know, “Are we under attack? Are we accused of crimes?” Et cetera, et cetera. And then they had recommendations about how to approach those issues. Actually, very good recommendations. There are enough Arab Americans in that area that they got together with the U.S. Attorney and entered into an agreement where they said, “Look, folk don't mind talking to the government, folk are happy to share any information, but before you go knocking on the door at midnight, why don't you send them a letter—anybody you want to interview—and say, ‘Look, we would like to talk to you, this is

what we are interested in. We will give you a call and set up an appointment.’ ” And he says that’s the way they did it in that area and they had none of the backlash from the Arab American community there that you found throughout the rest of the country. So, it’s not that they were being non-cooperative; it’s just that the Arab American community really felt that it was under attack. Unfortunately, many incidents since then have really reinforced that perception that nationally Arab Americans have.

11-00:15:10

But we have had hearings in San Diego pertaining to the issues of undocumented coming across the boarder and the vigilantes in Arizona. We have had hearings in Albuquerque pertaining to health issues of Indians and how the government is doing in that regard. So, anyway, we have hearings both in Washington and outside of Washington—to answer your question.

11-00:15:41

LaBerge:

Yes, but it’s a great—I mean, you didn’t even do your homework. I didn’t tell you we were going to talk about this. This is wonderful. Tell me a little bit about the *Bush v. Gore* hearings and your recommendations.

11-00:15:57

Reynoso:

Well, I want to emphasize first of all, that we started hearing complaints about the election and people not being able to vote before the end of the day, before we knew who would win and who would lose, before we knew that Florida would even be important. For example, if Gore had carried Tennessee, his own state, he would have won so Florida wouldn’t have mattered. So I’m just emphasizing that this was a completely non-political decision on our part. Voted unanimously at that point. At that point, however, we only had, I think, six members of the commission. There were a couple of openings. Five of us were Democratic appointees at that point and one was a Republican appointee. Nonetheless, it was a unanimous vote based on the reports that—as soon as we heard that, we sent some lawyers, staff lawyers, to check things out. They came back and reported, “Yes, it is our opinion there are real problems down there.” So we voted to have these hearings.

11-00:17:01

LaBerge:

And you weren’t meeting that day, or were you?

11-00:16:59

Reynoso:

Oh no, oh no.

11-00:17:00

LaBerge:

So this must have been through email or phone calls or—

11-00:17:05

Reynoso:

This was done—we got the messages of what the staff had found out. Then, I forget whether we took a vote by mail or whether we voted to hear it at the next meeting, I forget. But then we voted to have the hearing and we did. The other observation that I wanted to share with you is that even though if there

are problems pertaining to elections, generally the Justice Department is supposed to investigate that. The Justice Department never did. Secondly, the attorney general of Florida should investigate and he's a Democrat. He did not. Thirdly, the governor of Florida has express statutory authority to investigate any problems pertaining to elections and he did not. The only official body that ended up investigating the Florida election ended up being the U.S. Commission on Civil Rights and we have no enforcement power. So, that was just interesting how it broke down.

11-00:18:07

We voted to have the hearing, and the first hearings we had were in the capital, Tallahassee. We had two days of hearings and then later we had another hearing in Miami. I think the very first witness we had gives you sense of the types of problems folk were having. The very first hearing we had was a Protestant African American minister who testified that he went to vote. He had been voting the same precinct for about twenty-five years. He went with his wife and two adult children. When he got there, the personnel there, who apparently knew him, said "Gee, Reverend so and so, we are so sorry, but you are not on our voting list. Your wife and children are, but you are not so you can't vote." He said, "Well, wait a minute, I have been voting here for twenty-five years, what can we do?" They said, "Well, let's call the central office." And fortunately they were able to get through on the phone. We had tons of testimony from officials who said that they kept calling all day long and either never could get to the central office. One testified that she got to the central office one time, and had to turn back 300 to 400 voters who had some problems and she couldn't get to the central office to see whether there was a mistake or not. At any rate, on this occasion, they did get through on the telephone. The minister gets on the phone and says—oh, he is given the phone and then the first question that the person on the other side asks him at the central office is, "Sir, have you been to a courtroom or a courthouse lately?" And the minister says, "Why yes I have." And the gentleman said, "Well, in what capacity?" He said, "Well, I was a federal grand juror." The gentleman on the other side says, "That's impossible. You are not on the voting list because we have you listed as an ex-felon." He said, "I am an ex-what?" he said. "You are an ex-felon." And then they talked about it for a while, and finally the minister says, "Look, what do I need to do to vote? Do I need to hire an attorney?" And he says, "One moment, sir." He went off for about two minutes and he said, "Give me the local officials. We will put you back on the voting rolls."

11-00:20:19

What happened was that—this is—it didn't start in an evil way, and one could even say that it might be justified. I don't want to be unfair with this, but what happened was that there had been an election in Miami where it was shown a few too many dead people voted. So the legislature was concerned about that. Another body that can't vote in Florida besides dead people are people who have been convicted of felonies. Anybody who has ever been convicted of a

felony in Florida can't vote in Florida. There are seven such states that have that type of law. I think it goes back to the time where they would come up with all kinds of techniques to prevent blacks from voting, one of many techniques they used. In fact, that's part of the problem in Florida. They still have sort of a system of statutes and procedures and practices in Florida that go back I think to the Jim Crow days. At any rate, the legislature then passed a statute that told the Secretary of State to enter into a contract with a private company. I think they even gave her the amount of money to do that contract with, to have that company put a list of ex-felons. That seems okay. The problem came up in this way. The company—and we had testimony from the high officials in the company—got together with the state and they said to the state, “Do you want us to have a list of people we know are ex-felons, or do you want us to have a list of people who might be ex-felons?” The state said, “We want the might-be list.” So they included in their list tons of people who were not. If you had a John Smith, they would include twenty John Smiths. Maybe only one was an ex-felon. That's what happened to this gentleman. In fact, with this gentleman, if I remember the testimony correctly, his middle initial was actually different than the ex-felon, but I guess because the first name and last name were the same they said, “This might be an ex-felon.”

11-00:22:38

Then the Secretary of State sent these lists to the local registrars. Now, I understand that the instruction did say, “You should check this out yourself,” but most of them didn't have the resources and so on, so they simply took the list, and then as happened in this case, knocked off the name of this gentleman. We have testimony that that happened over and over again, probably several thousands of people. Now, in this case, they got through to the registrar, this gentleman was insistent, so he was apparently ready to go out and get a lawyer and maybe get a TRO [temporary restraining order] or something. So they gave in. We had testimony from one local official who said that the only way to get to vote if you have been improperly dropped is to make yourself obnoxious. He called it “the obnoxious rule,” if I remember correctly. But we had testimony about all these local officials who weren't able to get through on the phone, so one can guess how many did not get to vote. And that's by way of emphasizing what our later report said that the biggest sin was not all the people who voted whose votes weren't counted, et cetera, it's all those who didn't get to vote, who—our estimate was in the thousands.

11-00:23:45

Now, with that testimony—incidentally our second one was a registrar in another county who testified that when she got the list, her name was on the list as an ex-felon, and she knew she wasn't an ex-felon, so she decided not to use the list at all. She didn't pay any attention to it. She left everybody on, even if they were on that list because there's—and this goes back to perhaps the Jim Crow days. In Florida, the election officials are locally elected, and they have quite a bit of autonomy. For example, they are the ones who draw

up the ballots. That's why you ended up with the butterfly ballots in only one county but not in others. Interestingly, however, that's more of a tradition than anything else, because the law is very specific. There is a specific law that says how you are supposed to have the ballot, and the duty to enforce that law is on the Secretary of State and the governor and they haven't done it, I think for political reasons because the local officials are quite jealous of what has been their prerogative. There's a lot of blame to go around in Florida.

11-00:25:04

Then, let me just mention one other interesting aspect of Florida law. I have always found that the sample ballots we get are very instructive and very important in my decision making, and it makes voting easier. In Florida, whether or not a voter gets a sample ballot is a local option. If the county can afford to send out sample ballots they do. If they can't afford it, they don't do it, and they are authorized to simply publish a sample ballot one day in a local authorized newspaper, which very often is a weekly newspaper that charges not very much. As you might guess, the poorer counties don't send sample ballots, and as you might guess, people who live in poorer counties are poor whites and minorities. So, you have these built-in structures in Florida that practically make for trouble. There is one other interesting law in Florida and it's this: If you are registered, you can vote if you are registered, but you must vote in the precinct where you are living. So if you've registered where you were living, you can go there and they will have your name, but they will ask you for your address. If your address meanwhile has changed, under the law, you must then go to a new precinct. That new precinct will know you are coming because your old precinct will call them and say, "We have properly authorized here Jose Jimenez to vote, and he is coming to your precinct." We have tons of testimony, one, that phone calls couldn't go through; two, from voters who said, "I was given this address, I went there I couldn't find it," or "I got to that address, I could find it, but they didn't have my name and they couldn't get through on the phone to get my name." And so many such folk didn't get to vote. Finally—and I just heard somebody from California tell me that she had this same problem—but we had testimony that Florida, like California has the motor voter registration concept. In one area, many college students registered in their equivalent of the DMV [Department of Motor Vehicles]. None of those registrations got to the county registrar, so none of those folk got to vote. Now, I should tell you I was talking to a law student here in California, here in this law school who told me that's what happened here to her. She registered in the DMV; when she went to vote they didn't have her name there.

11-00:27:45

So, things can go awry any place. I have told people that any close election in any state can bring up Florida-like issues about who really won, but Florida, we have got to name it as sort of the champion of these problems. I mean, they have got so many things wrong in their electoral process that it is far easier for things to go awry in Florida, as in fact they did. Then there were other

problems. There was a large registration effort to register African Americans, and it was successful. There is a statute that calls upon the local registrar to let the state officials know, month by month or week by week, what their registration numbers are. And everybody could tell that there was going to be a huge number of new voters. There is a specific statute that mandates that the secretary of state must do everything that she or he can—in that case, she can—to educate the new voters. To educate voters—period. They spent several millions of dollars on radio ads, warning people that if they voted improperly they were committing a felony. That’s all the education they did. She had requested—we have testimony that she had requested \$100,000 in the next year’s budget for education and the governor cut that out of the proposed budget.

11-00:29:17

Basically, the state failed completely to meet any of its own obligations of oversight. That turned out to be very important later on, when in a recount, the Supreme Court said, “There are no rules for how a recount will take place.” Well, that obligation squarely lies with the secretary of state, and we had testimony from local registrars, who said, “When we had the recount, we kept calling the registrar’s office to say what are the rules?” And they kept saying, “We don’t know, we don’t have any rules for you.” And they have that specific responsibility. So, as I say, there was the element of negligence. Now, one of our commissioners did write a concurring opinion saying, “Well, you know, the conclusion is that there was no intent to discriminate and maybe that was true. On the other hand,” she says, “you had a Republican administration. You had the governor and the Secretary of State being leaders in the Bush campaign. You had all these new registrants coming in—most of them Democratic and most of them African American. Clearly what interest did the state officials have in educating those voters about how to vote properly? I wonder,” she said “if there really wasn’t, before the election, an affirmative negative, an affirmative effort not to do anything.” And I guess one can wonder about that, though I must say that I think probably if the Democrats had all those same offices, they may have responded the same way also.

11-00:30:50

My own conclusion was that there was not an intent to discriminate. However, the law on voting is very specific. It does not require an intent. It is an effect law. In fact, a voting rights—the voting rights case went up to the U.S. Supreme Court on one occasion. The U.S. Supreme Court held that there was no violation because there was no intent to vote. The Congress then immediately passed a law saying, “Supreme Court, you are wrong. We said that intention wasn’t required and we meant that intention wasn’t required. It is simply an effect. The person who gets discriminated against, it really doesn’t matter whether somebody intended to keep his vote from him or whether he negligently kept his vote from him or affirmatively kept his vote from him. He or she still needs to vote.” So that’s the test. Now, the

interesting thing about that is that by the time we had the hearings, President Bush had appointed a member to the commission. And in the hearings, she kept asking every witness, “Governor, did you intend to discriminate against black people?” “Heavens forbid!” “Madam Secretary, did you intend to discriminate against black people or Latinos or disabled?”—because we had a lot of testimony on disabled and language minorities also, and so on—and of course they all said no. That is not—that’s an important matter but it’s not the test. I was interested that much later, senators raised the same point with a justice official from the Bush administration. He said that he wasn’t prepared to answer. He would answer in writing. He sent a letter, and much of his letter emphasized the issue of whether or not there was intent or a lack of intent. That’s really—that’s not the test.

11-00:32:40

Our conclusion was that—well, again this will illustrate the problem. There was one county that was poor and predominantly black or at least a large percentage were black. Of those who voted, 12 percent I believe were discounted for a variety of reasons. They may have voted for too many—for more president than one because the ballot was quite confusing. For many reasons it was discounted. A neighboring county that had—I guess he is the leading local official, who was very aggressive, got foundations and businesses and individuals to contribute money to his office so they could, one, buy good equipment and, two, educate the public on how to vote. In that county, the number of votes that were discounted—these are cast votes now—was a little bit under one percent. So, you had that great variation there with a predominantly black county, 12 percent get discounted; predominantly white county, 1 percent get discounted. Our studies—and we hired a professor who does this type of work—came down with, I think his figure was that something like ten African American voters were discounted for every one non-African American voter that was discounted. Now, I should tell you there was a separate opinion by the same Bush appointee.

11-00:34:17

LaBerge:

And who was that?

11-00:34:18

Reynoso:

Abigail Thurnstrom, saying, “Hey, this whole science is wrong. You can’t tell what the relationship is of African Americans to voters, and so on,” but frankly, the expert was brought in when our staff that’s not an expert in those types of studies, noted just with a map that the percentages of those who were discounted seemed to be in African American areas. So then they entered into a contract with this gentleman who did this study by county and sometimes by precinct. How many African American voters are in that precinct and how many were discounted? Then they do an analysis and come up with an estimate. And as I say, Abigail disagreed with all of that, but I am persuaded that he was right. We had testimony from disabled. I still remember one gentleman in a wheelchair said he went to vote, and the voting booth table was so high that he had to push himself up, had to put an elbow down, and

had to sustain himself with one elbow while he tried to vote, and getting more and more tired all the time. Another one testified that she was in a wheelchair, she got to the voting site and there was actually a construction job going on and there was a big hole between her and the construction site. Fortunately some people saw her dilemma, went out and got some boards and put the board over the hole and she was able to vote, but we got testimony of all kinds of that sort of thing going on.

11-00:36:01

There was one precinct that was, I think, either in a commercial building or in a firehouse, I forget, but there was a door in front, a big door that normally closed automatically at 5 p.m. They thought they had undone that instruction to the door so it would not close at 5:00, but apparently it wasn't done properly so it closed at 5:00. And we had testimony from several people who went and tried to vote at 5:00. The door was locked; the building was a little bit far away. They called to people. Nobody heard them, nobody came out. They discovered half an hour or so later that the door was locked. So, they called the engineers and all that who were at home. Finally, they came and opened the door, but how many people didn't get to vote, you know? We still don't know. So, as I say, Florida is just the champion.

11-00:36:51

Now, we have, I notice, revisionist historians. One is a member of the U.S. commission appointed by Bush, who says "Hey, what are all these numbers? This doesn't mean anything. We have heard so often that there were problems in Florida, but it is all the imagination—somebody's imagination. There were no problems in Florida. It's hunky-dory." And these get blown up quickly into political issues, as you know. That's why I emphasized that when we first went there, one, the vote was unanimous, and, two, we heard about the problems before we even knew it was going to be a political issue. And we would have investigated whether it was a political issue or not.

11-00:37:34

LaBerge:

So how much time between the day of the election and when you had your hearings?

11-00:37:41

Reynoso:

I don't remember.

11-00:37:46

LaBerge:

But before the Supreme Court made its decision or—?

11-00:37:48

Reynoso:

Oh yes. Well, wait a minute. No, no. The Supreme Court had made its decision already. So it must have been—

11-00:37:52

LaBerge:

So, the results were—Bush was already the president.

11-00:37:58
Reynoso:

The results were already done. And that's why he had already appointed Abigail. So, it must have been—I forget now, it must have been a couple of months after that.

11-00:38:04
LaBerge:

Your report didn't have any—you couldn't enforce anything, but you could at least put out your—

11-00:38:15
Reynoso:

Right. Sure. And we recommended that the U.S. Attorney General investigate these matters, which of course he hasn't. And we made a series of recommendations to the legislature, some of which they—now, the governor, and he has to get credit for this, did appoint a commission to investigate. Unfortunately, they focused a little bit too much on the mechanical voting problems, but based on that, they did, one, recommend different machinery for voting—which was good—and, two, they recommended that the provisional ballot be made a part of the voting mechanism. I tell you the latter part with some trepidation because we had looked at the statutes and the way we read it, the statutes permitted a provisional ballot, but nobody knew about it. So, it was not enforced at all. But they did make that recommendation. Apparently that statute has been enforced. That would be very important because if somebody shows up, and they say, "Sorry, your name is not on the list," and they say, "Look, I have a right to vote," they can vote, and then later they can check to see whether or not that person was right. So those were very important changes. But they haven't changed the felony rule, I don't think they have changed the rule pertaining to the ballots, et cetera, et cetera. I am afraid that they may still be the champions—not quite as clearly, but probably still the champions—in terms of problems with voting.

11-00:39:47
LaBerge:

Well, I hope you don't have to have another investigation next November.

11-00:39:51
Reynoso:

I hope not. Because the election was so flawed that President Carter, who has been involved in monitoring many elections in many countries, was asked whether or not he would have agreed to monitor the Florida election. The president said that he would not have because he and his team always insisted that the rules be clear before they monitor an election so they can then issue an opinion later, and that the rules were so unclear in Florida that he would not have agreed to have been a monitor in Florida—i.e., the Florida election is worse than third world country elections. That would seem to be the implication of the president's remarks. It is sort of sad that here we are this late in our process. But you know, voting hasn't been that easy.

11-00:40:47

Nowadays, we assume—and you talk to young people and they can't conceive of a ballot that's not secret. We didn't get secret ballot until late in the last century and early this century—late in the eighteen hundreds and early in the

nineteen hundreds, and as you know it's referred to as the Australian ballot. During the Civil War, you know, an officer would go and line up his two hundred troopers and say, "Who are you going to vote for? Are you going to vote for Abraham Lincoln or that dirty traitor running against him?" Well, you know, everybody would vote for Abraham Lincoln and he got reelected and that was the way we voted. Non-citizens voted until the late eighteen hundreds, and it was only because many voters were concerned about all those Catholics, particularly all those Italians and Irishmen that were coming over, and they were afraid that they would end up with some power, especially since one of them got elected mayor of Cleveland in the 1880s, and they said, "Hey, from now on only citizens can vote." And interestingly, I was just rereading a history of Hawaii, and when Europeans and Americans overthrew basically the Hawaiian government, they passed a rule that said that everybody who lived in Hawaii, citizen or not, could vote. Why? Because they wanted their own people to vote.

11-00:42:13

So, all these things that appear to be so natural are not God-given rules. They are rules put in place, very often by folk who really say they like democracy, but not that much. They want to be in charge. And it seems to me that a democracy has to be as universal as possible. But, as you know, we started out with white only could vote, property owners could vote, et cetera. Men only could vote, and slowly we have been expanding the concept of democracy to where we are now, but clearly Florida reminds us that we have a ways to go to have the type of democracy that we as Americans believe that we are entitled to.

11-00:42:52

LaBerge:

Well, shall we move to this other part of democracy, namely the court system?

11-00:42:54

Reynoso:

By all means, by all means. Except that their role is not democratic and that's the problem that we have. Many judges—there was a suspicion, historic suspicion against judges in the colonial days because they were appointed by the king. Then, later the U.S. government appointed federal judges. It's true that they had to be approved by the Senate, but nonetheless, there was still a great deal of suspicion of judges. And during the Jacksonian era, a movement was founded, particularly in the south and in the west, to have judges elected. That seemed to be more democratic. The problem, of course, was that judges have a non-democratic role. It's their job to enforce the Constitution of the United States and the constitution of that state. And very often the constitution tries to protect political and other minorities—but particularly political minorities—and if a court protects that political minority, it often is making a political majority very unhappy. One of the most important roles that judges have is a non-majoritarian role, and how do you square that with a majoritarian way of selecting judges? And that's been the quandary that many jurisdictions have been struggling with for many decades now.

- 11-00:44:23
LaBerge: Let's go to how you were selected and appointed, and then tell me too what—how you would change the appointment process. You were, in 1976 in New Mexico. And so, what happened?
- 11-00:44:33
Reynoso: I was teaching in New Mexico, minding my own business—
- 11-00:44:43
LaBerge: I don't believe that for a minute. [laughter]
- 11-00:44:43
Reynoso: —when I received a phone call, shortly after Jerry Brown had been elected, from a gentleman whom I knew very well who was on his transition team.
- 11-00:44:58
LaBerge: And who was that?
- 11-00:45:02
Reynoso: Mario Obledo. And he said, "Cruz, if the governor wanted to appoint you to a high political office in the state, would you consider that?" I said, "Why sure. It depends on the timing. It depends on the job and all that." And then nothing happened for a year and a half. I didn't hear anything.
- 11-00:45:23
LaBerge: By this time are you a citizen of New Mexico?
- 11-00:45:26
Reynoso: I am a citizen of New Mexico. I am voting in New Mexico. Sargent Shriver had announced his candidacy for the presidency of the United States and had asked me to be his statewide chair and I had agreed to do that. No, no, I was very much a citizen of New Mexico. Then, a year and a half later or so, I get a call from another person, by now a member of the administration, Anthony Kline, Tony Kline, who was the appointment secretary.
- 11-00:45:49
LaBerge: I interviewed him.
- 11-00:45:50
Reynoso: And he said, "Cruz," he says, "the governor wants to appoint you to a high administrative office. I can't tell you what office it is, but the question is will you accept? And it's a very important office and the governor is very anxious to have you be in that office." And I said, "Tony, I am in the middle of a semester, I can't"—oh, I said, "When will I have to report?" And he says "Yesterday." And I said, "I am in the middle of a semester; I just can't do it." And he nonetheless called several times and I kept saying, "Tony, I just can't leave in the middle of the semester." After a while he gave up and I thought, "Well, that's it," because my impression had been that governors are pretty self-important, and if they ask you to do something and you say no, that's pretty well it. Much to my surprise, a while later, a month or two later, Tony

calls back. “Cruz” he says, “the governor wants me to ask you, if you can’t accept an administrative position, would you be able to accept a judicial position?” I said, “When would I have to report?” He says, “It doesn’t matter.” I said, “Could I wait until next summer?” He says, “Oh, sure.” I said, “Well, what position did you have in mind?” And he said, “Court of appeal.” Then he said—I forget all the discussions. We had several discussions, but basically he asked, “Where would you like to go?” At that time, you will remember, Jerry Brown was in trouble with a judiciary in the electorate because he had said that judges shouldn’t worry about their pay. They should be happy with the psychic rewards of being a judge.

11-00:47:38

LaBerge:

That’s right. Same thing for professors. Psychic rewards.

11-00:47:41

Reynoso:

Yes, right. And so I think he was trying to prove that you could run the judiciary without that many judges because he had not appointed one appellate judge at that point, a year and a half into his governorship. He had openings throughout the state. I think Tony thought that I would say San Francisco because he had been with a public interest law firm, I had been with a legal services law firm and we often cooperated on cases. But, in fact, I said, “You know, I’d like to go to the most rural area that you have.” And the only place that they had an opening I think at that time in a smaller area was Sacramento. He said, “Well, let me explore that. That’s more difficult. One, because we have only one opening there and, two, we have some really good candidates. So I don’t know whether it will work, but let me check it out.” Later he called back and said, “Yes, that will work.” And so I accepted. I must tell you that my wife, who didn’t want to move to New Mexico, once we were there loved New Mexico, didn’t want to move back to California. So it wasn’t easy.

11-00:48:51

LaBerge:

And how old were your children now?

11-00:48:54

Reynoso:

And my children, three of them were school age and one was preschool, so they didn’t want to move either. The law school interestingly just before that had named me to be the associate dean, the academic associate dean. Something funny happened. My neighbor at that time, professional neighbor, was a fellow by the name of Joseph Goldberg, Joe Goldberg. And in the morning we would always say, “Good morning, Professor Reynoso,” and I would say, “Good morning Professor Goldberg.” And then the next day he came in and said, “Good morning Dean Reynoso.” I said, “Good morning Professor Goldberg.” And then the next day he came in and said, “Good morning Justice Reynoso”—it happened so quickly. They were hoping too that I would stay with the law school. So it wasn’t an easy decision.

11-00:49:40

On the other hand, I just couldn't say no to an opportunity to be on the appellate court. As a litigator, I used to analogize going before the appellate courts to a doctor operating. A doctor can do many things, but if you are going to operate on a person, you have got to set everything else aside. When I had a case before the appellate court, I would really set everything aside and concentrate on that because that was the one time where you were not only representing your client, but you could make law that would then affect many other people. So, I always had really an element of awe with respect to the appellate courts. I also wondered whether I really had—you know, whether I would be a good judge at the appellate level. It is true that by that time I had been a litigator obviously, I had been a law professor, and I had sort of all the background that one would think one needs to go to that position, but I really didn't know. It was obviously going to be an adventure for me.

11-00:50:47

Basically that's what happened. Until later I was given a just one or two page opinion by the attorney general. They had been carefully—I didn't realize, they knew more about me than I knew about myself by the time they appointed me to the "vetting process" that the governor goes through. It is really quite an extensive one. When I got to California, Tony gave me this attorney general's opinion that said the following: "To be appointed to the appellate bench, the constitution requires ten years of membership in the California Bar. It does not require residency." And that was clear. That's been the constitutional provision all the time. Nonetheless, it is rare that a non-citizen gets appointed.

11-00:51:30

LaBerge:

But you certainly fit that.

11-00:51:29

Reynoso:

Yes, and obviously I fit that, so that's why they felt free to appoint me. And then—life is very strange. When I first started practicing law, I, among other things in Imperial County, represented farm workers, filed civil rights cases and all kinds of things that were viewed as controversial—as you might guess—in a conservative community like that, but that's why I had become a lawyer. I had several people come to me and say, "Gee, Cruz, that's no way for a young lawyer to get ahead." In fact, I still remember a conversation I had with this great gentleman in the Latino community who came to see me. I still remember his name. He used to go by three initials, MCL and his last name was Ruiz [spells]. And Mr. Ruiz came to see me, and he had read in the paper that I was representing a person accused of selling or dealing with drugs or something, and he came to see me. We exchanged pleasantries, and finally he said, "Señor Reynoso,"—this was a discussion in Spanish—"we've so appreciated your practicing law in Imperial County, the leadership you've provided in the community," et cetera, et cetera. He says, "But you know, I just read about this case, and I am just concerned that it might sully your reputation if you represent people of this sort. I wonder if you could just do

civil cases instead of criminal cases.” We had this whole discussion and I don’t know if I ever succeeded in persuading him, but I tried to persuade him what the role of a lawyer was. In a criminal matter it is to say, “Look, constitutional mandates need to be afforded and provided in court. If the state says your guilty, now you have got to prove that this person is guilty, et cetera, et cetera.” So these sort of pressures came not just from folk that didn’t like what I was doing or didn’t like most of what I was doing, but from other folk too. Nonetheless, that is why I had become a lawyer.

11-00:53:40

Then, by circumstances of history, we end up with a governor who admired Cesar Chavez and people who worked with farm workers and who admired legal services lawyers. Many people in his administration fitted in that category, or public interest lawyers. Mario had been a public interest lawyer; Tony Kline had been a public interest lawyer. So, I think when he looked around for people to appoint, a person like me came up high on his list. I imagine that’s what happened. Aside from that, he was interested in bringing some ethnic and gender diversity to the bench, and I think that had some impact also. I told my story about how I got appointed to a federal appellate judge, and he said to me—he then recounted how he got appointed. He had been a law professor and he wanted to be an appellate judge very badly. He wrote about all these important issues, and then he figured out that law professors seldom got appointed to the bench. So he became a dean and that had more visibility. Then, after a while, he figured out that even they didn’t have a chance to be appointed to the bench, so he quit being a dean and joined a big law firm. A litigator, those are the type of people that get appointed to the bench, and he got active in politics and he contributed money and all that sort of thing. And he says he really worked hard at it, and after about ten years he actually was appointed. And when I told him my story he said, “My goodness, that’s the first story I have ever heard of a person being appointed on their own merits, because I really had to work hard.” He said, “I thought I was meritorious”—you know, he had all the background—“I had to really work hard at it.”

11-00:55:21

But for me, that’s actually the way it happened. In fact, I had thought as a young lawyer that it might be nice to be appointed to the bench when you got to be fifty or sixty or something of that sort, and I quickly gave up on that idea because, at that time, when I became a lawyer, so many of the judges were ex-DAs and people who had not at all been troublesome in their communities, let’s put it that way. I didn’t fit that category at all, so I gave up completely on that idea. And I was happy in what I was doing, you know? I enjoyed the work that I was doing, and I figured you can’t ask more from your profession. So then this came as a complete surprise to me, but I ended up on the court of appeal.

11-00:56:08

LaBerge: Did you ever find out what administrative positions you might have been appointed to?

11-00:56:11

Reynoso: Yes.

11-00:56:13

LaBerge: Oh, what were they?

11-00:56:12

Reynoso: They wanted me to be the chair of the then new Agricultural Farm Worker Board, which would have been exactly the wrong position for me to have. They needed more neutral people and I was so closely associated with farm workers that I was glad I said no, not just because I couldn't do it but I think that would have been exactly the wrong position for me to have.

11-00:56:39

LaBerge: So, that's okay.

11-00:56:38

Reynoso: I don't know why the governor thought that it was so important to have me in that position because it seems to me that was the wrong political judgement. I don't know what the reasoning was; I never got into that. I did ask Tony, I guess, "What was that position anyway that you couldn't tell me?" He couldn't tell me because they were trying to put their panel together and all that; until it was all done they couldn't make it public. But that's the—I believe that's the position he told me that I was to fill.

11-00:57:07

LaBerge: That's so interesting.

11-00:57:07

Reynoso: Isn't that interesting? It reminded me a little bit of a phone call I had when I was a young lawyer, and you don't get too many phone calls from the governor's office. And one time I was in court and I got back to my office and the staff was all excited, "The governor called, the governor called." His office actually called and said, "The governor would like to talk with Mr. Reynoso." It was too late to call them back, so I called back the next morning and they said, "Oh, the matter the governor called you about has been resolved." Much later I found out that he was calling to offer to appoint me to be a member of the Fair Employment Practices Commission, but they needed a north-south balance and the person they called in the north couldn't accept, so then they had to look at a person with a different background in the north, and then the balance with me didn't quite work out. You know, in life it's so much a matter of timing, part of your background. Of course, you have got to be ready to accept, you have got to have the qualifications to accept those positions, but it is not just that. I mean, I am sure in Southern California, there must have been a thousand people who would have been good commissioners of the Fair Employment Practices Commission. In the bar, in the third district,

there had to be several hundred lawyers who would be really good appellate judges. So, it's a matter of your professional background, it's a matter of your reputation, it's a matter of whose making political decisions and a matter of timing.

11-00:58:42

LaBerge:

Tell me a little bit about what you knew about being an appellate judge and how you got orientation to it and—

11-00:58:50

Reynoso:

I had always assumed—and there is an element of truth; but I found out not necessarily—that it was the role of an appellate judge to decide a case and to—obviously to decide it in writing. The constitution requires that it be in writing, but not just to decide the case, but to indicate the reasoning for your decision, which in a democracy may be one of the best things that we have going because then you know not just that the decision was made, but why. So I looked forward to that challenge. In terms of training, I had zero training. That is, I had a lot of training because I had been a litigator, I had studied appellate cases, I knew the process. In some ways, I'm not sure there was that much learning to do. That is, in how you put briefs together, how you research, how you do all those things, those are really many of the same skills that you use in being an appellate judge. In fact, I used to tell people that being an appellate judge, in contrast to a supreme court judge, is the best job that a lawyer can have because you do true lawyering work. You look at cases, you distinguish them, you do all of the things that we have been trained to do as law students and as lawyers and law professors. But the way I got trained was on the job. There was particularly, Justice Bertram Janes [spells], was just a wonderful person. He was a Reagan appointee, former DA from Plumas County, but was a Republican of the sort that we find seldomly nowadays. You know, very socially moderate, liberal on civil rights, et cetera, et cetera, but a very, very distinguished and conscientious judge. Whenever I had problems or issues, I would discuss it with them and some of my fellow judges also, but I was particularly close to him. So, I learned from others around me. "I disagree with this; is this the sort of thing where I should write a dissent or not?" "Is the notion that it's important to have unanimity sufficient that you ought not to write a dissent unless you have really strong feelings?" "Should I write a concurring opinion on this?" "What do you think about this argument; does it make sense or not?" All of those sort of things I would discuss with him and some of the other folk on the bench, especially later when some folk were appointed to the bench who were more attuned to my way of thinking. Because, when I first got there, most of them—a majority of them had been appointed by Reagan, and most of them were not on the same social persuasion as Judge Janes. A couple had been appointed by Pat Brown, and I felt close particularly to one of them.

11-01:02:01

LaBerge:

And who was that?

11-01:02:08
Reynoso:

Justice Leonard M. Friedman.

11-01:02:12
LaBerge:

How many were on your court?

11-01:02:14
Reynoso:

At that time there were a total of eight of us, if I remember correctly, and the court in the Third DCA—DCA is the District Court of Appeal—was different than others. At that time, there were five districts—now there are six—and constitutionally those districts are divided into panels of three or four who act independently of the other panels in that district. The third district had only one panel, so we had only one presiding judge, and then as the hearings would come up, we would divide ourselves up into three. So we had a system of rotation, which worked pretty well but not all the time.

11-01:03:05
LaBerge:

Did this only have one panel because it was a smaller area?

11-01:03:02
Reynoso:

Because it started out as a small area, then slowly they went from three to four, then to five, and so on. And each time the judges, I think, liked working together, so there was no urgency in switching to the other way of doing things. I think there are now eleven judges, so some day it may be broken up the way the other districts are, but as of now it is still only one unit and still has only one presiding judge. A governor some day might want to appoint several presiding judges and say, “Hey, we want to break this up,” but there hasn’t been that pressure thus far.

11-01:03:39
LaBerge:

I am going to change the tape, and how are you time-wise?

[Audio File 12]

12-00:00:04
LaBerge:

Here we go, this is disc number twelve. We just got you on the Third Court of Appeal. What was one of your most memorable cases?

12-00:00:12
Reynoso:

Before that, let me just tell you that when I was then sworn in late that summer, it was—folk got together and it was a very exciting time. Somebody was there from the Bar and said what a great person I was, born in poverty and now a judge, and other folk were there and I could hardly believe they were talking about—and then there was a big celebration.

12-00:00:37
LaBerge:

Where was it? In Sacramento?

12-00:00:39
Reynoso:

It was in the courtroom in Sacramento, and the Sacramento courtroom is, in my view, the most beautiful courtroom in the state. And then there was a big get-together and my dad was there and brothers and sisters and all that, so it was just a wonderful occasion. Then we got to work.

12-00:00:56
LaBerge:

Yes, but I remember when you were just talking about growing up and how your parents really wanted you to go to work, they didn't want you to go to school. That the best thing you could do was to go to work. So to see you become a judge must have been really something.

12-00:01:15
Reynoso:

It was, though even then, only my dad was there and he didn't express much of an opinion, though later I heard that he was—he didn't tell me about this; somebody else did—he was honored by a local organization he belonged to. A mutualista, it's called—a mutual help society that many immigrants belong to—and he was honored for being the father of the first Latino supreme court justice, and I am told that tears welled in his eyes. [laughs]

12-00:01:45
LaBerge:

I bet.

12-00:01:47
Reynoso:

There was an element of pride there. Or even my mother. I may have told you when I went to visit her one time when I was in law school, a neighbor came over and she said, "You know, my son is in law school and he is going to be a lawyer." I think that's the first time I noticed sort of a tone of pride in her voice. So, no that was really quite special.

12-00:02:07
LaBerge:

He is going to make a living! [laughter] I bet it was very—and for your brothers and sisters too.

12-00:02:13
Reynoso:

And then we got to work. Being an appellate judge is an amazingly interesting job. By the time I got to the court, we were expected to work on ten cases a month. Judge Janes told me that just a few years before they were working on five cases a month, so it gives you a feeling of the increase, and now they are working on even more than that. That may sound like more than what it is because many of the cases, they were criminal cases where there was an appeal and the result was quite clear. We would actually have the staff study the case, write an opinion, and then it would be assigned to judges. We would review the opinion, make any changes we wanted, review the record, but generally it was very clear. So, on half of the cases, we didn't spend that much time. On an important case you might spend the whole month or a couple of weeks on it, so it varied a great deal but, remember, each judge had ten cases to work on the average. The judge sits with three other judges. That meant we had thirty cases a month to work on. If you figure that out, it's less than a day

a case on the average. But, as I say, those simple cases you might be able to do in two or three hours. So, the work was really daunting. We had meetings once a week to decide writs. And the presiding judge would usually sit there with two other judges on a rotating basis. And because of the composition of the judges there, I ended up dissenting quite a bit. I used to refer to myself as the “not-too-great dissenter,” but I dissented quite a bit. Most cases that went up to the supreme court, not all, agreed with my dissent because philosophically, the court of appeal had a majority of Reagan appointees, and that was not true on the supreme court.

12-00:04:20

LaBerge:

Because, by this time, Rose Bird was the chief justice.

12-00:04:27

Reynoso:

Yes, yes. When we first got there, we had no externs in the court. I asked why we didn't have any, and they said, “Well, we used to have them some years ago, but the practice fell into disuse; I guess we didn't really need them. So,” they said, “we ought to have a meeting about that.” All the judges got together, and we agreed that judges could have externs, but that it would be an option on each judge. Well, I immediately had a whole bunch of externs, and the judges kiddingly would refer to my chamber as the “Reynoso Law School.” But, at that time, we had only one—and I should say really only one partial clerk because the main role of that clerk was to study cases that we were going to hear, and to write a memo on the cases, a “bench memo” as we called it. The reality is that, even though he was your clerk allegedly, he really had a responsibility—or she had a responsibility—for all three judges. So, you were sort of the supervisor for that case. You would discuss the case with him or her—I had a male as a clerk—and then you would have that bench memo.

12-00:05:50

LaBerge:

And did you pick your clerk, or did you inherit?

12-00:05:51

Reynoso:

I picked my clerk. I forget who I was replacing. But, anyway, I picked my own clerk, though I think he was interviewed by the other judges also. Basically I could veto. And I picked my own secretary. I selected one who was there already, so that was my team. Well, when you are writing dissenting and concurring opinions—I also felt that it was the role of a judge to sit back and look at the structure of the common law and the law and try to make sense. I would write concurring opinions from time to time saying, “I've got to decide it this way because that's what the supreme court said, but the opinion of the supreme court, in light of recent developments, doesn't make sense for this and these reasons, and I would suggest that it's time for the supreme court to take another look at this case.” I just viewed my role as a global role.

12-00:06:49

What I have got to tell you, though, is that when I became an appellate judge—now, the only constitutional requirements were that you decide the case and you do it in writing. I think all of the judges met that constitutional requirement, so I am not being particularly critical. But I could count, I thought, in the fingers of one hand, the number of judges who had the same interest that I had in the structure of the law, the history of the law, and I thought it odd that here I had been so concerned and yet—you know, I may be unfair to my fellow judges. We had at that time fifty-six appellate judges, but really from talking to them and reading their opinions, I felt that only about half a dozen had the sort of interest that I had. It reminded me a little bit of Senator [Pete] Domenici, whom I had heard speak when he had first been elected to the Senate many years ago from New Mexico. And he said when he got to the Senate, he looked around and he saw all these great senators—Senator Kennedy and some of those Southern senators who had been there forever—and he thought to himself, “Gee, what am I doing here? A young guy in the Senate with all these great senators.” And after being there six months, and saw how those senators very often didn’t go to committee meetings and so on, he said, “Gee, what are all these people doing here with me?” He was really working hard. I went through a little bit of that, but as I say, there was only one that I thought was a disgrace to the bench. That’s not bad for out of fifty-six.

12-00:08:19

LaBerge:

And this is fifty-six throughout the state.

12-00:08:22

Reynoso:

Throughout the state. Yes, throughout the state.

12-00:08:25

LaBerge:

Do you want to say who that was or not?

12-00:08:27

Reynoso:

No. Anyway, that was my impression. I had to work very hard. Cases, sometimes, were difficult to decide, and sometimes the presiding judge would get unhappy with me because I would take a little bit too long to decide. There was a case, for example, in which there was a Spanish-speaking defendant, and there was a tape. And we didn’t have his tape where he allegedly confessed, and the record seemed unclear whether he had confessed or not, so I asked for the tape. The superior court then had to send it to me so I could listen to it, and that delayed deciding that case a while.

12-00:09:13

LaBerge:

Was there a time limit the way there is in the supreme court of the ninety-day rule or—?

12-00:09:15

Reynoso:

There was not at that time; that came later. There has always been a—I guess it is statutory rather than constitutional—provision that opinions are to be

decided within ninety days. The supreme court had simply decided not to consider a case submitted until they said it was submitted. And so the court really could take as long as they wanted to take to decide cases, but we would get, I think, monthly reports on how long we had had a case and so forth, so there was a lot of pressure actually to move the cases, even though we didn't have it at that time, the ninety day rule. And, obviously, in terms of justice to the litigants, we wanted to decide them as quickly as possible. What's interesting is we dealt with criminal cases, civil cases, all kinds of cases. So, it was a great job and I very much enjoyed it, and I was there for five and a half years. What other questions do you have about the court of appeals? The supreme court is quite a different story. Do you want to go into the supreme court?

12-00:10:21

LaBerge:

Do you want to start, or save that till the next time?

12-00:10:25

Reynoso:

No, we can start. We have got fifteen minutes.

12-00:10:27

LaBerge:

Okay, so you were on the court of appeals. How did you get appointed to the supreme court and what was that story?

12-00:10:34

Reynoso:

Well, what happened was—

12-00:10:36

LaBerge:

Also, Jerry Brown.

12-00:10:37

Reynoso:

Also Jerry Brown. There were speculations that if Jerry Brown had an opening to the supreme court, I would be the first person appointed because very often that's what governors do. And, in fact, my former partner from El Centro, was so excited he sent me an article that appeared in a magazine, saying what chance people had of getting to the supreme court. And I had at least a 50-50 chance. I was on the way to the supreme court, and by golly, then an opening came up, very early on, and that was the opening for Rose Bird. And there were predictions that I would be appointed as chief justice also. In fact, one time, I was at the supreme court for some type of meeting and I was in a line, I think to get into the chambers or something. I heard these two people in front of me talking about who would be the next supreme court justice, and they were all convinced that I would be it. So, it is sort of interesting. Then, a second opening comes up, and people say, "Obviously Reynoso is going to be one of those two appointments." Well, he appointed two people, not Reynoso. To the chief justice and the associate justiceship. Most governors don't get to appoint many people. By coincidence, a third appointment came up, and they said, "Ah ha, now must be that Reynoso is going to be appointed." A non-Reynoso got appointed. A fourth appointment

opportunity came up. They said, "Surely now!" Nothing. Finally, his fifth appointment I think, and finally he appointed me.

12-00:12:06

LaBerge: And who were you replacing?

12-00:12:08

Reynoso: I was replacing [Mathew] Tobriner. And it was such a wonderful thing for me to replace Tobriner, the judge on the bench that I most admired. I got a letter from Ralph Abascal, I think I showed it to you.

12-00:12:20

LaBerge: You did show it to me.

12-00:12:21

Reynoso: And I have framed it since you were here.

12-00:12:26

LaBerge: Oh, you did show it to me.

12-00:12:28

Reynoso: And I am going to put it up on this wall, because it was just wonderful for me to replace him. At that time—no longer, since the court has been redone—there was a plate on the chambers, outside the chamber door saying who had been at those chambers and Tobriner had been the judge preceding me, so it was a wonderful—that element of it was quite wonderful.

12-00:12:51

LaBerge: I must say for the tape, this is a letter that Ralph Abascal wrote to Mrs. Tobriner.

12-00:12:58

Reynoso: Yes, and sent a copy to me. On the occasion of my going to a reception as a new justice, and he is talking about the coincidence of his coming to Sacramento to argue a case that Tobriner later wrote. His suggestion that this was like one justice passing the torch to another. So it is a beautiful letter. When I was appointed, I got a call from the appointment secretary saying, "The governor would like to see you." And I went over to the governor's office, and then somebody took me to a very small office, and there were about six people, including later Governor Davis and others. And the governor said, "Cruz," he said, "I am going to appoint you to the supreme court." And he says, "We need to have a press conference tomorrow. And don't tell anybody until we have the press conference."

12-00:14:07

LaBerge: Well, you had enough time to think about this, because you kept thinking that maybe it was going to—

12-00:14:08
Reynoso:

Oh yes, there was no question. Actually, by that time, I had sat with the supreme court two or three times on assignment, so I understood their role and how they did their work and all that. It was not going to be that new to me. No, I was prepared to accept if it were offered, so that was not a question for me. So that's the way it happened, just very quickly. And the coincidence, again, of a governor having that many appointments. Why he hadn't appointed me earlier, I don't know, though a discussion that I had with him, which I dismissed at that time, but it turned out to be prophetic, may have been a reason. He said, "Cruz," he says, "I am going to appoint you to the court; it's up to you to keep that job." I dismissed it because at that time, those weren't issues. Later they turned out to be an issue. Maybe he already saw darkened clouds on the horizon, I don't know, but that was—mostly it was a very nice affirmative talk. But I remember that he did mention that. Then we had a press conference the next day.

12-00:15:18

The big political issue already was the death penalty. They said, "Justice Reynoso, are you opposed to the death penalty?" And I told them, no, I was not morally opposed to it. I had a friend, actually, Mario Obledo who was morally opposed to the death penalty, and he said if he were ever offered an appointment to the supreme court—which he could not because he wasn't a lawyer in California, he was a Texas lawyer; but assuming that he had been a California lawyer—he would not accept because he was morally opposed to the death penalty. I see a lot of problems with the death penalty, procedural and others, but I have never been morally opposed to it. So that's what I said. They asked about some other issues, but that was the main thing that they were concerned about because already the death penalty was a big issue with many people having been attacking the chief justice for several years on that and some other issues.

12-00:16:09
LaBerge:

And they had already had the Commission on Judicial Performance hearings before you were appointed. After the Tanner decision and the chief justice asked for—?

12-00:16:25
Reynoso:

Oh yes, yes. In fact, I believe that the chair of that had been my friend Judge Janes. He had actually postponed his retirement because he viewed that as an important public position for him to have, but they in fact turned out to be a disaster the way the hearings went. But, yes, those hearings had taken place, and I felt that practically all of the attacks on the chief justice were unfounded. I still remember two, then state senators, one now present Congressman, [John T.] Doolittle held a press conference at the time, on the site where a murder had taken place, and the court had just overturned, I guess the death penalty on that case. And they always spoke about the supreme court putting murderers out on the street. In fact, they knew that in death penalty, the only portion that normally the court was overturning was the imposition of death

because the Briggs initiative, which became the law in California, violated the U.S. Supreme Court rulings. When you reverse, the person was still convicted of the murder and still had to serve at least the sentence, which was life without possibility of parole. So they knew that they were being untruthful—to put it mildly.

12-00:17:53

But then, what I want to tell you is that either on that or another occasion, Doolittle produced a list of cases that they said showed why the chief justice was exactly the wrong person to be in that position. The list included cases decided before the chief justice had been appointed. The reporter said, “Why are you including those cases?” And he said, “Because she is a symbol of what’s wrong with the supreme court. So it is perfectly proper for us to point to those cases even before she got to the bench.” That was the quality of the attack on the chief justice. It was just very unfortunate. Then, though even Doolittle and others had not really been able to muster the political support for their attacks on the chief justice until the then attorney general, later Governor Deukmejian took up the call. And then, when the chief enforcement officer of the state—the governor—starts attacking the chief justice, the people, I think, naturally will listen. And when the Democratic leadership, out of the normal political aversion to anything that might cause problems to them, didn’t come to her defense, the people of the state simply heard time and time again, repeated over and over again that the chief justice was not following the law of the state. What was the public to believe when all they heard—and they didn’t hear an answer from those who were in a position to know. In some ways I have never found it in my heart to blame the people of the state of California for voting not to return her—and then I was included and Justice [Joseph] Grodin was included and they didn’t return us. But in some ways I really couldn’t blame the people. I used to tell people, “If I believed what these folk are saying that I am not obeying the law, I would vote against me.” It happened not to be true, but the people, I think, in our political process couldn’t know that. I once called a very close, pretty close friend of mine who was in the legislature and I said, “Gee, why aren’t you and all these others speaking out protecting, one, the independence of the court generally, but Rose Bird specifically.” And I remember, he said, “Oh, Cruz,” he says, “the last thing that the voters of this state want to hear is another politician talking about this issue.” And to prove what a good guy he was, he sent a political contribution to my campaign, but still didn’t speak out. And he came from a safe district, et cetera, et cetera. Just, you know, there was just—I don’t want to be overly pejorative since I am a strong Democrat—but sort of the normal Democratic cowardice [laughs] among our officials it seems to me.

12-00:20:52

But then I was appointed and the press conference went well. Then a committee was formed to celebrate my appointment, and apparently they gathered a lot of money and so on. They gave me a new robe and they had this great big celebration in San Francisco. I was sworn in in this huge auditorium

and it was completely filled, and the judges and the chief justice and I were in the front, and there were tons of people there. Folks spoke, and when the chief justice was about to swear me in, this gentleman whom I knew from Stockton, and I forget his name, but he was very well known in the Latino community. He always wore a little hat that was the type of hat that the park rangers wear. You know, like the old World War I hat, and he had embossed it in some sort of gold substance so it was stiff and he always wore that. People used to refer to him as “el hombre del gorito,” “the man of the little hat.” And all of a sudden, he either stood up—I don’t know what he did, but everything was very quiet as the chief justice, I think, was about to swear me in, and this booming voice came out saying, “Viva Cruz Reynoso.” [laughter] And the audience responded by saying, “¡Que Viva!” The chief justice said, “My goodness, this is the most celebratory swearing in that I have ever attended.” But I still remember that.

12-00:22:29

LaBerge: That is great.

12-00:22:33

Reynoso: And again my dad was there and brothers and sisters, and it was just really an emotional occasion.

12-00:22:40

LaBerge: Oh, I bet. And your kids too?

12-00:22:41

Reynoso: Yes. Oh, the kids were all there. We still have pictures of them with the chief justice, and that sort of thing. And then they had rented a place for us to stay in San Francisco. We did have a little bit of a problem. My family and I don’t drink alcoholic beverages, so we told the committee, we really don’t want alcoholic beverages served at this big ceremony. They said, “What, no alcoholic beverages?” but I think finally they were convinced, particularly I think when they checked it out and found out how much money they would be saving. [laughs]

12-00:23:13

LaBerge: Right.

12-00:23:13

Reynoso: They even put on the invitation, “No alcoholic beverages at the request of Justice Reynoso.” They didn’t want to take the blame for it. [laughter] But, it was really a grand occasion.

12-00:23:27

LaBerge: Did you have to move down to San Francisco?

12-00:23:28

Reynoso: No, by the time I was sworn in—that was really a ceremonial swearing in. I had actually been sworn in privately by the chief justice, the day after I was

appointed. It was just a couple of days after. In fact, I believe it was February 13.

12-00:23:50

LaBerge:

Oh, my gosh. I know wherever I read it, it was February.

12-00:23:52

Reynoso:

Yes, because I think it was the day after my wife's birthday, which is the twelfth, Lincoln's birthday. So I was already at work. I knew the work, and there were a couple of clerks there, who were already with the court, that I hired, and then I hired another clerk who was not with the court, a graduate of this law school, Davis. We had three clerks at that time; later it went to four. And I immediately started working on the cases.

12-00:24:23

But I mentioned to you that the work there was very different than the work in the court of appeal. In the court of appeal, constitutionally, we have to hear and decide—we have to decide all the cases. We had a technique of writing to the lawyers, the presiding justice would write saying, "Hey, we don't think we need an oral argument on this case," and most of them would waive argument. Maybe about half of them. We had to decide constitutionally all of those cases. At the supreme court, as you know, we decided which cases to decide, and I was—though I knew this, I was still taken aback by the reality that at least half my time and the time of all other judges was taken in reading and deciding what cases to take. We would meet on Wednesday morning and we are very imaginative, we used to call it the Wednesday morning conference, and we would go in with a stack of cases literally a couple of feet high, sometimes three feet high, and we would have to go and make a decision on each one of those cases. They do it differently now, but at that time, I would distribute them among my clerks and externs. Then we would get together on Tuesday afternoon and go through all of them—not only mine, but the others—discuss what we wanted to do, hear arguments back and forth on issues that were close and so on. And, of course, you never have any commentary about that. Analysts of the supreme court are always analyzing how many cases they issued, and if they issue a lot of cases they are working hard, and if they don't issue quite as many they are not working hard. False! Judges work very hard. I remember one time after I had left the court, I ran into a supreme court judge sitting in the airport, and this was late at night, he was obviously catching a late flight from Los Angeles to San Francisco. He was waiting for the plane and guess what he was doing.

12-00:26:25

LaBerge:

Reading briefs.

12-00:26:25

Reynoso:

Going over all those briefs. I went up to say hello and I said, "I see you are busy. I know what you are doing." He says, "Yes," he says. It is like a constant stream every week, but the cases you decide determine the

jurisprudential public policy of the state, and that's really the job of the supreme court. Very different, in a way, than the job of an appellate court or a trial court. Then, when we would decide the cases, the chief justice would assign a case to a judge, normally to a judge who had voted to take the case, but there had to be at least four votes out of seven votes to take a case. So, again, the supreme court in California is very different than the Supreme Court in Washington. In Washington it takes four votes to take a case, but five votes to decide it. [knock at door] You can turn it off.

[Interview #8: April 21, 2004]
 [Audio File 13]

13-00:00:03
 LaBerge:

Okay, today is April 21, and this is interview number eight with Professor Cruz Reynoso. Before we started, you were just—you were going to tell me a story that you and your wife do disagree on several things, including Cesar Chavez.

13-00:00:20
 Reynoso:

Well, including some of the current heroes, most current heroes like Martin Luther King and Cesar Chavez. I didn't know Martin Luther King, but I knew Cesar quite well and Dolores Huerta who worked with him. My wife is a very good person, but who looks at things on a very personal basis, and I take a broader view. I think Martin Luther King was a great person for the things he stood for. On the other hand, she concentrates on the apparent reality that he was not faithful to his wife, and she says, "How could a person like that think to be a minister? How could he claim to be speaking for all these good people when he was a disloyal person?" So, I've had a hard time convincing my wife that everybody has strengths and weaknesses and we have to look at the broader issues of whether or not they have done good for society. And for many individual people. I think that Martin Luther King in fact captured the spirit of America in challenging us to do better for ourselves as Americans, for all Americans, and I consider him a great hero in the American scene. My wife still looks at the peccadillos and says, "How could a person be great when he has done these terrible things?"

13-00:01:52

In like manner with Cesar and Dolores, one time we were talking with Dolores, she and I, my wife and I about some publications that had been issued during a strike where the publications published by the UFW [United Farm Workers] were saying some pretty unkind things about growers. My wife or I said something like, "Gee, are you sure about these things?" And Dolores said, "Oh, you know how these things are. We are in the middle of a battle and sometimes we exaggerate things." My wife says, "She's saying that's not true, and they are putting out information that is not true. How could a person do that?" And she has always remembered that the UFW in some circumstances were untruthful and that's not a nice thing. On another occasion, the UFW and we had a disagreement. We and CRLA [California Rural Legal Assistance] had a disagreement. And the newspapers had a wonderful time with it because the UFW picketed the CRLA offices in San Francisco.

13-00:03:00
 LaBerge:

Were you working there then?

13-00:03:03
Reynoso:

Oh yes, I was the director. In fact, I served coffee and doughnuts to the picketers. [laughter] And we talked about it—they were very unhappy because they had heard that one of our lawyers in the Santa Maria office had agreed to help another farm worker group organize as a union. It turned out not to be true, but they were very excited about that because it would mean a competing group speaking for farm workers and all that. All of which I can understand, but my wife still thinks of that unfairness of picketing CRLA. “Here you are working twelve hours a day, twenty hours away, working for the farm workers and the UFW shows up and pickets you. How unfair that is.” So, she remembers those individual things, and I confess that I, on the other hand, think of the more global effect that Cesar had on this country and on Latinos.

13-00:04:04

Because the success, I thought, of his effort was that he combined traditional labor tactics with traditional civil rights tactics to try to bring some changes about. And he was working for those who had never had and still don't have the sort of power and respect that they ought to have from society as a whole. Those were the folk who picked the fruit that feeds all of us. And yet, economically, we still treat them like dirt, frankly, and socially they are still looked down upon, and so on. Yet, these are very important folk, and Cesar Chavez was to elevate their standing in the community—their economic standing, their educational standing and so on. And again, calling on our country, I think to remember that a society is judged by how it treats its lesser citizens—and by lesser, I mean those who have less power and less money—and not its greatest citizens. I mean, when a mayor or a president always comes about everybody kowtows and is nice to them and tells them how great their speeches were and all that sort of thing. That's true whether you have a dictatorship or a communist country or a democracy or whatever. The real test is how do you treat those that don't have that much power because they are simply fellow human beings and they are children of God. And I thought Cesar did great work along those lines.

13-00:05:45

Incidentally, he did change many of his views that many folk don't write about. I had discussions with him before he started organizing farm workers and his idea about organizing farm workers was to do with them what he had done with the Community Service Organization (CSO—because he was a full-time employee of the CSO before he started organizing farm workers. And actually had worked organizing farm workers, and became convinced that he wanted to spend all of his time working with farm workers and not, as the CSO did, working both with the urban poor and the rural poor. That's why he went out, and his idea was that he was in fact going to go back, and he had little faith in folk being able to organize who weren't part of the community. So he told me—and he did it—that he was going to go back and work as a farm worker and so was his wife because all of them would have to work, as happens so often, to be able to feed the family.

13-00:06:47
LaBerge:

Had he not been a farm worker before this?

13-00:06:47
Reynoso:

He had been a farm worker as a young person, I believe. His family was farm workers out of Arizona and then California. So, he knew the work.

13-00:07:01
LaBerge:

As you did.

13-00:07:05
Reynoso:

Sure, sure. And he did that. But his idea was that he would be an organizer as he had been with the CSO. He never conceived of himself as being a leader. And he was always soft-spoken and so on. It's more because his efforts and Dolores' efforts along those lines ended up not working that he became the leader. That is, I chatted with him a few years later about how come he ended up as president of the UFW, and he said, "Well, you know, what happened was that we would have meetings very democratically, and a person would be elected president, but they really didn't provide the sort of leadership that we were hoping, and then further, they would resign after a year or two. And we didn't have the consistency that I knew we needed." So, after two—I forget how long—two or three years of that experimentation, he and Dolores and Gil Padilla and the other people, many of whom had worked or been associated with the CSO, that went to help Cesar, said "You know, this is really not working. We are the ones who have the ideas about how to put—." It was basically—the idea was to have self help organizations. They would set up credit unions, they would set up mutual funeral societies, and all the sort of things for mutual help. And that would bring them strength and then they would be able to do better in society. But their hopes for the type of leadership that would evolve somehow didn't. So, finally they placed themselves as candidates for those leadership positions, and of course the folk who were with them already knew that they had the leadership capacities, so they were voted in and they became the leaders. In some ways they became leaders by default.

13-00:09:06

Then, when the UFW started to become a union, I've read articles that say that Cesar Chavez always wanted to be a labor leader. If that's true, all I can say is that it was at a time when he was thinking differently than when I knew him because when I knew him, he was very suspicious of unions. They could come in, try to organize farm workers, not succeed, leave, and all the farm workers are still there. They would get blackballed. They would suffer. And that's one reason why he wanted consistency and why he wanted self-help. He didn't think third parties could come in from the outside and help the farm workers. So, I think what happened—I never had this discussion with Cesar, but I think what happened—was that after several years of self-help, they saw that even then they still didn't have the power that it would take to truly protect the farm workers as well as they needed to be protected vis-à-vis their

employers, principally. Because they also were involved in registration drives. They encouraged their members to vote and do all of those things that have to do with self-help. Then, when the AFL-CIO organizing committee—headed at that time by Larry Itliong and it was predominantly a Filipino-American group of farm workers—decided to strike, they asked the UFW to join them. My sense is that the UFW had some deep thinking about “Do we shift from self-help to a union?” And they must have concluded that the self-help that they had been involved in was all very good, but they needed to go beyond that to really help the farm workers get to where they needed to be, and decided that maybe it was time to unionize and to go with Larry Itliong. Ironically, the farm workers were far better organized and had greater numbers than the union, than the formal union. So when they got together, they all agreed that Cesar would be the president and Larry would be the vice president, and then it became a labor effort. But that was all evolutionary, and some of the articles I have read seem not to recognize that. Now, maybe the discussions I had with Cesar were—somehow didn’t give me a full picture of what was happening in his mind and the organizational efforts, but that’s the way I saw it. So, it is very different than articles that I have read about what happened.

13-00:11:50

LaBerge:

Well, that’s good then that we have this on tape for people to know this side too.

13-00:11:55

Reynoso:

At least think about that because, you know, I might have gotten a distorted—Cesar when he talked to me, might have been suffering through some frustrations or whatever, and maybe told me things that didn’t truly represent how he generally felt, I don’t know, but all I can tell you is I had a lot of talks with him. Just before he left CSO, he had come down to El Centro and said, “Cruz, we need to talk.” And we went out and had a long discussion to the wee hours talking about it. And he said, “You know, I am going to leave CSO, even though I love it and doing good work and I really like the work that I am doing, but I think that my—that what I really need to do is go out and work with farm workers. And this is what I plan to do,” and so on and so forth.

13-00:12:56

LaBerge:

This is wonderful to have this recorded because even before when we talked about him, we didn’t talk about this part. What we were going to talk about today is more on the supreme court. Last time, we started with the being appointed, with the party, with a little bit about Wednesday conferences, et cetera. So I thought today if you could talk about what you think your most significant cases were.

13-00:13:34

Reynoso:

Well, it’s always hard to tell, but one in which—I will just mention one case because in some ways it was special. I trust that I am not breaching confidences, because I won’t speak of individuals, but what happened was

that we had a—first of all, I should tell you, if I didn't, that supreme court justices spend about half of their time deciding what cases to decide, and there are externs and clerks and they spend a lot of time on that and they never get credit for that. So, a case had come in, *People v. Aguliar*, having to do with the use of interpreters. There had been one interpreter in this criminal case, and the interpreter was then borrowed by the judge to help interpret for the jury and to be a general interpreter for everybody. There was an appeal, arguing that their basic due process had been violated, and the case was assigned—at that time, I understand it's different now, at that time when the petitions came in they would be divided among the judges. The judges would look at it, study it and then prepare a memo recommending that the case be granted or not granted. I forget; only 6 or 7 percent of the cases were granted. It was a very small percentage. So, this case came in, and it was assigned to a judge and the judge wrote a very fine memo saying, "I don't think there is anything new about this case and I don't think we should grant it."

13-00:15:21

But I had had a lot of experience with interpreters, and I knew how difficult it was and how unfair it was to have a defendant sitting next to you, to have a witness be speaking in English and say—most of my clients that spoke another language were Spanish-speaking—have that client be there, not understand what the witness is saying and turning to me and asking over and over again in Spanish, "What's he saying? What's he saying?" The difficulty that I had in continuing to listen to the witness so I could better cross-examine him, but not be able to talk to my client about what had been said to see whether or not the client had a different version that would then help me in a more effective cross examination. And the frustration of the client sitting there, not knowing what the judge is saying, not knowing what the witnesses were saying, et cetera, et cetera. I had read articles and so on on that issue, and in fact, that issue had been faced, even by some other courts. Certainly, writers had written about the due process violation involved in that type of situation. So I asked for a continuance of our deliberations on that and wrote another memo where I argued that in fact it was a very serious issue and we should take the case. Indeed, the court voted to take the case. We had a hearing, and a majority of the judges agreed with me that in fact there was a serious due process consideration, and I wrote an opinion about the use of interpreters—frankly, going way beyond what the briefs said about it. I had my research assistants go and look up articles and so on in the public library as well as the library, and so on, because I consider this an important issue.

13-00:17:31

And then I wrote an opinion, which I understand is still the leading opinion in the use of interpreters. How one has to be conscious of the administration of justice and how it affects—you need at least two interpreters, maybe sometimes even three because you have got the interpreter for the court and for the jury. That interpreter is interpreting what happens off the witness stand. That's completely different than the right, due process right that the

defendant—if the defendant doesn't understand what's going on, understand what's going on. That person should be right next to the defendant to be interpreting what's happening, so then the witness or the defendant, the client, can help the lawyer be more effective. And then it may be that there is more than one defendant. It may be that for other reasons, you want to have everybody in the trial know what's going on. That was the basis for the opinion, and fortunately a majority of judges agreed with me. And I think that was an addition to the administration of justice in this state.

13-00:18:44

LaBerge: Do you know the name of the case?

13-00:18:42

Reynoso: You know, I hate to tell you, I have often lectured on it, but I forgot the case right now.

13-00:18:49

LaBerge: I read something about it, and it didn't name it so I will see if I can find it.

13-00:18:56

Reynoso: I think that's an example of the strength of having a supreme court with individuals with many different backgrounds. We had in our court, a former attorney general. We had in our court at one time, a person who had been a rancher. We had in our court, a person who, like me, had been a small-town lawyer and then a bigger-town lawyer. We had, with me, a person who had been a legal services lawyer. We had a judge who had done, as a private attorney, mostly work with large law firms in corporate and insurance matters. Just a combination of folk that—I think there is wisdom in having folk with different backgrounds be on the court.

13-00:19:43

LaBerge: I know just from interviewing Peter Belton, that his experience with a disability influenced Justice [Stanley] Mosk, and there was a case about—now I can't remember exactly what—but the defendant was disabled. And that really informed how they looked at that case in a different way.

13-00:20:10

Reynoso: You know, in the Wednesday conferences that I mentioned, when we were talking about which cases to take, judges would often refer to their personal experiences and say—or something they had read, not in a legal periodical, and say, “Yeah, you know, I have read that this is a real issue and I hear it has become even more important, so don't our courts need some guidance in that area of the law?” Personal experiences in terms of disability and so on become very important. There's a problem in a democracy that I think—well, let me start over again. In a democracy, I think one of the most important roles of a court is to make sure that everybody is treated fairly with equality and procedurally with due process. Everybody gets a fair shake. The problem—one of the problems we have in a democracy, at least a democracy like ours, is that a majority rules. It means that minorities can very often be ignored. I am

not just talking about racial or ethnic minorities. It means anybody who has experiences that are not shared by the vast majority. Let me give you several examples.

13-00:21:39

Few people have relatives, relatively few have relatives who have immigrated to this country, so they don't run into the problems that folk who have immigrated to this country and aren't yet citizens will have very often. I often cite the experience of my dad who thought—it turned out that he hadn't—he'd lost his identification card as an immigrant. He went to get a replacement, and here he is in his late seventies and had to stand in line all day long. Got there like at seven in the morning. Like at four in the afternoon, the officials came out and said, "Sorry that's as many people as we can serve." Did I tell you about this?

13-00:22:11

LaBerge:

No.

13-00:22:15

Reynoso:

Then he goes there the second day, gets there at like four in the morning, stays in line all day long. Hot sun in Los Angeles. About three in the afternoon somebody comes and says, "Sorry that's as many people as we are taking." If that were happening to citizens, to a lot of citizens, on a different issue, say getting your drivers license, would we ever put up with that? Absolutely not.

13-00:22:37

LaBerge:

Never, never.

13-00:22:40

Reynoso:

And my dad said, "You know, if they want to—I am an old man; they can deport me if they want to. I am not going to go back there." Then my brother called me and said, "Hey, we have got a problem. Look what happened to dad." He said, "You've got to help him." I said, "Okay." So I called a lawyer I know in Los Angeles who did nothing but immigration work, and I said "Lawyer," this is a person I knew very well, "my dad has this problem. Is it solvable?" She says, "No problem." She says, "The office"—and this is how clever folk in power can be—"the local office has one day out of the week they call 'lawyers day.' And on that day, we lawyers walk in with our clients and they take care of the issues immediately." What a clever way of a governmental agency to get rid of anybody who has got any power, any money, any influence, right? So she says, "Have your dad come by and I will take him with me next Wednesday." Sure enough, my dad went by, they went in—you know it takes two minutes to fill out a form. They fill out the form and it was done. And I thought, one, a democracy that understood, if we all understood those issues, we would never put up with it. The reason we put up with it and the reason the INS [Immigration and Naturalization Service] in those days didn't get any money and all that is that most of us just didn't know that. That's the type of person who ought to be able to go to court and

challenge that type of activity that affects only them and not a whole lot of other people.

13-00:24:12

Let me give you another example. At the U.S. Commission on Civil Rights, I can't tell you how many hearings we have had that in one way or another deal with the administration of justice. Okay, we had hearings in Santa Rosa one day—actually, by the state advisory committee, and a couple of us commissioners were there. The chief of police told us with great pride they run surveys in the community, and their last survey showed that 85 percent of the people in Santa Rosa approved of the police department and how they did. In fact, they got a lot of very positive feedback and so on. I think that's wonderful that they—I mean, you don't often—police, 85 percent. There is only one problem: it's the role of the police to represent 100 percent of the people well, not just 85 percent. Yet, we had so many people and organizational representatives at that hearing that the hearing room couldn't hold them and they had to set up loudspeakers in the foyer of that big building for the overflow crowd of people who came to complain about police malpractices.

13-00:25:22

What went awry? What went awry was that there was a substantial minority that felt they were not being well treated by the police, but meanwhile we had tons, seemingly, of city council women and men coming forward saying, "I support the police department in our community." This was a hearing not just about Santa Rosa, but about the whole county. "In our community, this community, or that, the police are great. They put their lives on the line, et cetera, et cetera." They get elected by a majority of people. It was to their best political interest to say, "What a great institution we have," and so on. Who was there to look out for the 15 percent? Nobody but a group of civil rights organizations that worry about those things, or courts when those issues are brought up. Democracy seems to be incapable of responding to that. I will just editorialize: one of the greatest sins of the U.S. Supreme Court is that for the last twenty or thirty years it's forgotten or never learned that role, as I see, a role of a court in our type of democracy. We just see that over and over again. When you talk about the disabled, only a certain number of them either are disabled or have relatives and others who understand the problems of disabled. My wife, for a while, had a hurt leg and couldn't get around, so we bought her a three-wheel scooter, and she got around very well in that. She told me that most of the restrooms that are now retrofitted for disabled, for wheelchairs, didn't work. She had a very small little scooter, and she said even that scooter wouldn't easily maneuver into some of those restrooms and so on. I confess that I always feel good when I see that a sidewalk or something else has been made, has been retrofitted so the disabled can use it, because I tell myself—

13-00:27:33

LaBerge:

Yes, those curb cuts.

13-00:27:33
Reynoso:

—on this occasion, a majority of Americans recognized the problems of a minority of Americans and have said to themselves, “We want them to have as good a life as possible. Approximating the life that we have.” And I think that’s a great thing to say for our country. On the other hand, apparently we haven’t done it perfectly, because my wife said—and incidentally, I became very aware of ramps that they have to go onto, of when they couldn’t get there or when they could. Even a modern building in Sacramento, I discovered, was not properly retrofitted. I say “properly”—I was not sufficiently conscious to look out for all the signs where they say “Disabled here.” For example, one time we parked in the parking lot, we went to the elevator and there was no way to get—the elevator took us to another level. We got off at that level, and there was no way to get to the other elevator. So I thought, “Ah! They are violating the law.” But, in fact, I noticed later that they had parking at the lower levels, not at the higher levels. So I am sure that they are obeying the law, but I wasn’t conscious enough. You have got to be very conscious of many different sort of things when you are dealing with a disabled person. Fortunately, it turned out to be apparently a temporary disability with her. We were afraid that it might be permanent, but I became very conscious. But if my wife hadn’t been in that situation, I wouldn’t have had that consciousness.

13-00:29:07

Well, that individual case can come to a court, and the court may be—you know, judges—a lawyer—we always talk about how, as a lawyer, you have got to become an expert on the issues in that case, and that case might deal with the manufacturing of sulfur and you become an expert on the manufacturing of sulfur. It may deal with deep sea diving and you become an expert. Well, judges are the same thing, and they will then get to see how the disabled may suffer in a certain way and ask the question: is due process being met here? Do we really have equal protection, and so on? When politically, more often than not, we can’t do that or don’t do it. Now, from time to time we do. We did it with the Civil Rights Act, we did it with the Voting Rights Act, we did it with the Americans for Disability Act, and very often, when democracy is working at its best, we do it. But very often, we don’t.

13-00:30:13
LaBerge:

What would make the supreme court step up to that? You mentioned that the supreme court has been not paying attention. Would it be different people, having it more diverse or—?

13-00:30:24
Reynoso:

I think it would be different people with different ideas. That is, people like [William] Brennan and [Earl] Warren that in some way accepted the notion of that role of the court. I don’t mean to be disparaging of the California Supreme Court, but I think it’s fair to say that traditionally the California Supreme Court, up until the time of Rose Bird, had been very conscious of that responsibility on the part of a supreme court. So, I think it takes judges who think differently and those who appoint them who think differently. For

example, the U.S. Supreme Court now is so respectful of—well, not in the Florida case, but more often than not—so respectful of the power of government and the power of a majority, speaking of that as being “democratic.” For example, even on the argument of the Pledge of Allegiance, I understand from reading, that [Chief Justice William] Rehnquist asked the gentleman—the lawyer-doctor who was arguing the case—in this fashion: “Well, when there was a change in the flag, how many Congress people voted against that change?” The lawyer-doctor answered correctly, “None.” Then Rehnquist said, “Well see, that doesn’t sound to me like much of a difference in opinion in this country.” Then he responded, “That’s because people who are atheist can’t be elected to Congress.” That’s clearly true. We have very few atheists percentage-wise. Does that mean that atheists aren’t entitled to equal protection in this country? Of course not. Query whether that’s involved in this case, but all I am saying is that it is so easy with a certain mentality to think that Congress actually represents most of the people. Well, they don’t. They represent people who, in a majority in their district, voted for them.

13-00:32:42

In fact, I remember one time, a friend of mine who was the head of an organization was very unhappy with what the governor of California had done. He wrote a letter to the governor and pointed out how, in light of the total number of eligible voters, only a certain number are citizens. And of those, only a certain number have registered to vote. And of those, only a certain number voted. And of those, only a certain number voted for him. If I remember correctly, 12 percent of all of the adults voted for that governor. He was pointing out that he wasn’t really representing all of the people, and yet once being a governor, he had the duty to represent the interests of all of the people. Well, it’s tough for a politician to represent more than the folk who just voted for them. I remember one time, Governor Deukmejian was asked whether he was going to look out after the interests of the farm workers. And his answer was, “Did the UFW endorse me for governor?” The answer was no. Sort of a realistic response saying, “I have a duty as a politician to respond to those who have elected me.” But of course as governor, not as politician, you have the duty to represent everybody. But it is very difficult in our type of democracy, and the court—which is basically a non-majoritarian institution—has the duty to then represent, if you will, constitutionally the interest of all those folk who didn’t vote for the governor, who didn’t vote for our president, who didn’t vote for those Congress people. How each case will come out is a different matter. All I am saying is that there is that responsibility. I am not sure that the current U.S. Supreme Court understands that, frankly. I am not sure they agree with me. They may have a completely different view. That’s my view of one of the important roles of a supreme court in a democracy.

13-00:34:42

I will give you one example of the California Supreme Court clearly looking at it that way. We had a governor, by the name of Reagan, who had his own views about government. There had been a long tradition that there would be

representatives of business and labor on the Workers' Compensation Appeals Board. He disagreed with that, and he appointed mostly business people to the board. Then the board started issuing rulings that were pro-business. The statute—there was a specific statute that said that if the issue was gray, the commission was to rule in favor of the worker. The California Supreme Court, like all supreme courts, pays a great deal of deference to decisions by an administrative agency, and had upheld, up until a certain time, many, many of the rulings of the Workers' Compensation Commission. But I still remember when a ruling came down where the court said, "It's true that we are supposed to pay attention to the rulings and we will normally be deferential. However," they said, "we are also duty bound to look at the"—they used this term "the four corners of the opinion." By which they meant, "We are going to look a lot more carefully at it." And they reversed a case where it could have gone either way, but clearly they had not ruled in favor of the worker when they clearly could have. So the supreme court sort of stepped in when it saw that democracy was not working in that situation. And I admired the court for that. Others would criticize it for it. To a certain extent, democracy had broken down there it seems to me.

13-00:36:39

LaBerge:

This was before you were on the court?

13-00:36:41

Reynoso:

Oh yes, way before. Yes.

13-00:36:43

LaBerge:

Yes, because Jerry Brown—well, it was Jerry Brown and then Deukmejian.

13-00:36:49

Reynoso:

Right, right. And this is during Ronald Reagan's term.

13-00:36:56

LaBerge:

As far as when you were on the court, and you mentioned that until the time of Rose Bird, that was the way the California Supreme Court—

13-00:37:01

Reynoso:

In my view—and I don't want to say it's not that way now; I don't want to speak to that—I am just saying that I know that up to that time it was. The court, at that time, had not changed for about fifty years. And during that time it had gotten a national reputation for being protective of consumer rights, of the environment, of little people, in a way. And that comported very much with my own way of thinking. When I was on the Court of Appeal, I think that I may have mentioned to you that I referred to myself sometimes as the "not-so-great dissenter." But probably thirteen or fourteen of my cases that were appealed to the California Supreme Court were affirmed by the supreme court. That is, I was in tune with the way of thinking of the supreme court. So when I got to the supreme court, I happily ended up agreeing most of the time with the judgements of the supreme court.

13-00:38:17

I should perhaps tell you about one case where I disagreed with the supreme court. Here's what happened. There was a property owner in a commercial area. There were two empty lots and one property owner then built a building for the storage of materiel and so on, some sort of warehouse. And trucks would come and take things. They had built in such a way that the trucks couldn't go in and out too well, so they would trespass upon the neighbor's land. They did that for several years. The neighbor complained about it. They even built a little mound to keep the trucks from going onto that land; the trucks went over the mound. Eventually, the second owner built their own building. Then the first owner said, "Hey, we've got a prescriptive right over that land." Did I tell you about this case?

13-00:39:20

LaBerge:

No, no.

13-00:39:22

Reynoso:

To me it's an interesting case. And based on the opinions on prescriptive rights, they were right. They had used it for over the prescribed number of years and if you have a prescriptive right, you are basically the owner. The case had gone to court and the trial court said, "Hey, they are right, they have a prescriptive right." And, if I remember correctly, ordered the owner of the second building to tear down the building. I mean, quite drastic. Presumably, they also had the option of selling it by settlement. But said, "Hey, you've encroached on land that these people now own by a prescriptive right." It went to the Court of Appeal and it ended up before a very conservative panel. And the conservative panel overturned the opinion and said, "Look, we agree there was a prescriptive right, but here what you really have is a private taking of property. And under those circumstances, in equity"—because there is a concept of equitable laws which basically give the judges a lot of authority to make sure that the case is decided fairly, and the appellate judges said, "At least the fair thing to do here is to have the owner that took the prescriptive ownership at least pay the other owner for it." Because the irony of common law was that one minute you are a trespasser and a criminal; the next minute you are the owner. I have always thought that to be very strange.

13-00:40:58

LaBerge:

Me too.

13-00:41:02

Reynoso:

It made sense in rural England several hundreds of years ago when they were trying to encourage people to use the land well and to use all of the land. Nowadays, in crowded California, we do well to discourage people from doing that. The case came to us and we accepted the case because the Court of Appeal had changed 100 years of law. We had to either agree with them or not agree with them. So, I agreed that we should have taken the case. We took the case and we heard the case, and a great majority of the judges said, "The Court of Appeal is clearly wrong, and if we don't change it, that's going to be

the law of the land”—because the trial court judges are supposed to follow appellate precedent—“so we have got to write an opinion saying they’re wrong.” And a judge wrote a very fine opinion saying, “Well, it’s true it’s an equitable case, but the state of California took all of the then existing law and adopted it to California and then codified it. And they codified the rules of equity. Therefore, if there is going to be a change in the law, it ought to be done by the legislature.” Okay? Perfectly proper thinking, but it didn’t agree with my way of thinking. The thing was so patently wrong. It was just unfair. So I did a lot of reading. I had sort of fun.

13-00:42:24

LaBerge:

I can tell by your—

13-00:42:31

Reynoso:

I remember, at that time I was commuting to San Francisco, catching a van that left Sacramento at five in the morning. It was a very good van because it had good reading light like airplanes. So I was going through all these books written hundreds of years ago. How does a judge decide what fairness is? And the teachings of those writings and those cases went something like this: “You don’t just depend on your own notion of fairness. What you do is try to perceive of what the community notion of fairness is.” I had absolutely—now, a judge is not supposed to talk to non-lawyers and people outside of your own circle to answer a question.

13-00:43:13

LaBerge:

On this case.

13-00:43:12

Reynoso:

To answer a question on this case. I didn’t really ask anybody at that time about it, but it was my perception that anybody would agree that it was terribly unfair. And I argued in a dissent that it is true that California had codified the rules of equity, but the rules of equity going back hundreds of years said that the judges had to look at fairness. And when California codified that rule, it also codified the basic notions of equity that you look at fairness. And I thought that the appellate court judges had put down the very basic notion of fairness. At least pay for it. Not to talk about the fact that these guys were bad guys. They knew they weren’t supposed to be trespassing. There was even a mound built and all that. They shouldn’t have even been trespassing, from my point of view. But the least—if we are going to have a prescriptive right, the least they ought to do is pay for that property. So that was my dissent. One of the judges, I guess, felt sorry for me because at the Court of Appeal level, if you dissent, you are one of three. You have 33 percent of the vote. That’s pretty respectable. At the supreme court level, if you are one dissenter, you are one of seven and it makes you look a little bit kooky, you know. Everybody disagrees with you. So one of the judges, I think, felt sorry for me and wrote a concurring opinion saying, “I agree with the majority, but I really want to comment on how well reasoned and so on the

dissent is.” So it turned out to be a five to two opinion, right, though it really was a six to one opinion.

13-00:44:46

But I just felt we really missed the boat there. Sure the legislature can pass it, but tradition and the law of equity said we as judges had that duty. And how we could look at something so unfair—now I should tell you, after the case was decided and published I asked tons of people. I gave them this scenario and I said, “What do you think is fair?” And they said, “You should have put those trespassers in jail. What are they doing? Of course it’s fair to have them at least pay for the property.” I didn’t talk to one citizen or resident that wasn’t a lawyer who didn’t agree with my dissent. To me, to this day it’s absolutely clear. And incidentally, we—judges issue opinions saying very often—we didn’t on this case, but very often we say—maybe I did in my dissent—“the legislature ought to look at this issue again.” More often than not the legislature doesn’t. They have very often bigger fish to fry, and this is just dealing with a small aspect of our community life. So there’s a time when I dissented, even though I normally agreed with the majority, but I just thought they were dead wrong. And here I was agreeing with this very conservative panel who looked at property rights and all that, but I think they were right. So anyway, at least those are two cases that I remember well.

13-00:46:04

LaBerge:

Now, since then, haven’t you taught Equity? Isn’t that one of your—?

13-00:46:06

Reynoso:

Oh yes. I am teaching Equity right now.

13-00:46:06

LaBerge:

That’s one of your specialties.

13-00:46:08

Reynoso:

Absolutely, yes. I was asked to say a few words about Justice [Frank] Newman when he died, and one of the things I mentioned was that he was my Equity professor at Boalt Hall. And then I built that into my talk saying that in fact he always did worry about justice and fairness. But I learned all about equity from Frank Newman and now I am teaching equity as part of the Remedies class. We used to have a class just called “Equity.” Now, it is part of a class called “Remedies.” But equity is one of the important remedies, and that case dealt with the issue of what’s the remedy in this situation. I am getting excited.

13-00:46:52

LaBerge:

I can tell.

13-00:46:56

Reynoso:

I kept my class an extra five minutes. I didn’t pay attention to the time this morning because I had gotten excited about an issue we were talking about.

- 13-00:47:00
LaBerge: Was this on equity?
- 13-00:47:04
Reynoso: No, this was actually on ethics, legal ethics.
- 13-00:47:04
LaBerge: Oh, I would love—I should sometime come, and if you wouldn't mind, sitting in on one of your classes.
- 13-00:47:10
Reynoso: Oh, happy to have you any time.
- 13-00:47:11
LaBerge: Now, speaking of time, how much time do you have today?
- 13-00:47:17
Reynoso: I actually have till noon.
- 13-00:47:21
LaBerge: Oh great. Okay. Let's talk more about the court and the others on the court. We invited Rose Bird to do an oral history, but she never wanted to. So we don't have her philosophy or her words on how she decided things. Before you even were on the court, what was your take on the fact that Jerry Brown appointed her, and then, what kind of a job she was doing?
- 13-00:47:54
Reynoso: Well, I may have told you about my own long tenure in getting to the supreme court. Did I not mention that to you?
- 13-00:48:04
LaBerge: Yes. The various calls back and forth?
- 13-00:48:07
Reynoso: No, no. The various people who got appointed to the supreme court before I did.
- 13-00:48:08
LaBerge: Oh yes. You were the fifth choice.
- 13-00:48:07
Reynoso: Right. There had been the position by many that I would be the first appointee, and of course I wasn't. Rose Bird and Wiley Manuel were. I didn't know Rose Bird. I didn't know anything about her. I was impressed with the work she had done with the governor. I was impressed that she had been the first female cabinet member. I had been impressed by her background as a lawyer, and she clearly was a very bright person. When she got to be supreme court justice then, I agreed with practically everything she did. But she was breaking traditions and that's always a little bit dangerous. For example, in California, unlike the U.S. Supreme Court, if a judge recuses himself, the chief justice has the authority to name other judges to the supreme court—to

sit with the supreme court. There had been a tradition, ever since I could remember and knew about, that invariably an appellate judge, very often a presiding judge—sort of going by pecking order—would be named to the Cal supreme court to sit with the judges. She started naming trial court judges from time to time also, and I think there was sort of a sense on appellate judges of, “Gee, who does she think she is? There is the tradition that we get named to the supreme court. Now she is naming all these other judges.” So she started breaking traditions.

13-00:49:44

Secondly, Jerry Brown had already broken two traditions by appointing her, maybe three. One, he had appointed a very young person. Two, he had appointed a person without judicial experience. Three, he had appointed a woman. And there had been many predictions that Stanley Mosk would be named chief justice because he had been named by a Democrat—his father—because he had been there a long time and so on. And he was not named. So there was sort of a sense by many of the senior judges, and not just on the supreme court but on the appellate court also, of—“betrayal” is too strong a term, but of not being respectful of their important status in society. I shouldn’t say that. Their status in society. There you started to see some of the things—I thought it was a good idea, incidentally, but I could understand sort of this nervousness on the part of some of the judges. Then she had a philosophy of judging that is not uncommon, and to be respected, and some present judges have the same philosophy. Mine was a little bit different. I viewed the supreme court as having the duty to set the jurisprudence of the state. Therefore, I believed that having a fair ruling by the supreme court was important. I lamented, for example, many of the rulings that had been coming down from the U.S. Supreme Court where there were like four of five opinions and one opinion would say, “I agree with section one and three of the opinion, but disagree with sections two and four,” et cetera, et cetera. It was an unclear ruling.

13-00:51:38

The chief justice, apparently—I never had this discussion with her but I have to assume, and from some of her speeches and so on, I think it is pretty fair to say that she felt very strongly that a judge has an independent, individual responsibility to express his or her views on constitutionality, on the various issues that came before the court, because the issues are important and you have been appointed there as an individual. My filing a one-person dissent, for example, for me was quite rare. And I thought that if you were going to sign a dissent, you had to have pretty strong feelings about it. She often wrote separately—would write dissents, or write concurring opinions, and so on. Now, interestingly, at the Court of Appeal level, I felt it was my duty to file dissents and concurring opinions if I didn’t agree. I would sign dissents because I didn’t agree, or I would sign concurring opinions because sometimes a concurring opinion in summary would say, “I agree that the majority has done what the supreme court said needed to be done; I disagree

with the supreme court for these reasons, and I think the supreme court ought to take a second look at it.” I felt that was my duty in the appellate court. At the supreme court level, I didn’t feel any compunction to write concurring opinions because I was more interested in having there be clarity of ruling. So, I would sometimes suppress my own feelings about a matter to make sure—to fit within that philosophy. I think the chief justice had a different view, and therefore, she started to be viewed by some as being in some ways too individualistic. So, that all had a sad and cumulative effect, where she was unable to garner—even from the judiciary and sometimes from the Bar—the sort of support that a chief justice had traditionally had in California.

13-00:53:41

But in terms of the things that she did, they were admirable practically in an extreme. I will just give you an example. A judge cannot use public materials for personal use. On the other hand, a judge is in a difficult situation. A judge is a full-time judge, they have a secretary, and at that time a typewriter and then later a word processor, but normally you don’t have all that at home and so on, so if you are going to write a personal letter, how do you do it? By tradition, though you are not supposed to—in a technical sense you are not supposed to use it, everybody understood that so long as you don’t abuse it, it’s fine. One item came up that I think really ticked off judges. Public funds, again, are not supposed to be used for private purposes. It had always been assumed that paying dues to the judges association—then it had a different name—was proper use of public funds. So the court would always pay the dues to the association, and the association would have programs on what judges should do, and all of that. It was an educational effort also. Rose Bird decided that that was a private organization, and it was because it also lobbied Sacramento for higher wages and all that. She decided that it was really a private organization—and one can certainly see that—and decided, if I remember correctly, that it was not proper for the courts to pay that. Well, that hurt the judges in two ways; monetarily, but I think they also thought that it somewhat demeaned the importance of their organization. There were a lot of little things that accumulated in that way. Another judge and I used to kid about the fact that there was a fax machine—no not a fax machine, a copy machine.

13-00:55:40

LaBerge:

That’s one of the things that most people do use.

13-00:55:39

Reynoso:

Did I mention this?

13-00:55:41

LaBerge:

No.

13-00:55:41

Reynoso:

He and I would kid sometimes if we were copying a newspaper article or a private letter. We would say, “Gee, I wonder if we should figure that this is

1/1000th of the cost of this and we should reimburse the court.” Of course, we never did because we followed that tradition, but Rose Bird was so conscious of her responsibilities that in some ways she was practically overly conscious and she worried about those things. “Are we really properly using public resources for private purposes?” And she was, of course, very fruitful in protecting the public. But that in turn, I think, turned off some people who thought that she was too—well, in fact one of the much mentioned matters was that the supreme court used to have a limo that would carry the judges around, and one of the first things she did was to sell the limo. And judges now simply had cars in the pool. Indeed, near the end—she started ameliorating that idea, I think, because the last couple of years, she actually authorized the judges to have cars issued by the state for their use. And she understood that some of it would invariably be used, at least a little bit, for private purposes. We actually had cars assigned to us the last year or two that I was on the court. Maybe she started changing her mind about some of those things. Obviously, it was a convenience to have a car and it saved time and then saved the taxpayers and all that. But I think some of those little things went against the grain of how judges had done work before.

13-00:57:52

I think all of those matters—one lawyer told me this story. He had called the chief justice to see if she would perform a wedding. And, in fact, she did perform weddings; I attended some of them. But on that occasion, her assistant told them that she was too busy. And after all, she is chief justice, she has these big things to worry about. Anyway, he was completely turned off by that phone call, and I don’t know whether the assistant was doing that on his or her own or whether they were under instructions, but I remember that he was turned off because he had been a long-time admirer and friend, apparently, of the chief justice. Little things like that went awry, and that all ended up with her not being able to have the type of support that she really should have had. On the other hand, I admired all of the things she was doing, and in terms of her decisions, I not infrequently disagreed with her. I would be with the majority and she would bring a concurring or dissenting opinion, but I thought they were always very well researched, very well structured, and sometimes looking toward the future. In fact, sometimes, I rather agreed with her, but I didn’t think that the law—particularly when she wanted to change the law. Appellate judges have to worry about whether there is more merit in changing the jurisprudence because there is so much merit in stability of the law. And sometimes I thought there was more merit with stability of the law, even if I disagreed with it, than changing it. But her feelings were so strong and so individualized that she would still write a concurring opinion or dissenting opinion. Not infrequently I disagreed with her, but they were always well-written, well-reasoned opinions.

13-00:59:42

Now, some people said that she was hard to get along with. Maybe that was true; maybe it wasn’t. All I can tell you is that the Wednesday conferences

and the way I saw her deal with the judges was always upbeat and marvelous. I don't know what the tradition was before we got there, but she would always, during our Wednesday conferences would have trail mix or something else for us. She was always jovial. She was very fair in the discussion. Never cut anybody off. Frank Newman used to describe, I may have told you, the Wednesday conferences as the greatest seminars he ever attended. And that's the way it was. I mean, everybody was free to talk; she was very respectful. In my view, she was a great chief justice. Now, the sad thing is that because she had been a public defender, I think, and because politically some folk didn't agree with her, folk—mostly Republican legislators—started attacking her from the day she was appointed. So the attacks had gone on for like ten years before the confirmation election came up. Also, by the time the second confirmation came up—she was confirmed the first time—by that time we had quite a few death penalty cases. Did we talk about those cases?

13-01:01:15
LaBerge:

No, we have not.

13-01:01:19
Reynoso:

In fact, we were reversing a lot of those cases. One of the reasons we were reversing them—and I have another reason why I thought those cases were difficult, but one of the main reasons we were reversing them—is that we had had an initiative in California called the Briggs initiative, where the author, Senator Briggs, had bragged that his initiative was tougher than the U.S. Supreme Court rulings on the death penalty. Because the supreme court had first declared the death penalty unconstitutional, then changed its mind and said, “Well, it can be constitutional if you follow all these rules.” His initiative didn't follow those rules, and the legislature interestingly had passed a statute that did follow the rules—a statute, ironically, sponsored by Senator Deukmejian, who later became attorney general and governor. However, the initiative passed. An initiative takes precedence over a statute. So now the law of the land was the initiative. Sad to say, the initiative didn't comport with the U.S. Supreme Court rulings. But it takes time for a case to be tried. Well, first for the charges to be made and then the case would come to trial and then be tried, then appealed. So it was several years, very often. By the time it came to us, if it did not comport with the U.S. Supreme Court, we had to overturn it. And we were overturning many of those cases.

13-01:02:45

Now, when we overturned a case, we generally were overturning only the—death penalty cases are tried in two different trials. One trial asks the question, did the defendant do it? The next trial asks the question, what should happen to this person? Either sentenced to life without the possibility of parole, or death. So when we reversed the second trial, which is normally what happened, we were saying, “You got it wrong in terms of how you held that trial. You have got to do it in conformity with U.S. Supreme Court rulings.” None of those defendants were set free. They were in jail for life at least. Whenever we reversed those cases, those folk who were attacking the court

and the chief justice would immediately issue a press release saying, “The supreme court frees another criminal.” Right? Of course it wasn’t true. They knew it wasn’t true. I still remember one press conference where two senators called a press conference, and they had a list of cases they disagreed with, where the supreme court had gotten it wrong. The cases they listed included many cases decided by the supreme court before Rose Bird became chief justice. The reporter said, “How come you include all these cases? She wasn’t even chief justice.” And they said, “To us, Rose Bird is a symbol of what’s gone wrong with the supreme court as an institution, so it is proper for us to name cases decided even before she became chief justice.”

13-01:04:21

The court became the political enemy of folk who disagreed with its ruling of protecting consumers, protecting workers, setting higher standards for insurance companies, et cetera, et cetera. Those attacks on her, I think ended up—particularly when, then, a governor of a state was attacking her—

13-01:04:49

LaBerge:

This is Deukmejian.

13-01:04:48

Reynoso:

Deukmejian—became the dominant political theory or concept being instructed to the populace. And the message was: the supreme court is not following the law. Of course, judges are supposed to follow the law. I used to say, “If I believed what people are saying about me, I would vote against me.” Then we had the phenomenon that the public campaign had to do with the death penalty. As I say, a subterranean campaign, I think, had to do with the other issues.

13-01:05:24

LaBerge:

You mean, the other issues being that Rose Bird was a symbol of—

13-01:05:28

Reynoso:

Of protection of consumers, of protection of insurance policy holders, of the environment, et cetera, et cetera, okay? Most of the Democrats were afraid of the death penalty issue, so except for one senator out of Oakland, who campaigned vigorously for the court, most of the Democrats were silent.

13-01:05:57

LaBerge:

Who was that? [Nicholas] Petris?

13-01:05:59

Reynoso:

Petris, yes. He was the only one. Most of the others were silent. So the public, one, didn’t understand that it was a partisan attack and, two, never heard publicly, I think, with the vigor that they should have, the arguments in favor of an independent court system, the reality that we were simply enforcing the law, et cetera, et cetera. So it is not surprising to me that the vote went very poorly, particularly against the chief justice, but also against the two of us who late in the game were added to the attack. That was all to me a sad

episode. Very unfair to the chief justice. I think that she was very conscious of her obligation. You know, the title of the chief justice is not Chief Justice of the Supreme Court; it is Chief Justice of the State of California because the chief justice has administrative responsibilities as well as judicial responsibilities. And I thought that as to everything, she took it very, very seriously, and I think I agreed with most of her positions, certainly administratively. In general, I just thought she was a great chief justice, and it was sad for the State of California that we lost her.

13-01:07:21

LaBerge:

Now, what about you? I have got several questions, but let's just go with the election. What did you do, if anything, before the election to—not to campaign, but to deflect any of what was being said about you?

13-01:07:39

Reynoso:

Well, I always accepted a lot of speaking engagements, so I spoke all over the state talking about the concepts of judicial independence and that sort of thing. But, you know, when you speak, you speak to a hundred, two hundred people; television you speak to 35,000,000 people—well, at that time, only 33,000,000 people in the state. And certainly our talks didn't get on television and all that. So, the answer is that I didn't do anything for a long time. Eventually I was convinced that I needed to set up a committee, so I set up a committee and that committee tried to raise some money. I would go around and talk to those folk who gathered in different parts of the state. Eventually, incidentally, we grossed nearly a million dollars, which I thought was rather amazing for starting so late and doing everything on a small scale. But it showed that a lot of people were really quite interested. But a million dollars goes nowhere in the state of California. Then, very late in the campaign, I hired—just the last two or three months, I hired a political consultant.

13-01:08:49

LaBerge:

Who was that?

13-01:08:51

Reynoso:

I forget his name, but he was a person who had a reputation of running low-key campaigns. Had been quite effective on several campaigns, and he understood that mine would be a low-key campaign. I don't think he did any good for us, actually, except one thing. At the end of the campaign, he ran those polls that those folk run sometimes about how well you are doing—and near the end, they run it every day or every other day—and he told me that we were going to lose. And that's really the only real true value that I got out of that campaign. So I forewarned my family, and I got all kinds of calls from people who wanted to have a party and have a celebration and all that. And I told all of them, "No, no. Thank you very much. I really appreciate it, but I am going to just stay at home and listen to the returns." So, in a way, nothing unexpected happened. In fact, I got more votes than what I thought I was going to get. I forgot what the percentage was, but Joe Grodin, Judge Grodin

and I didn't lose by very much. The chief justice, unfortunately, lost very badly.

13-01:10:09

So I had forewarned the family, and I had decided that I had been out in the public enough talking to reporters, that, after all that, I was going to take the day off after the election. My wife and I went up to the foothills, went to Jackson. This was during the week. The election is on a Tuesday, so it was on a Wednesday. We visited a local museum that I think is open on Wednesdays for two hours and we had a nice lunch. It was one of the nicest days that we've spent. I always understood the campaign to be a political campaign, not a campaign really judging me because I knew that folk didn't know anything really—the voters knew very little about why we were voting the way we were voting, and so on. I always remember a headline in the *Woodland Democrat* when I was on the Court of Appeal. Court of Appeal judges also have to run for confirmation, and by tradition, we didn't do anything. We didn't do anything on the time that I came up for confirmation, and the *Woodland Democrat* ran a headline that said, "The Candidates Nobody Knows." They had pictures of the three of us judges who were on the ballot and then it said something about us and all that, but they are right! The electorate doesn't really know who we are. So I always thought about that. I never considered it a vote on me personally. It was a campaign and how effective the campaign had been. We had enough money to, I think, put a few ads on television, but very few. We knew that it wasn't going to compare with what some estimate to be ten to twelve million dollars that the people attacking the court had raised.

13-01:11:45

Those who were attacking the court had one particular television ad that ran a lot, that later got an award for being one of the most effective political television ads. And it showed—

13-01:11:55

LaBerge:

I have to change this, so we will just—

[Audio File 14]

14-00:00:04

LaBerge:

Okay, we are on disc fourteen. The award for the—

14-00:00:05

Reynoso:

For one of the most effective political ads. It showed a rectangular box, if I remember correctly—I will paraphrase—and it said, "The people of the state of California voted for the death penalty. Rose Bird's vote." Then it showed cases that came up, say forty, thirty—whatever it was at that time. "Rose Bird voted to uphold the death penalty: zero." Then it said, "Is she following the law?" Then it said, "If you don't like Rose Bird you can't like Grodin. Voted against the death penalty twenty times; for the death penalty four times. And

you can't like Reynoso. Voted against the death penalty so many times, for the death penalty so many times." Both Judge Grodin and I had voted in several cases to uphold the death penalty sentence, but more often than not we had voted not to for the reasons I indicated. So they started with Rose Bird then went to the two of us, and it was very effective.

14-00:01:15

LaBerge:

They didn't say anything about Stanley Mosk?

14-00:01:20

Reynoso:

No, they had decided by that point that, one, all they needed was three votes to take over the court because Deukmejian had already appointed one justice, so they didn't need Mosk. And, two, Mosk had been attorney general, and he had a lot of friends. He could have raised a lot more money than the rest of us, I think. So I think they were afraid that it might look partisan, and they could see then that practically all the Democrats were cowardly and they weren't going to speak up. I remember calling a friend of mine whom I had known for years and years who was in the legislature, and I said, "Gee, so and so, why aren't you folks speaking out on this? This really is an important issue." And I remember he said, "Oh, Cruz," he says, "about the last thing the people want is to hear another politician talk about the death penalty." Then, to show what a good guy he was he sent \$1,000 contribution or something to my committee. But even he, who came from a safe district and all that, somehow didn't want to take on an issue that he viewed as gratuitous I guess. So the people got very much a one-sided view.

14-00:02:18

I remember, I had an interview one time by a person, I forget what his issue was, but he was interested in the independence of the judiciary, and he asked me whether I thought the California Supreme Court would be too tied to politics, and I told him that I didn't think so. I mentioned to him that when all is said and done, the people on the court are still conscientious and if anything appeared to be too partisan, it would hurt the court. It takes a confluence—a historic confluence of matters to have happened what happened with Rose Bird, and that I didn't think that was going to happen. I still had faith, I told him, in the electorate. He says, "Boy, that's a funny thing for you to say in light of what happened in that election." But, in fact, I still do. It's just that the voters unfortunately just didn't get a true picture of what the law was, what the death penalty rulings were, and mostly I blame the Democrats for it. The Republicans though—frankly, Deukmejian was unethical in my view. He sent me a series of questions when I was named to the supreme court that certainly at that time—now there is a little bit of a question as to whether they would now be considered unethical—but at that time, they were clearly considered unethical. And he was a lawyer. He knew better. And the people who were attacking Rose Bird and the supreme court, they knew that what they were saying was not true. So it was not a very upstanding campaign against the court and the chief justice. Frankly—I don't know whether I am now sounding cynical—that is sort of what I expected from that wing of that party,

but that those who better understood, many Democrats, didn't then stand up and help educate the public about what was happening, I think, is a very sad commentary on how politicians think and their unwillingness very often to take on an issue that they don't consider vital for their reelection. Which I think is what happened.

14-00:04:30
LaBerge:

George Deukmejian sent you questions because he was going to be on—voting whether you would be confirmed?

14-00:04:38
Reynoso:

That's right. The confirmation vote. When one is named to an appellate court, those judges have to be confirmed not by the electorate, but by a special constitutional commission composed of the chief justice, the attorney general and the seated presiding justice of the Courts of Appeal. And just to give you a sense, if we haven't talked about this, about how much the political environment had changed. When I was appointed to the court of appeal, I was in New Mexico, and I got a call from the chief justice who called and said, "Cruz, this is so-and-so calling from San Francisco," referring to himself by his first name. I thought, "Who do I know in San Francisco?"

14-00:05:27
LaBerge:

Was that Donald Wright?

14-00:05:25
Reynoso:

Yes. He said, "This is Don Wright calling." No, he said, "This is Don calling." Which Don do I know, which Don do I know? Fortunately I didn't say, "Don who?" And then from the conversation it was clear that it was Chief Justice Wright. And he says, "Congratulations, you have been appointed to the court of appeal. As you know, our commission has to confirm you, but don't worry about it," he says, "I have read your background that is sent to us by the governor. It is an exceptional background. I know you will be confirmed. It is a public hearing, so somebody might show up that has some private grievance against you that happened years ago, and we will hear them out, but you don't have to come," he says. "A person from the Bar will be there to talk about your background, and what a fine background you have for this position. And then, anybody else can come, but that's done by tradition. So, don't worry about it, I will call you after the hearing." Sure enough, two or three weeks later he calls and says, "Hi Cruz, this is Don calling. We just had the hearing. Everything went well. Nobody showed up to talk against you. The testimony by the Bar was really great. You have such a great background. You are confirmed unanimously." That was it.

14-00:06:39

Now, when I got appointed to the supreme court, I get this several-page questionnaire from Deukmejian asking how I would have voted on cases and on issues and all this sort of thing. I refused to answer it. Then, I knew that it was going to be a tough hearing.

- 14-00:07:04
LaBerge: Did the chief justice call you this time or not? It would have been Rose Bird.
- 14-00:07:14
Reynoso: I don't think she called. I think one of the clerks, one of her assistants called, to tell me that I would be receiving a notice of the hearing. I don't think she even talked to me. No. That comports with the way she would do things.
- 14-00:07:25
LaBerge: The way she worked, yes.
- 14-00:07:33
Reynoso: Right. And certainly didn't say, "Don't worry, Cruz." No, I don't think I got a call from her. So we went to the hearing. I told friends that my wife and I always took our children to any public hearings, many years before when I was involved in politics. I remember, our children—little three- or four-year-old kids would learn how to clap very early. [laughter] And we always took them to important meetings and so on, but on this occasion I told my friends that we had left all the children at home because we wanted to save them from bloodletting because we knew it would be a tough hearing. In fact, it was very tough and I was confirmed on a two to one vote.
- 14-00:08:19
LaBerge: It was Deukmejian, the chief justice, and—
- 14-00:08:22
Reynoso: And the senior presiding justice of the court of appeal in Los Angeles who was—I forget his name now. He had been on the court for forty years. Each panel has a presiding judge, so the one who has been there longest is the one that's appointed. He had been there for decades. Roth, Justice Roth. Very respected guy.
- 14-00:08:47
LaBerge: So, who voted against you? Deukmejian?
- 14-00:08:47
Reynoso: Yes. Right. How did you guess? [laughter]
- 14-00:08:53
LaBerge: Quick study. Well, who came? Did someone come to speak against you?
- 14-00:08:59
Reynoso: Oh yes.
- 14-00:09:00
LaBerge: For instance?
- 14-00:09:03
Reynoso: Well, the most serious and precedent-breaking activity was that two judges I had served with came to testify against me. One was actually still on the court and one had resigned from the court. One was Justice Paras, who had resigned

from the court. He issued a press release at that time, saying that he could no longer be an appellate judge serving under the junta led by Chief Justice Rose Bird. So you can tell what his feelings were. When he resigned from the court of appeal, he had written a private letter to me saying, “Cruz, nobody knows about this letter except you and me, and I am now practicing law and I had my private secretary type it. I just want to let you know that I think you have the great potential for being a great judge, but you haven’t shown it yet.” Then he cited several cases I had decided, to show what a bad judge I was. Just recently I had decided a case that he approved of. And he said, “Ah, but this case that you decided shows the real potential that you have.” He mentioned that he thought I was too often, too much in—I considered poor people and minorities my clients, and that was a bad thing. He had some not very nice things to say. I got a phone call one time from a person I knew very well, and he says, “Cruz, I am just calling to let you know that Paris is going to release the letter he had sent you to the press.” He didn’t say, but apparently that was just part of his urging the commission not to confirm me. And sure enough, I got phone calls. Oh, he had put in the letter that I got off to a very bad start because I had showed how prejudiced I was in favor of colored people because I had appointed as my secretary a woman who was African American. He forgot, actually, that I had interviewed everybody. Oh, he said, “And you had such a great opportunity to hire this great lady that came to see you from San Francisco. Her judge had just retired from the First District Court of Appeal, and you didn’t hire her. Instead, you hired this young black woman.” Actually, interestingly, the black woman was working for the court already and everybody spoke highly of her, so I thought, “Well, I will hire her.”

14-00:11:47

Later, I learn incidentally, that [Frank] Richardson who was very concerned that there was so few minorities in the court—and he was a conservative Republican—when he was presiding justice of the Third District Court of Appeal had said, “You know, we have got to do better.” And it was through his efforts, actually, the courts started hiring a little bit of diversity in the court. Interesting. I didn’t know that when I hired her. I just hired her because people spoke well of her, and in fact she did very well for me. And she was hired by another judge after I left. But that was his proof—among other things—that I was prejudiced in favor of black people. I was very concerned when I heard that, and I took my secretary aside and I said, “I have never shown you this letter, but I hear that it has been made public, and so I have got to show it to you now.” And I showed her what he said. It turned out that he had had the good the grace of cutting that paragraph out of the letter. He didn’t cut out other things about my prejudices from his point of view, but he did cut that out. I guess he issued it with a press release, and he said that for personal reasons, he was cutting out a paragraph, and if I wanted to I could make it public. I think that’s the way he handled it. It turned out that he did make that part public. I remember feeling so badly when I felt I had to show that to my secretary. She got along very well with everybody, and to have her

know that one judge thought that she was a nincompoop, that I had just hired her because she was black—I thought it was really demeaning. So, he showed up and testified against me. Thought that, you know, that I just—well, I would be part of the junta.

14-00:13:29

And then, boy, I never thought I—Evans, a judge by the name of Evans.

14-00:15:48

Anyway, he appeared, but he had written to the Commission which had to approve or disapprove my appointment, saying, “Reynoso is a terrible judge, and the proof of it is that he wrote this opinion.” He attached the opinion. And it was an opinion, of which I was terribly proud, that went to the supreme court and they reversed my opinion. I never took it personally. They have got their views; I have got my view. It was a case having to do with the standard of proof before you can separate a parent from a child. Not separate; when you are breaching that relationship and you are saying, “You are no longer a parent.” I thought that was a very important decision for a state to make, and I set down what I thought ought to be the proper rules, which made it tougher on the state to reach that conclusion. It went to the supreme court, and they didn’t think that the rules ought to be that tough. Fine, they disagreed with me, but as Justice Leonard Friedman—

Anyway, great judge. I remember he said one time, “You know, the supreme court just reversed my opinion on a four to three vote, but you know what? The trial court judge agreed with me, that’s one judge; all of the three judges agreed with me, that’s four judges; three judges on the supreme court agreed with me, that was seven judges: and only four disagreed with me.” You know, you just have to be respectful of your position in the hierarchy, and four can always overturn you. That doesn’t mean that they necessarily have more wisdom than you do; they just have that role. So I never took those things personally, and I think any judge or anybody reading that letter would quickly conclude that he just disagreed with my opinion. I really didn’t worry about that opinion, but to have two judges that sat with you show up and say, “This guy is not going to be a good supreme court justice” was very bothersome, and I think that’s the only thing that bothered Judge Roth. He asked several questions that somewhat related to that, and of course I responded and apparently he was convinced that in fact I would be a good supreme court justice because he voted for me. But that would be troublesome to anyone. Then, of course, there were many judges there who had served with me who said, “Oh yeah, he is going to make a great judge,” but that’s common. But to have a couple of judges appear as they did, and I forget their testimony—I don’t even know whether they testified, but they were there physically. And they had written to the court. That was quite exceptional.

14-00:18:36

Then, incidentally, there is a judge, the presiding judge of the court of appeal, with whom I often disagreed, Robert Puglia, I always nonetheless considered

him a very thoughtful and ethical judge. He tells of Deukmejian coming to see him, when he was the presiding judge of the court, because a judge had been appointed to the Third District Court of Appeal. When a judge is appointed for the court of appeal, it's not the senior presiding judge, it's the presiding judge of that court who sits on that panel, plus the attorney general and the chief justice. The attorney general had come to see him to solicit his vote against confirming a new judge. As the story goes, and I have heard it from several people, including Judge Puglia, Judge Puglia said, "You know, we have got a procedure, and if you really believe there are good reasons why this judge shouldn't be appointed, you really should write us a letter." Apparently, Deukmejian took umbrage of that because new judge was a very politically liberal judge, would no doubt disagree with Puglia and Deukmejian, and apparently had had some run-ins with Deukmejian as a senator because this fellow lobbied for some folk. So, apparently, Deukmejian had some personal qualms about this person. That was his approach. The presiding judge knew the lawyer, and knew that while he disagreed with him, he was a really competent lawyer, really ethical and all that. So, when it came to a hearing, he voted in favor.

14-00:20:30

Everybody had predicted that if Deukmejian got elected governor, the presiding judge, Bob Puglia, Robert Puglia, would be the first person appointed to the supreme court because he was respected, because he had exactly the same philosophy as Deukmejian on the death penalty, on criminal law, et cetera, et cetera. He was a perfect candidate. Deukmejian got to be governor; never appointed Bob to the supreme court.

14-00:21:01

LaBerge:

And you wonder whether it was because of that?

14-00:21:01

Reynoso:

I don't wonder.

14-00:20:59

LaBerge:

You know.

14-00:21:01

Reynoso:

Of course. And that's sad to say because Bob is a very bright guy. I would have disagreed with him probably nine out of ten cases on the supreme court, but personally—I may be wrong, but I have little doubt that that's what happened. I should tell you another story. These are stories that I may talk about in my biography, but I never speak to them publicly. I was once going to be appointed dean of this law school.

14-00:21:34

LaBerge:

Of this law school?

14-00:21:34

Reynoso:

This law school.

14-00:21:35
LaBerge:

No.

14-00:21:40
Reynoso:

I had been a reluctant candidate. I got a call from the chancellor here saying, “Cruz, we need a new dean, and the search committee is very interested in talking to you.” I said, “I don’t think I want to talk to them if, one, I am not a candidate. I am not sure I want to go through all of the processes—being interviewed by the students, by the faculty and all that.” I said, “You know, I am not sure that I want to go through all that.” He said, “They are quite insistent that they want to talk to you.” I said, “Well, I will talk to them, one, if it’s not at the law school and, two, if I am not considered a candidate.” He says, “Fine, I will set something up in my home.” Which he did. I went to the house—

14-00:22:22
LaBerge:

And who was the chancellor?

14-00:22:24
Reynoso:

I am bad on names. I forget his name now.

14-00:22:29
LaBerge:

[Theodore] Hullar?

14-00:22:29
Reynoso:

Yes.

14-00:22:29
LaBerge:

Was it? I have interviewed him.

14-00:22:35
Reynoso:

Okay. So I went and met with them. Apparently things must have gone well because he called back and said, “Oh, they are very excited about you, and so on. Won’t you agree to meet with the faculty?” Or something. Anyway, somehow I slowly slipped into being a candidate. Hullar was very excited about it. He called me every other day saying, “Oh, I talked to this person. Oh, when you become dean you will be part of my cabinet and it will be so good to have your voice there,” and oh he was so excited.

14-00:23:03
LaBerge:

This is in the nineties? After you were on the supreme court, anyway?

14-00:23:11
Reynoso:

It must have been late eighties. I got off the supreme court in ’87. Must have been late eighties. It was not long after I had left—no, wait a minute, wait a minute, wait, wait, wait. It was about—a little bit before I went to UCLA. Because UCLA had called me and said, “Are you willing to pick up teaching again at UCLA?” Then, about that same time, I got the call from Hullar. So the dean of UCLA said, “Well, let’s hold on. If you become the dean of Davis, you obviously aren’t coming here.” And then, when that didn’t happen, then

she called again and said, “Let’s talk.” And I think I started there in ’90, so this must have been—

14-00:23:48

LaBerge: Late eighties.

14-00:23:47

Reynoso: —in ’88, ’89. Everything seemed to be going well, and by that time, I had decided that if in fact I was offered, I was going to accept. And then, suddenly, the phone calls stopped. My wife said, “Aha, something has gone awry.” I had mentioned to Hullar, “You know, Deukmejian” —I had already heard some of these stories; it may be completely untrue—my description was, “I think he is a very vindictive guy and I don’t think he will ever allow this to happen.” And Hullar says, “Oh, this is not at all political. It is strictly academic. I make the recommendation to the president, and by tradition the president always accepts it.” Anyway, I ended up being a candidate and the phone calls stopped. Then, later, actually a member of the regents who was very favorable to me said he got a phone call from Hullar saying, “Hey, how do you feel about Reynoso being the dean?” And he was all enthused and so on. But, no doubt, the same phone call went to all of the regents, and I think a majority had been named by Deukmejian by that time. A person whom I respect a lot—it may be untrue, I want to emphasize that—but what I heard happened by a person close to Hullar and close to some other people in the loop was that the president of the university—

14-00:25:15

LaBerge: David Gardner.

14-00:25:11

Reynoso: Gardner got a call from the governor saying, “I hear this blankety-blank guy Reynoso is about to be appointed dean. How could you have such a terrible guy be dean of such a fine law school?” And that Gardner called Hullar and said, “Hullar, you just can’t put me in this position.” Deukmejian had been very good to the university. Had been very good with the budget, had been very supportive of the university, and so on—so it all sounds right to me—and said, “You know, Hullar, you just can’t do this.” So then, after a long, long time, I got a call from Hullar saying “Gee, Cruz, I am really sorry. I have got to open the search again,” he said, “because I haven’t been able to get a unanimous vote from the faculty for your appointment.” I have never known of a unanimous vote by any faculty. So he may have been—

14-00:26:01

LaBerge: It was the regents and Deukmejian.

14-00:26:01

Reynoso: It may have been true that he couldn’t get a unanimous vote, but frankly that wouldn’t be surprising. So, the story sounds right to me. It may not be right, but in light of what happened with Puglia, and in light of the fact that I had mentioned during the campaign that the governor was a lawyer, that he should

know better, that what he was asking me to do was unethical, and so on, I can't help but feel that maybe that's true. It may not be true, but I have a feeling it is true.

14-00:26:34

LaBerge: You know, it's twelve o'clock. I don't want to—I would like to keep you—

14-00:26:36

Reynoso: I have got to run.

14-00:26:35

LaBerge: You get going and I just don't want to stop you. Can we have one more?

[Interview #9: May 19, 2004]
[Audio File 15]

15-00:00:02

LaBerge: Our last interview, we did a little bit on the supreme court, but I thought we would finish that today and anything else that you wanted to bring up that I had forgotten to ask you. We talked about how you were appointed, we talked about the confirmation election when you were not confirmed, and we talked about Rose Bird. But we haven't talked about the other justices, how you worked together, what the collegiality was like. Maybe just to start—because I just mentioned to you that we are going to be interviewing Professor Grodin—how you worked with him, or your impressions of his contribution.

15-00:00:57

Reynoso: Are we ready?

15-00:01:03

LaBerge: We're ready. We're on.

15-00:01:03

Reynoso: When I was going to the supreme court, I had read many articles about tensions within the supreme court, and I had told myself that I had a reputation for being able to work with people, and therefore I viewed myself as going to the court and being sort of a peacemaker—having people work together in a collegial way. If I had those skills, they never came to use because I found that those reports were false. That is, when I got there, everyone seemed to get along very well. The chief justice was always jovial and very respectful of the other judges during the Wednesday conferences that we would have, which—I think I mentioned to you—Justice Newman described as the best seminars he ever attended. Because it was at the Wednesday conferences that we really talked about the law—where it was; where it needed to go—in deciding what cases to take, because that is a very important part of the role of the supreme court. So, when I was there I really found that the judges worked very well together. Now, it was an element of some disappointment to me, however, that the judges didn't work as much together informally as I had assumed they did. In fact, I remember one time Justice Kaus, Otto Kaus, coming to me and saying something to the effect of, "Well, Cruz, I don't want to lobby you on this case, but I wonder if I can discuss this issue with you?" I said, "Otto, lobby me. That's what we are here for." I think it's more a pressure of time that didn't permit us to sit down and talk with our fellow judges about issues that concerned us. Very often, that communication was done through memos, and I had hoped that it would be more by discussion.

15-00:03:22

I found that coming to a conclusion on a case at the supreme court level with seven justices was a completely different dynamic than coming to a

conclusion at the court of appeal with three judges. The system at the supreme court was that after we had a hearing, the chief justice would assign a case to a judge to write. Meanwhile, no doubt we were working on several cases at the same time. So, another judge would finish his draft or her draft and come to us while we were working on our own draft. And so you were just busy all the time, and I think that made for our not getting together informally with one another as often as I had hoped that we would. In some ways it made the Wednesday conference even more important because that's a time when we were all together where we really could talk about the issues that were coming before the court. Was it important enough to grant the case? Was it not? Et cetera.

15-00:04:33

When I first joined the court, we had a court that was, I would say at that time a traditional court in terms of its reputation of the last fifty years before I joined the court. That is, it had a reputation for being very sensitive to consumers, to working people, and to the citizens of this state and residents of this state who didn't have great partisan political power. So the court, in my view, was very responsive to its responsibility to enforce constitutional mandates that do deal with notions of equality and due process and so on. We had only one judge at that time who had been appointed by a Republican. That was Justice [Frank] Richardson, and he was really a truly fine gentleman. Would often file dissents, but they were generally respectful. Though, on one occasion, he wrote that the majority was legislating, and I had always felt that it was unfortunate that dissenters so often say "I think the majority is legislating," because the majority generally is doing what courts do. There is a vagueness in a statute or a vagueness in the constitution and the judges have to fill in the blanks. And you might say that there is an element of legislating or "constitutionalizing," if there is such a term, but that's the traditional role of justices. So I went to see him, and I could tell that he felt that he had a right to express himself in any way he felt appropriate. I just sensed that very quickly in the discussion, so I didn't push it. So sometimes, even though you have your own views about how things should be done, you have to recognize that others have their own quite legitimate views. I may have mentioned to you that my philosophy differed some, I believe, from the chief justice.

15-00:07:00

LaBerge:

You did talk about that a little, but go ahead.

15-00:07:00

Reynoso:

Who felt that judges have—I didn't have this discussion with her, but from other discussions with her and from her writings, I gathered that she felt that each justice had a duty to speak his or her mind, and my view of the role of the supreme court was quite different. I felt that it was the duty, institutionally, to come down with clear decisions, so that the lower courts knew what the jurisprudence was. So, sometimes I would not file a dissent or a concurring opinion if it would have the effect of debilitating that opinion. That is, it would not be a clear four majority, for example. And again, that's a perfectly

legitimate approach for a judge. You find few writings on those issues, and the constitution obviously is vague.

15-00:07:58

A lot of what courts do is more by tradition than from mandate of the constitution. For example, the constitution only requires that the decision be in writing. The decision could be a one-sentence decision. Why do the courts take the time to explain why they have done what they have done and so on? That's really more by tradition. It's a great tradition. I have told people that even though the deliberations are not public, since everything the court does is public, it may be the most public of all institutions because there you have it in black and white and people can agree or disagree. But again, that's really more based on the tradition of how judges in the common law jurisdiction function more than the requirement of the constitution. I remember being taken aback sometimes when I would see some older opinions of the California Supreme Court, and the dissenter would have a two-word, one-sentence, one-paragraph dissent. It would say, "I dissent."

15-00:09:02

LaBerge:

"I dissent."

15-00:09:03

Reynoso:

Exactly. But that was fitting that judge's constitutional duty. It was putting down in black and white what his decision was. The tradition, of course, goes against that; it goes to explaining why you are dissenting. But sometimes a judge, because they were busy or because it wasn't as strong in those days as it is now—I'm not quite sure—sometimes you would see an opinion for a judge would just say, "I dissent." They would even sometimes say, "I respectfully dissent." [Laughter]

15-00:09:37

I found that the work at the supreme court, in terms of a judge's work, was quite different than on the court of appeal. And I just provide those comparisons because I served on both courts. In the court of appeal, I would do most of the work on the opinions. I would get a draft from a clerk, but then I would work on it quite extensively on those opinions that had been assigned to me. I wrote many dissenting opinions and concurring opinions where I, or maybe with the help of externs, then did everything. At the supreme court level, aside from some dissents and concurring opinions, I don't think I ever wrote an opinion from beginning to end. We would always get a draft from the staff, and then one would change it considerably. But there is a difference, I think, in thinking through yourself how to structure your opinion and have it be truly your own than taking a draft and then working on that. So, that was different. And I guess that was different because so much of our time—I have mentioned, about 50 percent of our time—was taken in deciding what cases to take, so there was an element of pressure to move cases, if you will. In essence, the work on the supreme court is really quite, quite different than the work of a judge on the court of appeal. I confess that I felt comfortable with

both roles, though I understood that they were quite different. When I was on the court of appeal, where everybody had a right to appeal, it was my duty to do the best I could to respond to the issues that were there, and I did that, and that was very much sort of a lawyerly work, if you will. When I got to the supreme court, I understood that we were establishing the jurisprudence for the state, and one of the important roles was to decide which cases to take and then, when those cases are taken, to analyze what the jurisprudence in times past was not serving the state well in terms of where history took us at that time. But, as I say, to me I was quite comfortable with both roles.

15-00:12:08

My immediate neighbor when I joined the court, because I replaced Justice Tobriner, was Frank Newman. I guess I had probably more discussions with him just because of the proximity than with others, and probably the person who I had most discussions with aside from Frank Newman was Joe Grodin. You asked about Joe.

15-00:12:36

LaBerge:

Did you come in on the same day? You and Justice Grodin?

15-00:12:43

Reynoso:

No, he came after I did. He and I had actually served on the court by assignment a time before, and I remember somebody saying, "Maybe this is reflective of the court to come." Whoever said that obviously had a premonition because both of us ended up on the court.

15-00:13:03

LaBerge:

When you were both court of appeal judges?

15-00:13:03

Reynoso:

Yes, that's correct. I have at least one story to tell you about Joe. There was a case that came up, that I don't know if I mentioned this case to you, having to do with equity.

15-00:13:18

LaBerge:

No. Unless it's the real property, the trucker?

15-00:13:23

Reynoso:

Yes. Yes.

15-00:13:27

LaBerge:

Okay, but you didn't say anything about him.

15-00:13:29

Reynoso:

Oh, what happened was that I disagreed with the majority. They felt that if there was going to be any change, the legislature should change it and I felt that because there was an equitable issue, that by tradition, the courts could update equitable concepts. And I think Joe must have felt sorry for me because, at the court of appeal level if you file a dissent it's one third of the votes; it's quite respectable. At the supreme court level, if you file a dissent

it's sort of six to one and a reader might wonder who this oddball is. So Joe wrote a concurring opinion of that case, and he said, "I agree with everything that Reynoso said, but when all is said and done I think the majority is right—the legislature should do it." The vote came out five to two, so it sounded better. [Laughter] I still remember that case. Maybe it shows his sensitivity. Joe and I generally agreed on cases, or we never had much opportunity to be at odds intellectually or in terms of our analysis of history. I just found working with him—and we did quite a bit of travels. We had hearings in Sacramento and Los Angeles, and I very much enjoyed getting together with him and his wife, who traveled with him on those occasions. I stayed overnight at his home from time to time and that sort of thing. So, it was just a very, very nice relationship. On the other hand, he wrote a book—

15-00:15:23
LaBerge:

Oh, about the supreme court?

15-00:15:23
Reynoso:

Somewhat about the supreme court.

15-00:15:25
LaBerge:

In Pursuit of Justice?

15-00:15:29
Reynoso:

Yes. And he talks about me there, but he made a mistake. He said I grew up in Imperial County, and I didn't. I grew up in Orange County. [Laughter]

15-00:15:41
LaBerge:

That was the only mistake, huh?

15-00:15:45
Reynoso:

That's the only one that comes to my mind. I started practicing law in Imperial County, so many people think that I grew up there.

15-00:15:51
LaBerge:

Well, this oral history is going to take care of all those—

15-00:15:55
Reynoso:

That's right.

15-00:15:59
LaBerge:

You two were in the confirmation election together. Did you discuss how you were going to deal with that at all?

15-00:16:13
Reynoso:

Yes, we had discussions. And particularly, we had discussions with the chief justice. I remember a particular day when we had a discussion, where she was telling Joe and me that if we wanted to separate ourselves from her that she would not at all take it personally, because she understood that it was she who was under attack, and the polls indicated that, in fact, those who had been attacking her—in my view, illegitimately—were having some success. She

was saying that if we wanted to separate ourselves from her and so on that she would understand that and perhaps even encourage it. Joe and I, I believe had talked about those issues before. At any rate, without consulting with one another, we both rejected her suggestion out of hand. We felt that it was an institutional attack on the court, and that we all had the same obligation to come to the protection of the court and the notion of an independent judiciary, and that her issues were basically our issues. We talked from time to time about whether we would hire a professional to help us with the campaign. Frankly, I am not quite sure whether Joe did. I think he did. We hired a professional person the last few months of our campaign, but there really wasn't that much that one could do as an incumbent judge to defend oneself. Really, anything that one would say, it seems to me, would be self-serving. The person we hired—who was a very low-key person, which is what I wanted—did produce a couple of television spots that were rather staid. My recollection was that he put me on, sort of a talking head in a way. No, I think he had two commercials. One was with me saying something nice about the independence of the judiciary, and then he had another one with a well-known actor, whose name I forget, talking about me and talking about the importance of an independent judiciary. We had a little bit of money to put it on for a few days, and that was really about it. Other than that, I accepted a lot of speaking engagements at that time, and traveled all over the state speaking to various groups, and met with folk who would do endorsing—bar associations and so on. And all of those groups endorsed us. But, in a political campaign of that sort where people don't know the issues very well, the folk who have money win, more often than not.

15-00:19:43

It was interesting, however, there were several organizations that were gathering money to fight against the chief justice, but many of those folk pay themselves very well. And they ended up near the end of the campaign with very little money even though they had raised several millions. So I have always thought that their success was due to a large extent to the governor taking a strong stance against the chief justice. And the impression I have is that, in the last few months, he encouraged his supporters to then contribute to the organizations. I think by that time, it was reduced to a couple of organizations that were heading the campaign against the chief justice. And I assume—I don't know the ins and outs of it—that they started cooperating with one another, because they were able to put together some television ads that were very effective against the chief justice and Justice Grodin and me. I think I may have mentioned to you my own experience as the election was coming close. Maybe I didn't.

15-00:20:56
LaBerge:

Yes, that you knew that you weren't going to be confirmed.

15-00:20:54
Reynoso:

Right, right, and that Joe did not.

15-00:21:00
LaBerge:

No, no, no. I don't know that part. I mean, I knew that you had planned—you and your wife would go out for the day, but I don't know about you and Joe.

15-00:21:09
Reynoso:

Oh yes, I had told Joe just a few days before the election, our consultant had run a survey just not on me but on the others. And he mentioned that the chief justice was going to lose—according to his surveys—quite badly, that Joe and I would be quite close, but we were both going to lose. So I told Joe that to aid him in his—in deciding what he wanted to do. I remember now; he did have a consultant because he told me that his consultant hadn't done that last minute survey. However, he couldn't believe it, I don't believe, because he did have in downtown San Francisco a hotel, one of those victory get-togethers that you have on election night, but it was a very sad occasion for them. I had thought that maybe if he were convinced, as he was not, that in fact the election would not come out well, then he would not have been in that type of gathering. I had decided not to—

15-00:22:18
LaBerge:

Not, exactly.

15-00:22:23
Reynoso:

But it was very difficult, I think, for anybody who knew the history of the supreme court in California to accept the notion that justices would not be returned. And most of the people who were supporting the court and the justices, this was their first experience in fighting that sort of really quite reckless attack on the court, and folks I don't think quite know what to do about it. Interestingly, I had a discussion recently with a retired justice and chief justice of the state of Washington. There, candidates—they don't have a system of simply confirmation. A person can run against an incumbent judge. And he told me that he actually had a former governor declare his candidacy and run against him while he was on the supreme court. So, he says, he just took the campaign, and maybe they have that tradition in Washington as a political campaign. He raised a lot of money, he got a lot of endorsements. He says they put up big street signs, what do they call it, the huge signs. He said it was so odd to see his big picture up on one of those huge signs saying, "Vote for Justice So-and-So." He said it was just an odd experience, but he says he actually beat a former governor, who obviously would have been very well known, and his theme basically was a non-politicizing of the court. So, these types of campaigns take place in other states, but in California we weren't used to it since the constitution was changed fifty or more years before. The folk who were supporting the court sort of didn't know quite how to respond to all of that.

15-00:24:28
LaBerge:

Well, I was going to ask you, what—in your perfect world, if you could decide how justices are chosen and how long they stay, if they should have a lifetime appointment—what do you think the best for justice is?

15-00:24:44
Reynoso:

I think that despite all the weaknesses of the federal system, that probably lifetime appointment is best. Another system that would also be quite good I think is to have long-term appointments. Appoint a judge for say fifteen years, subject to reappointment by the governor. I do believe that it's perfectly proper to have politics be involved in the naming of judges, because judges need to keep up with changing times. And that can be done by the appointing power—more often than not, the governor—appointing folk that he or she believes are judges who represent those changing times. However, once a judge is appointed, I think they have a duty to forget about who appointed them and be true to the constitution of their jurisdiction, the statutes and all that. I think it's Pennsylvania, I am not sure—there is a state that has a system of appointing judges for a long time, long-term, and then they're subject to reappointment by the governor. It seems to me, that way a judge would have time to develop his or her own style, would be there long enough to make a difference in the court, and presumably after fifteen years, the judge would have some sort of retirement when he or she left the court. It's a long-enough term to be enticing to good lawyers and folk who would do well on the bench. So, I think that might be also a good system. The literature indicates that the people of the state thought that they were depoliticizing the court when they went to the confirmation process. The literature seems to indicate that the confirmation process was a substitute for the federal system of having to go through a trial to remove a judge. So the idea was, only if a judge had really acted improperly would it call for a no vote. I don't think those who suggested the confirmation process had in mind that the issue would be as politicized as it got.

15-00:27:21
LaBerge:

Yes. Last time when we talked, you mentioned a couple times the role of the media—for instance, in that election. You also mentioned it, I think, in relation to the farm workers. I can't remember exactly what that instance was, but I wonder if you would comment on the strength of the media, its importance, how it handles—

15-00:27:49
Reynoso:

The evolution of the media in covering this issue was very interesting. At first, the folk who talked about any criticism of the court were those who wrote about the court. As the issue continued, however—say, for the last year—most of the newspapers then turned those assignments to political reporters. So most of the reports were very much the type of reports that you read about the presidential election or the gubernatorial election. The court has now come down with this opinion; that's going to hurt them politically. Right or wrong? A judge said this or the governor criticized the court for this decision or that. That is not looking at the merits at all, and not investigating—taking at face value that the issue was the death penalty, for example. Never investigating where the money was coming from, whether there were folk who had qualms about the court's long-time rulings on insurance companies, for example, on employer-employee relationships, on workers' compensation—any of those

issues that in fact were very important, I think, in terms of who provided money against the court. So far as I can recall, there may have been one or two articles that dealt with some of those issues, but mostly they dealt with the death penalty because that's what those who were attacking the court wanted people to believe. Little effort, it seems to me, by the press to explain that in a death penalty case, an overturned opinion did not mean that the person was out free; it just meant that there had to be a retrial. Very little effort to explain that oftentimes, decisions were overturned based on the United States supreme court rulings. Very little in depth; very superficial. I think a good grade for the press might be an F –.

15-00:30:03

LaBerge: But they have a great deal of influence.

15-00:30:11

Reynoso: Absolutely. But I would say that there was little effort to really explain what was going on. It was just another political campaign to them. I think I indicated to you too that, from my point of view, those who supported the court completely failed because they—I am talking about the politicians.

15-00:30:29

LaBerge: The Democrats, in particular.

15-00:30:28

Reynoso: Yes, because they didn't speak up. The public just kept hearing this barrage of attacks on the court, nobody with high public standing coming to its support, and how could you blame the public for believing what they kept hearing over and over again? So, I really don't blame the public for it. I really blame the failed leadership, political leadership, of our state.

15-00:31:07

LaBerge: You brought up the idea that judges need to be up with the times or open to what the changing norms in society were. How does that affect you when you are—? Say you had—I can't remember if you did have an abortion decision?

15-00:31:28

Reynoso: We didn't have an abortion decision because the court had already ruled on that.

15-00:31:33

LaBerge: Okay. Because of *Roe v. Wade*.

15-00:31:36

Reynoso: Well, actually because of the privacy—constitutional laws in California. The court had already dealt with that. Though I do remember, actually, one time coming out of a little church that we attend, and somebody had put flyers in all of the windows saying, "Vote against these incumbents, they are all pro-choice." That was not a highlighted issue, but it did come up from time to time amongst some groups. I do remember that. But that was based on opinions made before I joined the court.

15-00:32:23
LaBerge:

Now we are hearing—all this week, particularly—about *Brown v. Board of Education*. How that was, in a way, long in coming, but a reaction to changes in society. Or now with gay rights. How do you approach that? I mean, how much did you take into your consciousness, “Well, times have changed,” or what the society was saying?

15-00:32:53
Reynoso:

What you do is you take a second look, I think, at the basic documents that mandate how you as a judge should look at the law. So, what *Brown* did, for example, was simply take a second look at what equal protection meant. And by the time they ruled, it was not in the abstract that they were ruling, but they were ruling on the basis of what they all knew had happened since *Plessy v. Ferguson*. So, they knew the real effect of “separate but equal” meant “separate but not equal.” Secondly, *Plessy* was decided sort of in the shadow of the Civil War. *Brown* was decided in the shadow of the Second World War.

15-00:33:57

I have always felt that the modern civil rights movement began with the Second World War when veterans came back and they said, “I lost my buddy, I lost a leg fighting for democracy. I am not going to stand it, to not have our own country not live up to democracy.” So you had the formation of groups like the GI Forum, where a city in South Texas declined to allow a returning veteran who died at war be buried in the municipal cemetery and folks said, “Hey, wait a minute! This is not right.” Then you had in California the *Mendez* case, where the court had said that segregation in and of itself is unconstitutional. It had to do with ethnicity, not with race. In fact, it couldn’t have said that about race as *Plessy* was still the law, but they had clearly said that segregation, in and of itself—segregating people based on ethnicity—and it’s not a big jump to say also based on race or whatever. And the lawyers in *Brown* had filed amicus briefs in the *Mendez* case. Thurgood Marshall’s biography indicates that Carter particularly, who was on the briefs with him, argued strongly that they should go for the same approach at the Supreme Court. It says that Marshall was initially sort of reluctant to do that, but then decided, “Yeah, we’re ready to take that step to fight.” They had been fighting most of the issues, based on the fact that the reality was inequality—that the law was separate but equal. And now they were prepared to say, “separateness alone is not equal.” There had been testimony, interestingly, by a sociologist in the *Mendez* case about the intensifying of any sense of inferiority on the part of a class of people in the community that’s already separated from the majority. And of course, that’s what was done in *Brown*. So then the court looked at the issue of equal protection with new eyes. The basic policy of the Constitution is there, but based on experience and so on, you can now reinterpret what true equality means, not just formal equality. So, that’s what the court did in *Brown*, and I think that’s the role of courts. Now, I confess that I think the Supreme Court has lost it’s way and hasn’t done that for the last twenty years maybe, but I think that’s a very important part of the role that courts have.

15-00:36:58
LaBerge:

Well, since we are on this subject of civil rights and equal protection, let's talk about affirmative action and what your views—both in general, but in education and the University of California, Prop. 209. Whatever you would like to reflect on.

15-00:37:15
Reynoso:

I am very much in favor of affirmative action as it has been utilized by educational institutions, employers, and others. And what I mean by that is that affirmative action includes a great many things. When I served with the Fair Employment Practices Commission [FEPC] in the middle of the 1960s, I don't think we used the term "affirmative action" then, but we encouraged employers to reach out. To not be content simply, for example, with advertising a job in the principal English-language daily newspaper. To also advertise in minority press and so on. To reach out. To act affirmatively to make sure that they got the best employees and that everybody got a shot at it. For example, I remember talking to a gentleman who was in charge of the local bank in Brawley, California, when I was a lawyer. Brawley, at that time, was about 40 percent Latino. Had a lot of monolingual, Spanish-speaking people. Had a small, but not inconsequential, group of African Americans and Asian Americans. And, at that time, every single employee, including the janitors and everybody was Anglo American. So I asked the gentleman in charge how come it was that here they were in this very racially and ethnically mixed community and they served all of them, and yet, every single one of their employees was Anglo. Why didn't he get word out? And he says, "We don't need to get word out. Word gets out in the community when somebody is leaving. We normally have several applications before the person even leaves. Then we hire the best person. We don't discriminate against anybody." But, of course, who would hear that somebody is leaving? Friends, relatives, and so on. And normally folk would be of the same race and ethnicity, then they would hire that person, and that was a continuum.

15-00:39:35

I wasn't with the FEPC at that time, I was just having this discussion with him, but the FEPC affirmatively encouraged a bank like that to let everybody in the community know. That way it would be good for the bank because everybody could compete for that job and they could find the best person that could do the job. And obviously it was good for the element of fairness to the community. That was affirmative action—anything that tries to bring about some fairness in the workplace or in the educational establishment. What it does not mean is that you hire anybody that's not competent. So often, those who attack it say, "Aha! You've hired somebody that's not competent." I have never heard anybody, certainly not us in the 1960s with the FEPC, not with the EEOC when I worked with them later in the late 1960s did anybody ever suggest that folk who were not competent should be hired. So, to that extent, I could be said to be against quotas if that implies that you would be hiring incompetent people. Incidentally, I don't believe that merely having quotas means that. That is, for example, when I was on the EEOC in the late sixties,

the commissioners put together—I was on the legal staff. The commissioners put together what they called the one thousand list. That was a list of employers who had over 1,000 employees in areas that had a sizable minority population and not one of the employees for that employer was minority. I mean, it's extraordinary the level of segregation that we had developed in this country.

15-00:41:42

I remember seeing a movie put together about the construction of Hoover Dam and how these companies were hiring thousands of people—not one black person. Finally, the Secretary of the Interior insisted that they hire some black people. So they hired a few black employees who were all completely segregated, but at least they hired some black employees. But until the government insisted, they had hired thousands of workers; not one African American. You know, we were really—it's amazing how efficient we were in that segregation. Now you have laws saying, "Fair employment." You don't get over it by continuing the same practices; you have got to do something different. Affirmative action has meant that you go out and let people know about it and that you do take their race and ethnicity into account, in part, in hiring. So that if you have 1,000 employees and you have not one African American, and you have an applicant that's African American, you take a careful look to see whether or not the person is qualified. You don't hire them simply because they are black, but you do take that into account. Not only that, but you tell the people that are there that it's their job to hire the best-qualified person irrespective of race and ethnicity. If you know there are a lot of folk in that community that are African Americans, they are bound to find some that are competent. And you ought to keep track. If the workplace is 25 percent African American, and you are looking at unskilled laborers, and you have got 500 unskilled laborers in your plant and not one is African American—you survey those who are in the workplace, and you know that there are just as many or more African Americans in that community or more that are unskilled, and yet you end up with none, there is something not quite right. So you keep track of it, too. And you keep track of it, not incidentally by asking them to identify themselves, but by yourself identifying. Because whether or not a person considers himself African American or not, if others consider him African American, he will be discriminated against, perhaps. You can have a self-regulatory system, only by keeping track of that and sensitizing your supervisors, and so on, to that responsibility, and it really works out best for your company also. You will end up with the best people. Can you keep track of whether or not your company is doing, from my point of view, the proper legal and moral—whether you have taken the proper legal and moral steps in that process? These things don't happen automatically. Then, if minorities hear that an employer is hiring or a college is admitting students of color or students of various ethnic groups and so on, then they themselves are encouraged to apply. So it helps in that process.

15-00:45:25

For some time I was on the board of directors of a group called CLEO, Council on Legal Education Opportunity. It was a group whose purpose it was to try to get more minorities and poor whites into law school. At one point I became chair of that group.

15-00:45:48

LaBerge:

Is it national?

15-00:45:45

Reynoso:

It's national. Well, it used to be a subsidized group by the federal government. They actually would give a stipend to the students, they would pay the professors, and all that. Apparently all that has disappeared. The group still exists, but students now have to pay their own way to go to it. It is a summer program meant particularly for those folk who don't have great LSATs, but who may have a potential for being good students. In part, it's to teach the students about law school, but also to sort of test whether they have a good shot at success at law school. Some students are sufficiently interested that they actually—as I understand it there are only one or two summer institutes now—they actually pay to go to them. When I was involved, there were government funds actually for all of that. I would meet with them, and my talk in summary would say, “Look, you are not here because we love you. It happens that we love you, but you are not here because we love you. You are here because we think the country needs you. We need, in the legal profession, folk to come from all walks of life that in times past haven't had the opportunity to go to law schools. Poor people who haven't had the money, minorities because of discrimination or linguistic or other issues haven't been there. We look at the statistics—even today we look at the statistics, and we don't have the type of representation that we need to have the people of this country have confidence in the legal and judicial system.”

15-00:47:20

Today, I still get phone calls from prosecutors and defense attorneys saying, “Hey, recommend some minority lawyers. We have a disproportionately large number of folk accused of crime. They go into a courtroom, everybody there is Anglo or white, and we sense that it is not legitimate to have so many minorities coming through and having everybody in charge be of a different race. We think we ought to have more minority prosecutors, more minority judges, et cetera, et cetera.” So I would tell them, “Society needs you. That's why you are here. And there is no free lunch for you. You are here because you are being tested—you are being taught, but you are also being tested to see whether or not we think you will do well in law school. You will have a far harder job than others who are being admitted to law schools. So don't think you're here because it's going to be easy for you.” And I believe that. That is, many of those folk who have been admitted—well, Villaraigosa, the fellow who was an assemblyman and got to be the head of the assembly and then ran for the mayorship and didn't get it, used to say of his own experience. He dropped out of high school and got into trouble and all that as a youngster.

Finally sort of shaped up and was admitted to UCLA. And he said, “You know, I was admitted under affirmative action. Some say I got in through the back door.” He says, “Maybe that’s true, but let me tell you, I got out through the front door.” That is, he had really turned his life around and he has gone on to do great things for the public.

15-00:49:04

Once a student is admitted to a job or to a school, that student has to produce. And the reality is that the tests that we have for employment or for school very often test only a tiny amount of what goes to making a good student or a good employee. I want to give you an example. When I was at the FEPC, we were concerned that so many exams ended up excluding a disproportionate number of minorities. So we put together a committee of national experts on testing for employment, and I was asked to be in charge of it. I was the assistant executive officer. I got to know all these experts really well, and at first they would all tell you how great they were, how great the tests were, how efficient they were and so on, but as you got to know them better and better they became more informal. I remember, near the end of the process, I had this long discussion with this national expert, and he says, “Well, Cruz,” he says, “If you really push me on whether or not our tests really, really test whether or not that person is going to be a good employee, I’d have to take the Fifth.” He says, “Our real job is to save money for the employer.” He says, “Let me give you an example,” he said. At that time, clerk typists were very common. He says, “We have come up with a test for clerk typists. You know what that test is? It’s typing. We give somebody a test in typing. If they type over 100 words a minute we say you are qualified. If you type 125, we say you’re super qualified, but you have got to have a minimum of 60 or whatever even to be qualified.” He said, “What does a clerk typist do? If they spend 10 percent of their time typing I would be surprised. They are filing, they are greeting people who come into the office, they are doing this, they are doing that. But the easiest test—that has an appearance of fairness—is to give them a simple test. We quickly cut down those 100 employees to three. The employer then just has to interview three of them and then decide who to take and it saves them money. That’s our job,” he says.

15-00:51:20

Well, the same thing applies to education. We give in law school, we give an LSAT test, which even those who put the LSAT say has nothing to do with how well the students will do except during the first year of school. That, in turn, has some relationship—but not that much—with whether or not that person will pass the bar, and has no relationship with how good a lawyer that person will be. And yet, the LSAT is one of the two absolutely most important matters that we look at in admitting. We look at their GPA and their LSAT, and most law schools will then put them together and come up with a figure, their own formulation of what that combination does. Well, we know that doesn’t tell you how good a lawyer they will be. Meanwhile, from the point of view of society, don’t you need more lawyers who are willing to serve the

poor, who are willing to go to public jobs, who are willing to do many other things? If we ask ourselves the question, “Is our role to train lawyers who will serve society well?”—as medical schools try to; not with great success, but with some. I mean, a medical school looks at what’s needed in society, and what’s not needed is more—what do they call surgeons of the face?

15-00:52:43

LaBerge:

Oh, plastic surgeons.

15-00:52:45

Reynoso:

Plastic surgeons. We don’t need more plastic surgeons. A disproportionate number of doctors will become plastic surgeons because they can make—

15-00:52:55

LaBerge:

Money.

15-00:52:54

Reynoso:

Money. Right. What you need is doctors dedicated to serving all those folk who are underserved. So the medical schools try, by interviews and so on, to identify those who have a greater chance of going to those communities, and actually the statistics indicate that they have had some success, particularly with Latino and African American graduates of medical schools. Well, we as lawyers, shouldn’t we be looking at that also? What do we need in society? Instead of just looking at LSATs and GPAs, which tell you something, but obviously don’t tell you the whole story about whether or not that person is going to be a great lawyer. We need to go beyond that, and one of many things that you look at is the background of the youngster, including ethnicity and race. And I have long felt that what has been done based on affirmative action, which has forced many institutions to look at a person more, if you will, “holistic”—as they say nowadays—has been a great boon not just to minorities, but to everybody. Because everybody who is applying to law school, who is applying to a university as a freshman, who is applying for a job ought to be looked at as a whole human being, not just whether you can type, but whether you can relate to people, whether you can remember things, whether you can file papers properly, and so on. So, in general, I continue to be very much in favor of affirmative action. I reject completely the notion that anybody should be hired who can’t do the job. I think it is bad for that person. They will end up being fired or end up being dismissed from law school. What a tragedy. It is our job as educators or as employers to use our best judgement to make sure that those folk in fact do do well. There is an element of risk-taking that takes place, but we ought to be judicious in that risk-taking also. I am not in favor of simply admitting folks into the law school, even if we think they are going to be great lawyers, if we don’t think they are going to make it through law school because they are never going to get to be great lawyers. So, I think we have to take all of that into account, but principally we need to take a look at the person as a whole, and then ask ourselves, “What does society need at this time?”

15-00:55:23
LaBerge:

I am going to change this tape so hold on.

[Audio File 16]

16-00:00:04
LaBerge:

Okay, we were continuing the discussion about affirmative action and I cut you off in the middle of a sentence about education. But I was going to ask you too: How has the Davis Law School dealt with this since Prop. 209?

16-00:00:36
Reynoso:

Davis is presently in a peculiar—Davis Law School is in a peculiar situation now. Davis, many years ago, started out admitting a lot of minorities. Then, I don't know why, but I can guess that some of the minorities that were admitted didn't have the same LSAT and GPAs as some of the others and a disproportionately large number of them did not pass the bar. This was like thirty years ago. Then Davis, I think, got rather restrictive in admitting minorities, and for a while—for a long time—had the fewest percentage of minorities as compared to the other public schools in California. But, interestingly, it came up with a system of admitting students, whereby they established two separate admissions committees, and they used their own judgement on who to admit and did not have an express affirmative action program. Meanwhile, UCLA and Berkeley did have a more active affirmative action program, so that UCLA got to the point, just before 209, where for the first time ever, there was no racial or ethnic majority in the graduating class. Davis never got to that. But then, a funny thing happened historically. [Prop.] 209 passed, and 209 devastated the programs that UCLA and Berkeley had. It got to the point where Berkeley had, I think, one student, and it got to the point where UCLA had two African American students. One African American was Latina, but she told me that she purposefully listed herself as African American because she hated to have UCLA to have only one African American. But that's how bad things got. Then slowly both Berkeley and UCLA said, "My gosh, we have got to do something about this." It is ironic that—I know UCLA; perhaps Berkeley also—the law school was taking a more conservative view of 209 than the general administration. It was very odd to me. I argued that we had a good argument that affirmative action wasn't even a preference, that 209 didn't even apply. But practically everybody disagreed with me on that. I still feel that way, incidentally, because I have never considered affirmative action a preference. As I would mention to those students, if anything they're going to have a harder road to climb.

16-00:03:40

But then Davis, because of the way it decided to do things, always had a pretty good representation but not as good as UCLA and Berkeley. When their numbers went down, Davis's did not, so that today, Davis has a better

representation of folk of color at the law school than UCLA and Berkeley, and has had for several years. It's an irony in terms of how these things turn out.

16-00:04:13

LaBerge:

How do the two committees—they must look at the students holistically?

16-00:04:19

Reynoso:

They do, they do. And that's why they had succeeded in having a substantial number, but not a great number of minorities, and they have continued in about the same way. Davis has not had the diminution in numbers of folk of color that UCLA and Berkeley had.

16-00:04:43

Even now, none of the schools are doing what I think society would demand. Right now, we have in California about—I see various figures, but I would say about 3 percent of the lawyers are Latino. Meanwhile, about a third of the population is Latino. We have probably about 2 or 3 percent are Asian, but 8 or 9 percent of the population is Asian. About the same figure are African Americans, so we have about 6 or 7 percent of the population as African Americans. We have a long ways to go before we see any sort of proper representation in that great profession, and we need representation in any great profession it seems to me. We have a long ways to go, and affirmative action—you know, affirmative action has just been one of many steps that one could take to do better in society from the point of view of representation of folk in different professions. Even after nearly thirty years, we are still at the figures that I just mentioned to you. So, this notion that somehow affirmative action has done all these great things for minorities is simply not true. In the black community, you hear a lot of discussion about the reality that affirmative action simply helped the middle-class and upper-class blacks. It did very little for poor blacks. I think it is still very important, but we have to recognize that it's of limited utility. It is a very important utility, but it is limited utility, and even that has come under attack. I completely disagree with the folk who think of affirmative action as a preference. I think that it is really a program that's good for society. It is not meant to just help those given individuals; it's meant to help society be a better society. I don't view it as a personal preference at all.

16-00:06:54

I disagree—even though there is an element of truth to it, nonetheless, in terms of policy—I disagree with the notion that we ought not to have affirmative action because it makes minorities feel inferior. People will think that they just went to law school because they were there under affirmative action. In fact, sad to say, I talked to many minorities who have run into that. Minorities who had excellent grades and excellent LSATs, who under no condition could be said to be affirmative action admittees. And they say that very often they sense that as soon as some folks see a minority, they say “Aha! Another affirmative action admittee.” So there's that element. On the other hand, most minorities say, “Look, if that's the cost that we have to pay

to get more of our numbers in the law schools, that's fine with us." I am reminded of a discussion I had with a female professor here who was involved in some discussion about the fact that Davis, like most other universities, didn't have a fair number of female professors, speaking generally. One argument was, "Well, we don't want to do that because we feel that we hired them only because they are female," and meanwhile the group of female professors had the figures indicating the lack of representation. And they said, "We don't mind. Go on and hire them. We would rather have them hired than not." And I think that's the way most minorities feel.

16-00:08:23

Not all. I have written an article of Latinos in LA County, and there are several folk who responded saying, "I don't like affirmative action. I want to do it on my own." In any large group you are bound to have those sort of disagreements. You now have in the black community some folk that call themselves the New Black Leadership, and they reject affirmative action. They reject anything that smells of civil rights. They think that everybody ought to be able to stand on his own two feet and pull himself up by his own bootstraps, whether he owns bootstraps or not, et cetera, et cetera. But, you know, you have to expect that. Incidentally, I also believe that affirmative action is not something temporary like Sandra Day O'Connor thinks it's all going to be done in twenty-five, thirty years. I think it ought to be a continual concept for our society. Thus, for example, for years and years we at the university have discriminated against the mountain counties in California. Many of those schools don't provide all of the courses that we require. Many of the kids there, mostly Anglo, are poor and we have never had good representation in the UC system of the mountain counties. I think we ought to have affirmative action to get more of those kids, just in terms of fairness. They pay taxes; they ought to have their own children come to the UC system. That has also been true of youngsters in the Central Valley, irrespective of race or ethnicity. It seems to me that we have a duty in a democracy to look around and see whether or not any group is being excluded. Pragmatically. I don't mean that there is a policy that says "No mountain kids," but we look at the figures and we see that they are being excluded for one reason or another from participating in that educational institution, that employment institution, whatever. And it tells us we are not doing something right.

16-00:10:28

I will tell you a story because it turns things topsy-turvy. I may have told you about this. I was invited to go speak on a Saturday to a parent-student group in a school in the Los Angeles area. When I got there, I noticed that practically everybody involved was Spanish-speaking, and a great majority of the kids there were there, but the leadership of the PTA and practically everybody in charge was Latino. So I asked, "Is this an entirely Latino school? Do you have some other folk?" And they said, "Oh yes, about 20 percent of our students are Anglo." And I said, "Well, where are the Anglo parents?" And they said, "We don't know. We keep inviting them; they just don't come." I was

bemused because I have heard that story told a hundred times about Latino parents by Anglo parents, “You know we keep sending these notices. They don’t come. They must not be—” They don’t say this, but the implication is “they must not be interested in education or must not be interested in their kids.” Well, I just said, “Maybe you ought to do something more so they feel comfortable when they come to these meetings and so on.” Something is not quite right when 20 percent of the parents don’t come to a Saturday function that is supposed to be good for everybody. I don’t know what they have done right or wrong, I really don’t. I nonetheless have the absolute sense that they haven’t done enough. Somehow those parents, when they have come to a meeting, have felt uncomfortable, as my parents did when they went to a PTA meeting. And we as human beings are smart enough to be able to figure things out on how to make those folk feel more comfortable and so on.

16-00:12:20

I think affirmative action is and ought to be a continuing concept in our country, and in fact, we have seen that evolution at Berkeley. There used to be an affirmative action plan at the university as a whole for all the underrepresented folk, which included at that time, Japanese Americans and Chinese Americans. When the numbers of those two particular Asian groups then got to be even more than their representation in the population and the high school and graduating population, those two groups were dropped from the affirmative action plan. I thought that was perfectly proper. Then they could worry about the Asian groups, the Hmong and others, that weren’t well represented—Latinos and African Americans and so on. It ought to be a matter of private and public sensitivity when public or private institutions are not serving the folk that you know ought to be served.

16-00:13:21

LaBerge:

This is wonderful to have this on tape, really wonderful.

16-00:13:27

Reynoso:

And obviously everybody will agree with me, right? [Laughter]

16-00:13:35

LaBerge:

I don’t know.

16-00:13:38

Reynoso:

No, but folk who disagree with me are perfectly honest in their opinions, and I think sometimes based on folk being such good people that they really can’t believe that discrimination takes place, or they can’t believe that the opportunities aren’t there. That is, they can’t believe that an Anglo parent would feel uncomfortable going to a predominantly Latino school, or that a Latino parent would feel uncomfortable going to a predominantly Anglo school without there being some special effort to make sure that they feel comfortable. These folk—and I know many of them are really very, very fine people—they just can’t believe that those things can happen. Just as so many people can’t believe that our soldiers would actually torture people in prison.

And they say, you know, “It can’t be.” Sad to say, those of us who have been around and have seen what’s happened in our own prisons in California and elsewhere find that—I’m sorry to say—unsurprising. But most folks just don’t. When the Rodney King beating took place in Los Angeles, the mayor and all, they immediately start talking about “the few bad apples.” Well, my own experience has been that there are a few bad apples, but very often—more than that—it’s an ambience that has been created from the top. It’s lack of enforcement by middle management, and therefore a sense on the part of those folk at the bottom that it’s not only a good thing to do, but it’s a matter that will be rewarded. So I blame, in terms of what happened for example in Iraq, everybody who was involved—from the buck private to a person called the President of the United States of America. And certainly every general and colonel in between.

16-00:15:40
LaBerge:

And Secretary of Defense.

16-00:15:42
Reynoso:

Absolutely. There are many people who would fight against it, but many folk who were there did not. And that’s been my experience in any big institution. You also know that there are bad apples. You sometimes see folk who finally have a little bit of authority, and they really want to exercise it. Sometimes against the regulations of their own employer or their own institution. But then the important thing is, what happens to those people? And very often the answer is “nothing” or they still get rewarded. That also sends a message. If those photographs had not been made public, I’ll bet you dollars to doughnuts that there would have been very few punishments coming out of that torture and so on.

16-00:16:31

And that same thing applies in educational institutions, it applies in employment institutions, and again I will just tell you another story. I represented—another lawyer and I represented an employee of UC Davis. Not a teaching employee, a staff person. She charged that the dean of that school—this is many years ago—discriminated against her and sexually harassed her. At that time I had children attending school here as undergraduates, and I would come to some of the functions and I would run into the chancellor, and he’d say, “Hey Cruz, I hear you are going to sue us.” And I said, “Yeah.” I don’t know whether because of that, a very high official—I forget; probably the provost—got together and negotiated with us, and made us an offer we couldn’t say no to. She was going to get several months off to recover from all this. She was going to be transferred to another job, sort of her choosing, same pay and so on, I think maybe even got an increase in it. It was terrific. There was only one problem. We wanted an investigation of whether or not our charges were true or not, and they refused to do that. We said, “We won’t settle unless you agree to do that.” Finally they agreed to do that. As you might guess, it was a very superficial investigation. They quickly decided that the dean was perfectly clean; he hadn’t

discriminated against her, no sexual harassment, nothing. But at least we got the investigation. It's interesting; that was the only thing holding up that settlement.

16-00:18:06

I'm not saying UC Davis was a bad institution then or now. It's somehow practically a natural inclination of institutions on how to protect themselves. There was a report this morning on the prison system in Iraq that the first reaction by the people who got a report from the Red Cross was, "How do we keep the Red Cross out?" Not, "What do we do about the abuses?" It's a perfectly natural thing. That's also perfectly natural in who you admit to your institutions, who you hire, and so on. We need external forces, very often a program, a law, a regulation that tries to get us out of that so we try to do the right thing. And affirmative action is just simply one of those methods, if you will. That's the way I see it. There is nothing magical about it. You have to use discretion on how to use it, and there are many pressures going the other way. In law schools, for example, you always worry about the passage rate on the bar. Then, you have got to worry very much about maybe not admitting people who eventually won't pass the bar. You worry about people getting jobs quickly because all that goes into the national system of pecking order, right? Then you worry about how many of your students are going to get clerkships. Well, more often than not, folk who get clerkships, folk who get hired and all that, are hired by people who have a certain affinity to them. Very often the affinity, though unstated and probably unconscious, has to do with race, ethnicity, particularly with cultural background. A middle class person would feel more comfortable with a middle class person. Et cetera, et cetera. These are just natural institutional pressures, if you will, or practices.

16-00:20:05

I have always admired the U.S. Constitution because it recognized that power corrupts, and that therefore we need different power sources, different departments, who are able to curtail that corruption. To a certain extent, what's going on now in our country is that one of our institutions, namely the executive, is now claiming great power and we see the obvious corruption that comes from it. You know, that's one of the great secrets, not secrets, one of the great thinking of the constitution. They recognized an element of selfishness. An element that folk truly convince themselves that what's best for themselves individually is somehow best for the country. If it was completely up to you, you would quickly declare yourself king because you know you are wiser and smarter than anybody else so you know exactly what's right. That you end up with Cadillacs and houses all over the country and all that is simply because you ought to be rewarded because you are so wise and evenhanded with everybody else. I mean, those are just natural tendencies that some folk who are spiritual and so on are able to reject, but most folk are not.

16-00:21:30
LaBerge:

I would like to say for the tape that you are one of those people who do reject it.

16-00:21:31
Reynoso:

Well, I hope you are right, but I don't even accept that about myself. I have to remind myself about those things. It is so easy. Many people admire the things that I am doing. I will go and talk to some group and folk will come and say, "Oh, what a great talk," and all that, and I think to myself, "Oh boy, I must really have been right." Then I will hear a talk delivered by a person who absolutely disagrees with me on everything, in which he is talking to people who agree with him, and they all go up and say, "Oh, you are right. No, that war against Iraq was exactly the right thing. Oh, you are so wonderful." And those people are bound to say, "Oh, you know, I must be doing the right thing." So, I have to check myself too. [Laughter]

16-00:22:11
LaBerge:

But see, the thing—you are conscious of that. Other people are not always conscious of that.

16-00:22:17
Reynoso:

That's true. I am conscious of that.

16-00:22:20
LaBerge:

Well, as you were bringing up, affirmative action being a continual thing. Like the next minorities probably are Muslims or Arab Americans.

16-00:22:32
Reynoso:

Absolutely. I just spoke before, actually a Latino group, Boalt Hall students and alumni. And I said, "Look, we are now a third of the population. Our responsibilities now go beyond the Latino community." And I have never viewed that the Latino community wanted anything extraordinary. They want the same thing for their children that other folk want. It may be that it looks a little bit different. Bilingualism might be viewed a little bit differently, but it is only because those parents want the same thing for their own children that others do, i.e. a good education. So we've got to be sensitive to the vehicles for bringing fairness to everybody. Latinos—and now that we have maybe a third of the legislature in Latino hands—we have a responsibility to be sure that everybody in California is treated with respect and with equality. I believe that. Unfortunately, I have long said that those who are in political control need to be conscious of those who are not because in the future they may not be in political control and they have to establish the tradition of fairness. I am sorry to say that I haven't seen that yet come about. So it may be that, when Latinos are in political control, there will be sort of an element of say, "Look, you did us in, now we are going to do you in." I hope it doesn't happen, but there is a danger of that because there is still too much anti-Latino ambience. I listen from time to time to find out what people I don't agree with say. Some of these talk show hosts. I mean the racism, the anti-Latino rhetoric, all of that just really floors me, and I can see the possibility of that happening, though I

hope it doesn't. Anybody in charge needs to be aware that their responsibility is for everybody, not just for their own constituency. And sad to say, you see folk not being conscious of that.

16-00:24:43

LaBerge:

Well, let's go back to our own court, and first of all, whatever you want to add to any of that, but as you were talking about the separation of powers in the federal government, what about in our state and how you felt that played out as you were in the judiciary? How did you see that playing out with the executive and with the legislature?

16-00:26:24

Reynoso:

When I was on the court, I believe that—but for the political attack led by the then governor, which I thought was absolutely inappropriate—the relationship had been one of respect. That is, there are many traditions that have to do with that respect. For example, the court will seldom rule against the legislature and issue an order against the legislature. They will issue an order against an executive that carries out something pertaining to the legislation. That's an effort to not be confrontational with the legislature. Each branch of government has the duty of self-reflection and self-control, if you will. A respect for the other branch. And generally I saw that happen. Now, the constitution doesn't tell you how that is to be done and one of my favorite examples of a debate that then was worked out amicably had to do—and I don't know whether I have told you about this, but when I was on the court of appeal and the window—what I described as the window story?

16-00:26:26

LaBerge:

I don't think so.

16-00:26:26

Reynoso:

Okay, here's what happened. The Library and Courts Building in Sacramento is a grand building, and the supreme court chambers there are my favorite of any court. It's a wood-on-wood motif. The bench is rather low so you can have a good discussion with the lawyers. It's just wonderful but it was built in the 1920s, and a time came when I was there when the executive, through the office that takes care of buildings, decided that they should close the windows, I guess for air-conditioning purposes. That was very common in those days. Now, architects have changed their minds—they think open windows are actually okay—but at that time they wanted to close all the windows. The windows in the individual chambers were these great big windows that you could open. And it was wonderful on a spring day to be able to open the windows, and the judges said, "We don't want the windows closed." Well, who's in charge? They were our chambers, but the building actually belongs to the executive, that's the executives in charge of the buildings, right? So we asked the presiding judge to deal with those executives and try to protect our interests. I don't know the ins and outs of the meetings. He had several meetings with them. The end result was that our windows could still be opened. But see, there is no rule to tell you that. They could have said, "Hey,

wait a minute, we're in charge of the building. That's our job as executive." And he could have said, "Wait, I am in charge of the judiciary."

16-00:28:09

I think the Constitution—state and federal—assumes and requires cooperation and self-restraint by the branches of government. One of the worst things that's happening now on the national side, is to have the chief executive officer called the President of the United States say that he wants to exercise the entire power of the presidency. He believes that the presidency has been weakened. Well, that's absolutely wrong, in terms of our constitutional form of government. The executive—which has so much power—has the duty to be reflective about how to exercise that power, and to be respectful of the judicial and legislative branches. Self-restraint is a very important part of our government, and when you forget about that—as Governor Deukmejian did in attacking Rose Bird, or as the president is doing now in saying that the judiciary ought not to be able to review many of his positions and so on—I think that is exactly the wrong thing. Fortunately, we have been able to get beyond that historically in our country, and I assume we will get beyond those incidents that are more recent in history too.

16-00:29:27

LaBerge:

Well, for instance, you are on the court and you declare a statute unconstitutional. The statute, I assume, is from the legislature. So how do you do that without being disrespectful?

16-00:29:50

Reynoso:

We have to be reminded that everybody, every public official swears to uphold the constitution. So the notion that it's the courts that enforce the constitution is absolutely wrong. And I have heard legislators say, "It's up to the court to decide whether its constitutional." Not true. Every legislator has a duty to decide whether or not something is constitutional or not. If, nonetheless, they go on and pass a statute that is unconstitutional, then obviously it can be challenged by the courts. And I think the courts have the duty to protect—to declare it unconstitutional—because the courts and the legislature have two different responsibilities in a way. The legislature is a majoritarian group, and they, for political reasons, respond to a majority of the people. The courts have a non-majoritarian role. Their role is to protect anybody who is hurt who has a right not to be hurt constitutionally. It's their role to say, "Sorry, we know you passed that statute because it pleased 90 percent of the people, but it happens that it discriminated against 10 percent of the people, and it is our role to protect those 10 percent." So they are quite different roles, and each branch has to be respectful of each branch exercising its role.

16-00:31:06

Now, each court has to exercise some self-restraint. I think the U.S. Supreme Court, for example, disgraced itself in the Florida election decision, because to me it was so clearly partisan. From my own reading—and I have read a few

opinions in my time—I find it completely unpersuasive, and I find judges taking positions contrary to positions they had always taken in other cases in that one case. There, the Supreme Court I think did not exercise self-restraint, and I think it weakened the standing of the Supreme Court before the country. There are—what should I say—breaches of that responsibility of self-restraint by each of the branches. But, hopefully, in time—hopefully it will happen not very often, and in time we will get beyond that and the people can continue to have confidence in each branch exercising its own responsibilities. I confess that the notion that the president could declare an American citizen an enemy combatant, and argue that that can't be challenged in court is so beyond my experience as a lawyer, as a judge, and a human being, that I can't even begin to understand it. But that's obviously my own view. Some, like Scalia, have a completely different view. They say, "Look, that's up the president. He can do anything he wants. It becomes a political issue, not a judicial issue, and if people don't like what he wants, they can vote him out of office." I absolutely reject that. It seems to me that everybody, including the President of the United States, as the court said in the Nixon tapes case, is subject to the law. Even the president has to obey the law. I think that's what a democracy is about.

16-00:33:06

LaBerge:

Is there something you are burning to talk about that I haven't asked you that you have been thinking, "Gosh, I wonder why—?"

16-00:33:14

Reynoso:

No, not really. We haven't talked much about life after the court.

16-00:33:17

LaBerge:

Let's do that.

16-00:33:17

Reynoso:

I think that's interesting.

16-00:33:19

LaBerge:

We talked about your teaching, but we didn't talk about your practice or, too, what you thought you were going to do.

16-00:33:30

Reynoso:

Well, I just mentioned that because I remember Jimmy Carter wrote a book about life after the White House. Whenever you end up having a position of higher visibility—so often nowadays I'm introduced as retired supreme court Justice.

16-00:33:46

LaBerge:

Because that's the highest—

16-00:33:48

Reynoso:

Right, even though that's been how many years now. And I must say that my own experience has been that one can and should live a full life after being in offices like that. I always admired one of our presidents—I forget; I think one

of the Adamses—who then ran for Congress after being president and he served in Congress. I think that’s great. I think the tradition now that ex-presidents sort of are great grandfathers for the country is wrong. I think they ought to be involved. They ought to run for Senate, they ought to run for Congress. They ought to be public servants.

16-00:34:31

LaBerge:

Like Jimmy Carter has.

16-00:34:33

Reynoso:

Exactly. They ought to be like Jimmy Carter. So in some ways, my model really was the Jimmy Carter model. I wanted to do a couple of things. One, I was then going to be free to do things I couldn’t do as a judge. And, two, I wanted to have it be clear that I considered it a political defeat, not a personal defeat. So I wanted to end up on my feet when I left the court. Fortunately, I was able to get a job as a lawyer with a firm that paid me more money than I was earning as a judge. I helped form a group called Latino Issues Forum, and we started calling press conferences. I remember at that time attacking a high official of the INS who said that undocumented were such terrible people that they should be dunked in burning oil, or something. I forget. So we called a press conference and attacked him, and started doing all the things that a citizen can do and a judge can’t do. Then I got a call after a couple of years from UCLA asking if I wanted to teach, and eventually we agreed on my joining UCLA and I enjoyed that. Then I got a call asking if I was interested in being a member of the U.S. Commission on Civil Rights, and fortunately things went well and I was appointed by the Senate at that time to be a member of the commission. Even before that, I was appointed by Willie Brown to be a member of the California Post-Secondary Education Commission [CPEC], and that was very interesting work for me.

16-00:36:11

LaBerge:

Now, we have not talked about that.

16-00:36:13

Reynoso:

Yes, again, it was combining private work and public work. I’ve always appreciated being able to do that, so I appreciated having been appointed to the California Post-Secondary Education Commission. Later I became its chair. That dealt with all the issues of higher education, so that was very interesting to me. I quit when I started teaching because you couldn’t be an employee of an institution of higher education and serve on that commission.

16-00:36:45

LaBerge:

Yes, that makes sense.

16-00:36:46

Reynoso:

But for two or three years I served on that commission and that was very interesting work.

16-00:36:50
LaBerge:

Did you make any changes or recommendations?

16-00:36:55
Reynoso:

Well, we were very concerned at that time—as we are now, even more so—with doing everything we could to support the plan that had been put together in the 1960s for higher education where the—

16-00:37:14
LaBerge:

The Master Plan.

16-00:37:13
Reynoso:

The Master Plan. The UC system, the CSU system, and the community colleges had their own roles. And particularly the promise—which we have broken for the first time this year—that anybody who wanted to go and was eligible to attend those institutions could do so. I am really very saddened that this great state of ours with all the wealth that we have, has broken that promise to the young people of this state. I think it is really unconscionable.

16-00:37:40

And then we were concerned about, as now, the drop-out rate in high schools. High schools have to report their dropout rates, but they have systems that are very peculiar to each high school, where they very often assume that if a person leaves the school, they somehow have gone to another school district. In fact, when you examine how many students are in their first year of high school and how many graduate, we have a terribly high drop-out rate in California. I think something like 30 percent. Well, meanwhile, high schools report drop-out rates of 2 or 3 percent and it looks hunky-dory, but we knew on the facts that that wasn't true. We were coming up with plans to maybe have an ID number for each student that signs up as a freshman, and then that ID number goes with them to see whether or not they eventually graduate from some place within five years or six years or whatever. We had the same issues with college because we were very concerned that at that time—we have made a little bit of progress—it was taking something a little bit over five years for a student to graduate from college, from a four-year program, because sometimes they couldn't get the right courses, et cetera, et cetera. That just meant more time and more money for them and for the institution. So we were dealing with those issues. The staff was very competent. The legislature—we didn't deal that much—CPEC is supposed to be an advisory group both for the legislature and the governor, but we seemed to end up dealing mostly with the legislative committees on education. But they were very responsive to our recommendations and our reports, and I just found my work with the commission really very satisfying.

16-00:39:34
LaBerge:

And what other kind of people were on it with you? I don't mean what other kind; what—?

16-00:39:36
Reynoso:

Yes. A portion of them were appointed by the governor and by the legislative leaders of the assembly and the senate. And then others were there because of their institutions. There were representatives from the UC system, CSU, community college, private colleges. So some were there by the position that they held already. It was a nice mix. I served—at that time, we set up a special committee actually to worry about access to college, and particularly about diversity, and we had informal meetings all over the state. We issued a report on things that were going right and things that needed to be improved and so on. It was a very active group. To this day, I am still in touch with some of the people that I worked with during that time. And then, as I say, when I started teaching, that's in a way a public position, but I was appointed to the U.S. Commission on Civil Rights—and I am still on that commission, and will be at least until the end of this year or through January, I think—and continued again to do some public work, if you will. I have found that, as with other experiences, the fact that I have been on the supreme court has helped me perhaps be even more effective in the public positions that I have had, or the private positions for that matter. And so to me, I continue to be thankful to the people of this state for the opportunity to have served in the court system, and I have continued to be active both private and publicly. I feel fortunate, I must say, in terms of how my own life has evolved. I'm speaking professionally, but privately also.

16-00:41:32
LaBerge:

Yes, yes. Well, that's pretty obvious, it's pretty obvious.

16-00:42:45
Reynoso:

There are some things that don't quite work out the way you would hope. My wife, somewhere along the line became a little bit disenchanted I may have mentioned to you. I think she probably went to a few too many meetings where Latinos had unkind things to say about Anglos, and she is Anglo. So, somewhere along the line, she became less interested in Mexican culture and language and so on, so that of our four youngsters, the first two have a pretty good understanding and speak Spanish pretty well, and so on, and the second two do not. And that's been a matter of sadness to me. My wife doesn't fly, so it means we haven't been able to take vacations in Europe and other such places. And from her point of view, she is a very religious person, and I have been attending church with her since we have been married, but I have never joined the church, and I'm sure that's an element of sadness to her. So in life there are some things that don't quite work out.

16-00:42:42
LaBerge:

Yes. There are compromises.

16-00:42:41
Reynoso:

On the other hand, we have been married forty-eight years and I am still deeply in love with her and she with me I must say. I think. [Laughter] She calls me every night when she is away—she is on a train right now—and I call

her. I just feel fortunate that we've been able to make a life together. I tell people that my life has been really idyllic. I sometimes think of those books that I read in kindergarten about grandchildren going to this grandma and grandpa on the farm, and we have a thirty-acre little ranch and grandchildren come and stay overnight. One of our granddaughters, her mother, our daughter asked her what she wanted for her birthday. What did she really want? And what she really wanted was to go stay in her grandmother and grandfather's home and have her cousins stay overnight with her, and that's what they did.

16-00:43:39
LaBerge:

Oh, that is wonderful.

16-00:43:44
Reynoso:

So, you know, in some ways my life has been magical, I would say. And that doesn't mean, you know, people sometimes—obviously there have been rough times in life and people ask me about it and say, "Gee, how can you be optimistic when you've gone through this or that?" I don't know, I guess I haven't taken those things personally. I just got an e-mail from a student who did some work for me here. Great student, great personality. She'll make a wonderful lawyer someday. I just got an e-mail saying she didn't pass the bar. And she has just taken it for the second time. Meanwhile, she's been unable to find a job and she is filing for bankruptcy, she says. I think, "Oh, my goodness!" I don't know quite what went wrong, but when I read something like that and I compare to that what has happened in my own life, I can't help but say, you know, I really have been fortunate in life. Somehow, whether my internal fortitude was God-given or given to me by my parents or just one of accidents that one out of every ten persons or one out of every two persons has that fortitude. I don't know what it was, but I think I have mentioned to you that even as a youngster I ran into all kinds of problems and people ask me, "How come you kept going?" I tell them, "You know, I was just too dumb to know there were obstacles so I kept going." So, for all those reasons I just really have been very fortunate.

16-00:45:28

And, at the same time, if you are fortunate because of what God has given you or what society has given you, I think you have an obligation to try to do what you can for other people. That's why, particularly, I've valued anything that I could do in terms of public service, but beyond that—perhaps even more importantly sometimes—is what you can do as a private individual. Through organizations that I belong to, and so on, I have tried to do what I think is right. And again, I have to be respectful of those people who don't agree with my notions of what's right for society and so on. But you have the duty to think through what you think is the right thing to do and then act upon it, it seems to me. So that's what I've tried to do.

16-00:46:16
LaBerge:

This has been a real privilege for me to be able to spend this time with you. Thank you, for all the people who are going to read this and use it.

16-00:46:23

Reynoso:

Thank you. I hope I haven't been overly verbose. [Laughter]

16-00:46:30

LaBerge:

Oh, not at all. Not at all.