

Earl Warren Oral History Project

PERSPECTIVES ON THE ALAMEDA COUNTY
DISTRICT ATTORNEY'S OFFICE

VOLUME II

- Richard H. Chamberlain: Reminiscences About the Alameda
County District Attorney's Office
- Lloyd Jester: Reminiscences of an Inspector
in the District Attorney's Office
- Beverly Heinrichs: Reminiscences of a Secretary in
the District Attorney's Office
- Clarence E. Severin: Chief Clerk in the Alameda County
District Attorney's Office
- Homer R. Spence: Attorney, Legislator, and Judge
- E.A. Daly: Alameda County Political Leader
and Journalist
- John Bruce: A Reporter Remembers Earl Warren

With an Introduction by
Arthur H. Sherry

Interviews Conducted by
Miriam Feingold
Joyce Henderson
June Hogan

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PREFACE

The Earl Warren Oral History Project, a five-year project of the Regional Oral History Office, was inaugurated in 1969 to produce tape-recorded interviews with persons prominent in the arenas of politics, governmental administration, and criminal justice during the Warren Era in California. Focusing on the years 1925-1953, the interviews were designed not only to document the life of Chief Justice Warren but to gain new information on the social and political changes of a state in the throes of a depression, then a war, then a postwar boom.

An effort was made to document the most significant events and trends by interviews with key participants who spoke from diverse vantage points. Most were queried on the one or two topics in which they were primarily involved; a few interviewees with special continuity and breadth of experience were asked to discuss a multiplicity of subjects. While the cut-off date of the period studied was October, 1953--Earl Warren's departure for the United States Supreme Court--there was no attempt to end an interview perfunctorily when the narrator's account had to go beyond that date in order to complete the topic.

The interviews have stimulated the deposit of Warreniana in the form of papers from friends, aides, and the opposition; government documents; old movie newsreels; video tapes; and photographs. This Earl Warren collection is being added to The Bancroft Library's extensive holdings on twentieth century California politics and history.

The project has been financed by four outright grants from the National Endowment for the Humanities and by gifts from local donors which were matched by the Endowment. Contributors include the former law clerks of Chief Justice Earl Warren, the Cortez Society, many long-time supporters of "the Chief," and friends and colleagues of some of the major memoirists in the project. The Roscoe and Margaret Oakes Foundation and the San Francisco Foundation have jointly sponsored the Northern California Negro Political History Series, a unit of the Earl Warren Project.

Particular thanks are due the Friends of The Bancroft Library, who were instrumental in raising local funds for matching, who served as custodian for all such funds, and who then supplemented from their own treasury all local contributions on a one-dollar-for-every-three dollars basis.

The Regional Oral History Office was established to tape record autobiographical interviews with persons prominent in the history of California and the West. The Office is under the administrative supervision of James D. Hart, Director of The Bancroft Library.

Amelia R. Fry, Director
Earl Warren Oral History Project

Willa K. Baum, Department Head
Regional Oral History Office

1 March 1973
Regional Oral History Office
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EARL WARREN ORAL HISTORY PROJECT

Principal Investigators

Ira M. Heyman
Lawrence A. Harper
Arthur H. Sherry

Advisory Council

Barbara Nachtrieb Armstrong
Walton E. Bean
Richard M. Buxbaum
William R. Dennes
Joseph P. Harris
James D. Hart
John D. Hicks*
William J. Hill
Robert Kenny
Adrian A. Kragen
Thomas Kuchel
Eugene C. Lee
Mary Ellen Leary

James R. Leiby
Helen McGregor
Dean E. McHenry
Sheldon H. Messinger
Frank C. Newman
Allan Nevins*
Warren Olney, III
Bruce Poyer
Sho Sato
Mortimer Schwartz
Merrell F. Small
John D. Weaver

Project Interviewers

Miriam Feingold
Amelia R. Fry
Joyce A. Henderson
Rosemary Levenson
Gabrielle Morris

Special Interviewers

Orville Armstrong
Willa K. Baum
Malca Chall
June Hogan
Frank Jones
Alice G. King
Elizabeth Kirby
Harriet Nathan
Suzanne Riess
Ruth Teiser

*Deceased during the term of the project.

EARL WARREN ORAL HISTORY PROJECT

Interviews Completed by December 1972

LABOR LOOKS AT EARL WARREN. 1970

Germaine Bulcke, A Longshoreman's Observations.

Joseph Chaudet, A Printer's View.

Paul Heide, A Warehouseman's Reminiscences.

U.S. Simonds, A Carpenter's Comments.

Ernest H. Vernon, A Machinist's Recollections.

Emily H. Huntington, A CAREER IN CONSUMER ECONOMICS AND SOCIAL INSURANCE. 1971
With an Introduction by Professor Charles A. Gulick

Robert B. Powers, LAW ENFORCEMENT, RACE RELATIONS: 1930-60. 1971

EARL WARREN'S BAKERSFIELD. 1971

Maryann Ashe and Ruth Smith Henley, Earl Warren's Bakersfield.

Omar Cavins, Coming of Age in Bakersfield.

Francis Vaughan, School Days in Bakersfield.

Ralph Kreiser, A Reporter Recollects the Warren Case.

Manford Martin and Ernest McMillan, On Methias Warren.

EARL WARREN AND HEALTH INSURANCE: 1943-1949. 1971

Russel VanArsdale Lee, M.D., Pioneering in Prepaid Group Medicine.

Byrl R. Salsman, Shepherding Health Insurance Bills Through the California Legislature.

Gordon Claycombe, The Making of a Legislative Committee Study.

John W. Cline, M.D., California Medical Association Crusade Against Compulsory State Health Insurance.

William Byron Rumford, LEGISLATOR FOR FAIR EMPLOYMENT, FAIR HOUSING, AND PUBLIC HEALTH. 1972

With an Introduction by A. Wayne Amerson

Merrell F. Small, THE OFFICE OF THE GOVERNOR UNDER EARL WARREN. 1972

EARL WARREN AND THE YOUTH AUTHORITY. 1972

With an Introduction by Allen F. Breed

Karl Holton, Developments in Juvenile Correctional Techniques.

Heman Stark, Juvenile Correctional Services and the Community.

Kenyon Scudder, Beginnings of Therapeutic Correctional Facilities.

Kenneth Beam, Community Involvement in Delinquency Prevention.

PERSPECTIVES ON THE ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE. 1972

With an Introduction by Arthur H. Sherry, Professor of Law

Volume I:

John F. Mullins, How Earl Warren Became District Attorney.

Edith Balaban, Reminiscences about Nathan Harry Miller, Deputy District Attorney, Alameda County.

Judge Oliver D. Hamlin, Reminiscences about the Alameda County District Attorney's Office in the 1920's and 30's.

Mary Shaw, Perspectives of a Newspaperwoman.

Willard W. Shea, Recollections of Alameda County's First Public Defender.

Volume II:

Richard Chamberlain, Reminiscences about the Alameda County District Attorney's Office.

Lloyd Jester, Reminiscences of an Inspector in the District Attorney's Office.

Beverly Heinrichs, Reminiscences of a Secretary in the District Attorney's Office

Clarence Severin, Chief Clerk in the Alameda County District Attorney's Office

John Bruce, A Reporter Remembers Earl Warren.

E.A. Daly, Alameda County Political Leader and Journalist

Homer R. Spence, Attorney, Legislator, and Judge

EARL WARREN AND THE STATE DEPARTMENT OF PUBLIC HEALTH. 1972

With an Introduction by E.S. Rogers, M.D.

Malcolm H. Merrill, M.D., M.P.H., A Director Reminiscences.

Frank M. Stead, Environmental Pollution Control.

Henry Ongerth, Recollections of the Bureau of Sanitary Engineering.

Kent A. Zimmerman, M.D., Mental Health Concepts.

Lawrence Arnstein, Public Health Advocates and Issues.

INTRODUCTION by Arthur H. Sherry

This series of interviews with friends and associates of Earl Warren have as their focus the beginnings of his professional and political career in the district attorney's office of Alameda County, California. First appointed to that office as a deputy in May of 1920, he became chief deputy in 1923, and, two years later, district attorney.

The succeeding fourteen years were of critical importance in developing the character, the professional skills and the political competence of a man who was to give his name to a great and controversial era of the decisional law of the United States Supreme Court. The "Warren Court," as it was to be called, has made a deep mark on the history of the United States, particularly in the development and explication of constitutional dimensions of the law of criminal procedure. It has made it irreversibly plain that the concept of ordered liberties demands more than lip service, that our system of criminal justice has dimensions beyond the mere repression of crime and that the recognition of constitutional principles is indispensable to the maintenance of a free society.

That Earl Warren would become the genius of this extraordinary judicial dynamism would have seemed improbable to those who knew him and who served with him in his early Alameda County years; more realistically, such a forecast would have been considered fanciful. What was there in the nature and mind of this obscure young prosecutor beginning his career in a relatively minor public office in a county that was a small part of that vast terra incognita of the Far West of the 1920's that was to carry him to the leadership of the highest and most important court in all of the world's judicial systems?

Perhaps the answer can never be found. The history of the world is filled with examples of men and women who have sprung unpredictably from obscurity to positions of great renown and influence through the pressure of forces both within and without that have puzzled historians since the beginning of their discipline. We live now, however, in an era of electronic recordation, an era in which the history-conscious scholar and his associates can seek to identify at least some of the causes of what we recognize as greatness or potential greatness by collecting and preserving the recollections and observations in oral form of those who were contemporary with the pertinent times.

This collection of interviews is part of such an effort. Beginning as they do with Warren's early years, they provide us with at least the opportunity to achieve hindsight and the chance to discover some of the clues that can now be seen as indicators of the accomplishments that were to come.

Two of the young prosecutor's great personal resources which served him well were his strong sense of integrity and his abiding desire to maintain his independence from any influences that might impede, restrict or control his own freedom to act in the discharge of either public or private duty.

Integrity without independence is difficult to preserve, a fact of which Warren was well aware. It was this awareness, I believe, that led him to an abiding respect for the integrity and independence of others. "Others" to him, as a public servant meant the people, not only his peers but the poor, the downtrodden and the oppressed.

Early in his career as a prosecutor, he was a strong supporter of the public defender system and was instrumental in securing the establishment of one of the first public defender offices in California in his own county. He was one of the first to initiate major prosecutions against a well-entrenched small loan company racket in his state that not only suppressed their usurious practices in Alameda County but ultimately led to effective legislative control over these businesses throughout the state. He directed an important prosecution against a member of a governor's staff who was engaged in selling executive pardons and thereafter as attorney general and governor secured the enactment of a pardoning process that was open to all without cost nor the necessity for any political influence.

These and many other innovative interests and activities in behalf of the underprivileged were some indication that Earl Warren, district attorney, and Earl Warren, judge, were not as different as many thought and still think today. ". . . nothing changed with his accession to the bench. His greatest decisions, reapportionment, desegregation, criminal rights were made on behalf of persons otherwise without a voice, that is, on behalf of the underdog whose plight is what the American Experiment, in great measure, is about. The man who fought the Ku Klux Klan in Alameda County during the thirties was not different from the man who decided that black children should no longer be ghettoized by their government."*

*Symposium, Earl Warren, A Tribute, (Wollenberg) 58
CAL. L. REV. 6 (1970).

And so he wrote in Miranda about the police interrogation of an indigent, seriously disturbed person, ". . . such an interrogation environment is created for no purpose other than to subjugate the individual to the will of his examiner. This atmosphere carries its own badge of intimidation. To be sure, this is not physical intimidation, but it is equally destructive of human dignity."

In Reynolds, discussing the failure of a state legislature to reapportion itself fairly, he observed: "Legislatures represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests."

Finally, in Roth and Albert, where the court held that obscenity is not within the area of constitutionally protected speech or press, he expressed his concurrence in the result but pointed out again the importance of the individual: "It is not the book that is on trial; it is a person. The conduct of the defendant is the central issue, not the obscenity of a book or picture. The nature of the materials is, of course, relevant as an attribute of the defendant's conduct, but the materials are thus placed in context from which they draw color and character. A wholly different result might be reached in a different setting."

There are other examples that can be drawn from Chief Justice Warren's opinions illustrative of his concern for the preservation of the civil liberties of the beleaguered citizen in an increasingly complex society that also have parallels in the actions he took and the causes he supported during his years as District Attorney of Alameda County. It is hoped that the few that have been noted here will engage the interest of the historians and scholars of the future as they examine the contents of the records which follow in their search for the first expressions of the genius of one of the greatest architects of American constitutional law.

Arthur H. Sherry
Professor of Law and
Criminology

September 27, 1972
Boalt Hall
University of California at Berkeley

INTERVIEWER'S INTRODUCTION

From its inception, the Earl Warren Project of the Regional Oral History Office sought to document as broadly as possible Earl Warren's contribution to the Alameda County District Attorney's office. The three volumes entitled "Perspectives on the Alameda County District Attorney's Office" offer a range of insights into the Chief Justice's career in that office from 1920 to 1938.

This phase of Warren's career has been the least well documented by historians, and relevant written archival material is spotty. Moreover, as Professor Arthur Sherry has noted in his introduction to these volumes, a composite picture of Warren as district attorney is vital in understanding Warren the governor and Warren the Chief Justice.

The Oral History Office, therefore, attempted, within the limits of its funds, to interview as many people as possible among those who worked in the district attorney's office with Warren, and those who by the nature of their work were associated with Warren or had ample opportunity to observe the functioning of his office. In this latter group the Earl Warren Project sought to represent as wide a range of opinion as possible.

It was the Project's good fortune that many of Warren's colleagues and associates were still living in the Bay Area and were willing to be interviewed. The Project's advisors, as well as the interviewees, were very helpful in suggesting additional people to be interviewed, but because of limited funds and time, the Project was forced to restrict the number of interviews to those representing major functions of the office and diverse points of view.

To provide a picture of Warren's contribution to law enforcement and his reforms in the district attorney's office, a number of former deputy district attorneys were interviewed. These include Richard Chamberlain and James Oakley (Oakley died, unfortunately, just after the interviews were started), both of whom had served almost from the beginning of Warren's term of office; and J. Frank Coakley, a long-time deputy who later became district attorney himself serving from 1947 to 1969. Mrs. Ralph Hoyt, the widow of Warren's successor, helped us find the widow of

deputy district attorney Nathan Harry Miller, Mrs. Harry Balaban, who provides a picture of her husband's contribution as the office's "labor man." Lowell Jensen, Alameda County's present district attorney with a strong personal interest in Warren's administration, was interviewed in order to provide a current perspective on Warren's reforms in the office.

Additional insight from former deputies is offered in two separately bound interviews, one with Professor Arthur Sherry, a principal investigator for the Warren Project, and himself a deputy district attorney for thirteen years; and one with Warren Olney III, a member of the Warren Project's Advisory Council, who has been continuously and closely associated with Earl Warren since 1930. The reader is also referred to the separately bound interview with Helen MacGregor, an attorney who served as top administrative assistant in Warren's district attorney, attorney general, and governor's offices.

It was the Project's original hope to interview the two other woman attorneys in the district attorney's office, Cecil Mosbacher and Agnes Polsdorfer. Judge Mosbacher, now in the superior court in Alameda County, indicated that in the press of her current responsibilities, her memory of her years in the district attorney's office has all but faded. Miss Polsdorfer declined to be interviewed because of poor health.

Three other long-time deputies declined the invitation to contribute to the Warren Project: Robert Hunter because of poor health; Theodore Westphal's busy schedule left us no time to interview him; and Folger Emerson declined.

The story of the district attorney's inspectors is told by Lloyd Jester, whose interview appears in these volumes, and by Oscar Jahnsen in a separately bound manuscript. Chester Flint, one of the first inspectors appointed by Warren, declined to be tape-recorded. Now living in a remote mountain area, he feels as strongly now as he did in the district attorney's office that Warren did not fully appreciate the danger of subversives, on the right and the left. Mr. Flint is in the process of preparing a manuscript describing his adventures as an Oakland policeman and a district attorney's office inspector, which hopefully he will publish or donate to the Bancroft Library.

Three interviewees provide the behind-the-scenes story of the clerical staff: Clarence Severin, who served as chief clerk; Beverly Henrichs, who located Mr. Severin for us, and who was a secretary in the office for a year; and

Albert Hederman, who went straight from high school to become Warren's office boy. Olive Bledsoe, a secretary in the district attorney's office in Warren's early years there, was invited to participate in the Warren Project. While she was considering her participation, however, she moved out of the area and the Project lost touch with her.

Several interviewees provide an outsider's view of how Warren functioned as district attorney. A legal perspective appears in three interviews: Willard Shea, Alameda County's first public defender; Judge Oliver Hamlin, an attorney in private practice who had served in the district attorney's office before Warren, and whom Warren later appointed to the superior court; and Justice Homer R. Spence, a superior court judge, later appointed by Warren to the California Supreme Court. All three men also comment on the political milieu in Alameda County in the 1920's and 30's, and the circumstances of Warren's appointment to the office of district attorney. The political scene including the functioning of the "Kelly machine," is discussed in greater depth in the interview with former supervisor John Mullins, a Kelly man whose desertion of that political faction gave Warren the winning vote when the board of supervisors elected the new district attorney in 1925.

Three journalists comment on Warren's career and Alameda County politics in general: Mary Shaw, a reporter for the San Francisco Examiner; John Bruce, an editor of the San Francisco Call; and E.A. Daly, the publisher of the California Voice, the most widely read of the Bay Area's black newspapers.

The reader should also refer to other volumes of the Earl Warren Project for additional insight from special perspectives. "Labor Looks at Earl Warren" includes the views of five labor leaders on Earl Warren's career. The perspectives of three Bay Area black leaders appear in a separate volume on black politicians. The volume on the shipboard murder case -- the King, Ramsay, Conner case -- focuses on District Attorney Warren's most controversial case, in which three labor union leaders stood trial for the murder of an anti-union ship's engineer. Several of these interviews offer the critical insights of left-wing activists and attorneys.

We especially want to thank Professor Arthur Sherry for his service to the Project as principal investigator, as advisor on the district attorney's office, and for his introduction to these volumes. As an authority on criminal law, who in his early years served under Warren in the district attorney's office and later on the California Crime

Commission, Sherry in his introduction combines his personal and scholarly insights into Earl Warren's career.

Miriam Feingold
Interviewer-Editor

2 October 1972
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Richard H. Chamberlain

San Francisco Chronicle
April 19, 1986

Funeral services will be held Wednesday for Richard H. Chamberlain, a retired Alameda County Superior Court judge who died Thursday at his Oakland home of heart failure and pneumonia. He was 93.

Judge Chamberlain was named to the bench by Governor Earl Warren, and served from 1953 to 1964. Before that, he was a prosecutor in the Alameda County district attorney's office beginning in 1928. In his last seven years in the prosecutor's office, he was chief assistant.

He had been a legislative secretary to Warren during the 1934 Assembly session.

A native of Woburn, Mass., Judge Chamberlain came to Oakland when he was 3 years old. He earned his bachelor's degree from the University of California at Berkeley in 1915 and a law degree from UC's Boalt Hall law school in 1917.

During World War I, he served as an infantry lieutenant in Belgium and France. He was state commander of the American Legion in 1946.

Survivors include his wife, Louisa of Oakland; a son, Alfred of Hillsborough, and a daughter, Molly Coffin of Prescott, Ariz.

Services will be at 1:30 p.m. Wednesday at the First Congregational Church at 27th and Harrison streets, Oakland, followed by private interment at Chapel of the Chimes.

The family prefers contributions to the First Congregational Church, 2501 Harrison street, Oakland 94612.

CHAMBERLAIN, Judge Richard H. — In Oakland on April 17, 1986; beloved husband of Louisa H. Chamberlain of Oakland; devoted father of Dr. Alfred D. Chamberlain of Hillsborough and Molly C. Coffin of Prescott, AZ; loving grandfather of Timothy T. Coffin, Connie Coffin Hewett, Kathleen Chamberlain Stone, Richard Huntley Chamberlain, Dean Huntley Chamberlain, Stephen Alfred Chamberlain, Robert Dwight Chamberlain and Bruce Lee Chamberlain; great-grandfather of 7; a Judge of the State of California Superior Courts, Alameda County; before becoming a Superior Court Judge, he was Chief Asst. District Attorney of Alameda County; a native of Woburn, MA; age 93 years.

Friends are invited to attend Memorial Services on Wed., April 23, 1986, 1:30 p.m. at the First Congregational Church of Oakland, 2501 Harrison St., Oakland. Contributions in his memory to the First Congregational Church of Oakland are preferred.

ALBERT BROWN MORTUARY
3476 Piedmont Ave., Oakland
532-1673



Richard H. Chamberlain

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INTERVIEW HISTORY

Judge Richard Chamberlain was interviewed for the Earl Warren Project of the Regional Oral History Office in order to capture his reminiscences of the Alameda County District Attorney's Office where he served from 1926 until 1953.

Interviewer: Miriam Feingold

Conduct of the
Interview:

A single interview was held on March 8, 1971 at Judge Chamberlain's spacious home in the Oakland hills above the Claremont Country Club. Mrs. Chamberlain graciously provided coffee during the course of the interview, and added several off-the-tape comments about her own recollections of the period being discussed.

Judge Chamberlain and the interviewer sat in the living room, in front of a picture window. The tape recorder microphone was set on a small table between them.

Several years prior to the interview, when the Earl Warren Project was being organized, Judge Chamberlain had been called on for his advice and assistance. His help proved to be invaluable. At the time of the interview, therefore, he was already aware of the purposes and progress of the Project. A brief written outline had been submitted to him before the interview, and he followed it closely. His precise and careful manner was evident throughout the interview.

Editing: Editing of the transcribed, taped interview was done by the interviewer. Minor rearrangements of material were made to maintain continuity of the discussion without interrupting its informal quality. Judge Chamberlain reviewed the edited text and corrected several minor points.

Narrative Account

of the Interview: Judge Chamberlain's long career in the district attorney's office spanned the terms of three distinguished district attorneys. During those years he advanced from Deputy District Attorney to Chief Assistant District Attorney, under Ralph Hoyt and J. Frank Coakley.

Receiving his law degree from Boalt Hall in 1917, Judge Chamberlain began his legal career working for a private firm in Oakland, California, where he practiced until January, 1926. At that time, Earl Warren, recently appointed District Attorney, and whom Judge Chamberlain had known at Boalt Hall, invited him to join the district attorney's staff. Judge Chamberlain describes the organization of the office and comments on the early innovations introduced by Warren.

One of Judge Chamberlain's most important duties, beginning in 1931, was to attend the sessions of the state legislature in Sacramento as a representative of the Alameda County District Attorney's office. His job was twofold: "to watch out for legislation, the effect of which would be to shift a part of the burden of financing government . . . from the state to local units such as the county and the city;" and "to watch for bills which would directly affect the administration of criminal justice." He worked closely with legislators, and describes in the interview some of the more significant pieces of legislation he helped support, including the important 1934 state constitutional amendments. Judge Chamberlain attended every legislative session from 1931 to 1941 and became, ex-officio, a spokesman for the law enforcement officials of the entire state.

Assistant District Attorney Chamberlain was appointed secretary of the Anti-Rackets Council, part of Mr. Warren's effort to coordinate law enforcement agencies, both county and state wide, against the growth of organized crime. An article from Panel, written by Chamberlain describing the functioning of the Anti-Rackets Council, is included as an appendix.

Having served under Earl Warren throughout most of his career as District Attorney, Judge Chamberlain is able to comment insightfully on Warren's organizational skills that shaped the office into one of the best in the country.

Except for a brief period in 1943 when he temporarily joined Governor Warren's staff, Judge Chamberlain remained in the district attorney's office until 1953, serving first under Ralph Hoyt, then under J. Frank Coakley. He concludes the interview by comparing the office under each of these men and under Mr. Warren.

In 1953 Governor Warren appointed Chamberlain Judge of the Superior Court of Alameda County, in which capacity he served until his retirement in 1964.

Miriam Feingold,
Interviewer

23 October 1971
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University of California at Berkeley

I PERSONAL HISTORY

Family

Feingold: Do you want to start by telling me something about your background?

Chamberlain: My name is Richard H. Chamberlain. I have lived in Oakland since 1894 and received my education in the Oakland schools and later at the University of California, where I first knew Earl Warren, who graduated from the University of California with an academic degree in 1912, continued on through law school and received his doctor of juris degree in 1914. In the meantime I graduated from California in four years with an academic degree in 1915, three years behind Mr. Warren, and went on through, finishing law school just as the war broke.

I returned from military service in 1919, practiced law --

Feingold: What rank had you risen to in service?

Chamberlain: I left the military service with the rank of First Lieutenant of Infantry after service with the Army in France. Returning, I commenced private practice of the law in Oakland in 1920 and practiced until January, 1926, privately. During the latter part of 1925, a few months after Mr. Warren -- or a full year -- after Mr. Warren had been appointed district attorney by the Board of Supervisors, succeeding

Chamberlain: Ezra Decoto, Earl asked me to come to his office and on my calling on him at the Courthouse, he invited me to join his staff. I accepted his invitation and began serving in the district attorney's office as a deputy in January, 1926.

I continued a member of that office with one brief interruption which I will cover later, until September, 1953, when I was appointed Judge of the Superior Court of Alameda County.

Feingold: Now, I was just going to back up a bit and ask you just a bit about your family. Were your parents also from California?

Chamberlain: I myself was born in Massachusetts, but my father moved to Oakland, California when I was less than six months old. I was one year old when I came out, a few months later, with my mother. I've lived in California ever since.

Feingold: How did he happen to come to California?

Chamberlain: My father came to California because he had been a member of the Boston stock exchange and the tension of business, as an investment stock broker, was such that his doctor advised that he give it up and select some less demanding, some occupation which would not -- in which he would not have to operate on such a nerve strain. He therefore chose to come to Oakland, at that time a growing young city, and engaged in merchandising here in Oakland, selling carpets and window shades.

Feingold: Was your mother also from back east?

Chamberlain: Yes, my mother was from New England also. After graduating and after returning from the military service, as I've already stated, I married Miss Louisa Fenton Huntley, also of Oakland, native daughter of Oakland. We were married in 1920 and have been husband and wife ever since. Three children were born to our marriage; Richard H. Chamberlain III, his sister, now Mrs. Molly Chamberlain Coffin, living in Mill Valley, and a younger son,

Chamberlain: Alfred D. Chamberlain, a doctor of medicine, practicing in San Mateo.

Education and Military Service

Feingold: How did you get interested in law?

Chamberlain: During my youth, in high school, and college, at our home in Oakland, my father and mother frequently entertained families of friends of my father. It happened that my father had some close friendships with men who practiced law in Oakland and who were eminent and respected members of the Alameda County bar. Being a growing boy, I found myself intensely interested in and attracted to the practice of law, and so it was when I was only fourteen or fifteen years old I decided that I wanted to be a lawyer.

Feingold: Were you going to public school at the time?

Chamberlain: Yes, I was going to the Oakland grammar school and high school.

Feingold: And then your interest just stayed with the law?

Chamberlain: That's right. Yes, that's right. I finished high school and went on to college and prepared myself with a pre-legal course to enter the law school at the University of California at Berkeley, usually known as Boalt Hall.

Feingold: I have a question about the military service: I came across some newspaper clippings from about 1929, that said that you and Warren were both about to leave for two weeks in the reserves. You were, I think, a major and Warren was a lieutenant. The gist of the article, which was kind of humorous, was that for two weeks you were going to be his boss when most of the time he was your boss.

Chamberlain: Well, that was substantially correct. Mr. Warren left the military service, discharged, I believe, as a second lieutenant. I came out of

Chamberlain: the service as a first lieutenant. No, I see by the records [refers to chronology] that he left the service as a first lieutenant. I was senior to him and both of us accepted reserve commissions as reserve officers in the Army. It happened that my own promotions were, for some reason, faster than his, not because of any superior ability but because I was able to devote more time to military activities as a reserve officer than he was, he being head of a busy office. It therefore happened that I became a major in the Army Reserve Corps and when Mr. Warren, then a captain, when he and I were ordered to active duty for a period of two weeks for each year for several years -- on each occasion he, either a first lieutenant or later a captain, served in the same unit with me so that I was either a major or, as it happened in a few years, a lieutenant colonel in the reserves. While that gave me fifteen days in the year the right to give him orders, I exercised that power with restraint. [Laughter]

Feingold: I can understand. You also mentioned that you were in private practice? Was that a general practice?

Chamberlain: That's right. I left out only this: On my return from military service and my admission to the bar, and immediately after my marriage in 1930, I became, for one year, a research secretary, law research secretary to one of the justices of the California Supreme Court.

Feingold: Who was that?

Chamberlain: Judge William P. Lawlor. I remained in that position for a year and then entered private practice, which would have been January, 1921, so that for five full years, until January, 1926, I was in general practice in Oakland by myself.

Feingold: Oh, by yourself. I see. Did you handle any particular kinds of cases?

Chamberlain: I didn't handle any criminal cases; I didn't want to. The defense of criminal cases, then

Chamberlain: and since, has never appealed to me as a congenial part of the practice. I was practicing civil law, in other words.

II ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE

Feingold: And that was when Earl Warren called you into his office and offered you a job --

Chamberlain: That's true. Just a few months after he had become district attorney by appointment by the Board of Supervisors.

Warren's Appointment

Feingold: Do you know much about the political struggle that occurred when Warren became D.A.?

Chamberlain: Yes, because I was practicing then in Oakland, although not yet a member of the district attorney's office. I might add this to what I've already said: I had become acquainted with Earl Warren when he was a senior and in the law school, and I was three years behind him; that would have made me a freshman in college. We were both on the same campus. I already knew that I was intending to enter the law school and I became a friend of his then, although not an intimate friend by any means. I got to know and like him at that time. Thereafter I saw little of him during the war years and, until we both came back from military service. He entered public service and I was in private practice.

Feingold: Did you know Frank Shay, the other man who was being considered for the job?

Chamberlain: I didn't know him as well, although I was friendly with him. He had been in Decoto's office and I believe he was also in the district attorney's office under Decoto's predecessor who was Mr. William Hynes. Frank had been in the office longer than Earl. I had no dislike for Frank. He was, however, the nominee or the protege of Mr. Kelly, whom I knew only by sight.

Feingold: Did you know much about the struggle on the Board of Supervisors to --

Chamberlain: I knew nothing of the intimate details of it. I learned afterward of the way the votes lined up and I think you have this data somewhere else, the names of the supervisors and who voted for Warren and who voted for --

Feingold: Yes, we do.

Chamberlain Joins the Staff

Chamberlain: Do you want to go back to when I entered the district attorney's office? As I have said, I entered the district attorney's office under Earl Warren in January, 1926. I already knew several of the men already in the office; Charles Wade Snook became, or was then, Mr. Warren's chief assistant; Ralph Hoyt had been a classmate of mine through law school --

Feingold: Oh, I didn't know that.

Chamberlain: Donald McClure I had known since high school days, and he and I had served in adjoining units with the Army in France. I knew Frank Ogden from my high school days. I found the personnel at the office quite congenial and I was put to work from the start on the trial staff because I preferred trial work rather than research on the civil side of the office.

Feingold: Oh, so you tried civil cases.

Chamberlain: I tried a few civil cases but by choice, the bulk of my assignments consisted of the trial of criminal cases in the superior court.

Feingold: I see. Did you work with any other deputies?

Chamberlain: I worked with, yes I worked with a number of the deputies, Wade Snook, whom as I have said I had known in high school and college; Ralph Hoyt, Paul St. Sure and Frank Coakley.

Organization of the Office

Feingold: Did Warren have any kind of special training that he had put you through, or any of the deputies?

Chamberlain: Not when I entered the office. Keep in mind that when I entered the office, Mr. Warren had been district attorney just eleven months or one year. Later on he did draft and organize a brief course of training for the deputies just entering the office. I had practiced for five years and perhaps I was able to pick up some ability in trial work because of my practice in civil cases.

Feingold: Did Warren change the organization of the office much? In that very early period, was there much difference between the way he ran it and the way Decoto ran it?

Chamberlain: Well, I'm hardly in a position to compare Mr. Warren's staff with the staff that had existed under Decoto because I didn't serve under Decoto. I knew Ezra well, but I wouldn't consider myself qualified to compare them. I will say this: yes, I know that there was a reorganization of the staff -- when Mr. Warren became district attorney, or shortly thereafter. He established a schedule of meetings of the various members of the staff. For example, the felony trial deputies, felony trial staff, would meet on

Chamberlain: one morning -- we'll say Thursday morning at 8:30 for about an hour, until the trial calendar was called in court. The inspectors, under George Helms, would already have met at Wednesday morning at 8:30; the civil staff would meet at 8:30 on Friday; and at 8:30 on Saturdays, all of the lawyers in the office met in a general meeting.

At these meetings, the various problems confronting the staff would be discussed. Mr. Warren would comment on the pending cases and the work that was being done, and also, at the meetings of the lawyers in the office, the recent decisions of the Supreme Court and appellate courts would be reviewed so as to keep the deputies abreast of the law as it developed in court decisions.

Feingold: You found that valuable, those reviews?

Chamberlain: Oh, those meetings were extremely helpful. I think that the record will show the work of the staff under Warren, insofar as the volume of cases was concerned, the speed with which cases were tried, the number of months elapsing after arrest and before trial was cut down considerably. It made the office far more efficient.

Feingold: How did he do that?

Chamberlain: Well Mr. Warren was unsparing in both his commendation of work when in his opinion it had been properly performed, and also quite unsparing of his unfavorable comments, when, in his opinion, a particular task had not been properly performed. That had the effect of keeping the deputies and the inspectors on their toes.

Feingold: Did you ever find yourself the recipient of unfavorable comments?

Chamberlain: Oh yes, I can't claim to have been perfect at all! And while Mr. Warren was able to pinpoint one's delinquencies, we understood that he was doing so with a desire to make his office as efficient as possible.

- Feingold: Some of the people that we talked to have said, Mr. Warren Olney particularly --
- Chamberlain: Well you've talked to Mr. Olney before --
- Feingold: Yes.
- Chamberlain: He was not in the office, had not begun the practice of law when I entered the office.
- Feingold: But he said, of the period that he was there, the thing that he remembered as being very important was that Warren had a rule that deputies could not ask for continuances. That was one of the ways that he saw to it that cases were tried very quickly and there was no delay.
- Chamberlain: That's true. A deputy had to prepare his case so that when the case was actually called for trial he could answer "Ready" with the confidence that his witnesses had been interviewed and the case was thoroughly prepared.
- Feingold: Did that rule, did that sort of practice come right from the beginning of Warren's taking over the office?
- Chamberlain: I don't know that it did. I would say that in this post, as in every other post that he has occupied, Mr. Warren developed as the years went on. While from the start his office was a splendid place for a young lawyer to start, and certainly was a very efficient office, new techniques and rules had to be, and were, developed and rules were amended and developed from time to time.

Important Cases

- Feingold: What particular case did you find yourself involved in or was the office particularly involved in when you first came?

Chamberlain: Any particular case you mean?

Feingold: I was wondering what the big case was. Was Sheriff Becker over by the time you came?

Chamberlain: Oh no, oh no. The Becker case didn't come on or start until 1928 or 1929, and I entered in 1926. I cannot say that I recall each one of the cases that I tried.

I note in the chronology that you have prepared, that in January, 1927 a man named Prudencio was tried. I recall very clearly that I tried that case, although senior to me in actual court was Mr. Paul St. Sure because he had served in the office longer than I.

Paul St. Sure and I tried the case and I think it was a surprise to most people when the jury's verdict was a death penalty verdict. Although St. Sure and I believed, at the time, that it was a cold blooded, premeditated murder, and the jury apparently agreed with us as indicated by their verdict, the judge believed -- while he believed that Prudencio was guilty, did not believe that he should suffer the death penalty, and the judge, taking the bull by the horns, changed the judgment from guilty of first degree murder to guilty of second degree murder. It was clear to Mr. Warren and us, who tried the case, that the judge had no jurisdiction to make such an order and the State Supreme Court sustained our position. It was an interesting case. It was the first case that I tried in which the jury imposed the death penalty.

I can't say that --

Feingold: Was that also the first time that a judge had changed the verdict in a case like that?

Chamberlain: It was the first time that I had know of it, yes. As noted in the chronology, however, our successful appeal to the State Supreme Court did not mean, did not result in the death

Chamberlain: penalty being actually carried out on Mr. Prudencio because while the case was pending in the Supreme Court on appeal, the legislature enacted a law giving the judge the power to reduce the penalty from death to life imprisonment. When the case came back to the superior court with the expectation that the death penalty would be imposed in accordance with the jury's verdict, the law had been changed. [Laughter]

I was not assigned to the trial of any of the cases which developed out of the so-called graft investigations and prosecutions beginning in 1929 and 30. One of the most interesting duties that I had while on Mr. Warren's staff was my assignment, by Mr. Warren, to attend the legislative session beginning in January 1931.

Work with the State Legislature

Feingold: Yes, I wanted to ask you about that.

Chamberlain: I was sent there, with the approval of the Board of Supervisors, and had a two-fold duty to perform while I was attending the legislature. The first, and most important phase of my work or the field in which I was engaged, was to watch out for legislation, the effect of which would have been to shift a part of the burden of financing government, the cost of government, from the state to local units such as the county and the city. For some years the legislature had been accustomed to reduce state costs by merely shifting the burden, certain burdens, onto the counties. The Supervisors wanted me, and I made it a point, my duty was, therefore, to oppose any bill which would have that effect.

The second part of my duty was to watch for bills which would directly affect the administration of criminal justice, to support bills

Chamberlain: which would fairly aid law enforcement officers in their task and to oppose bills which would make law enforcement more difficult, which would tie the hands of law enforcement officers.

Feingold: Can you remember any particular bills that posed a great threat?

Chamberlain: Well, the bills in general were bills which were introduced at the request of certain agencies such as, for example, the gambling interests.

There were various assemblymen who would introduce, and press for passage, bills which would hamper law enforcement officers and favor the bail bond brokers. They always had a bill before the legislature at each legislative session which would make it possible for them to recover the amounts of bail which had been forfeited to the public treasuries of cities and counties when persons accused of crimes failed to appear for trial or sentence. To attempt to describe all the bills that my duties called upon me to support or oppose, I don't think I could do that.

Feingold: I just wondered if you remembered any particular ones.

Chamberlain: Later on, chronologically, in 1933 and 1934, I did have considerable to do with the drafting and enactment by the legislature -- adoption by the legislature I should say -- of the four constitutional amendments which are briefly commented upon in this chronology.

I neglected to say I started this legislative work in 1931 and I remained in Sacramento, living there five or six or seven days a week while the legislature was in session. Mr. Warren paid me the compliment of thinking that my work, in that respect, was so effective that it became a somewhat permanent assignment; acting for him and for his successor, Mr. Hoyt, I attended every legislative session beginning with 1931 and continuing through 1941,

Chamberlain: representing the district attorney's office for Alameda County and, so to speak, ex officio, being a spokesman for the law enforcement officials of the entire state -- the district attorneys, chiefs of police, and sheriffs.

Feingold: Then you got to see quite a range of legislators --

Chamberlain: That's right. I became acquainted with, it was my business so to speak, to become acquainted with, all the members of the legislature and while my acquaintance with some of them, those who had the bills which I was opposing, was rather brief, nevertheless I made some lasting friendships during my stay there.

I might add this: in those days the legislature had its regular sessions not every year, as they do now, but only every other year, in the odd numbered years. In December of every even numbered year, preceding the legislative session, the district attorneys, sheriffs, and chiefs of police, or their executive committees, would meet in Mr. Warren's office and would review the changes that they wanted made to aid their work, the legislation which they wanted to propose and support, and also the bills they wanted to oppose as unwise. I acted as secretary on those occasions and tried to carry out the mandates that were there adopted.

Feingold: Could you describe in any more detail those constitutional amendments that you helped draft?

Chamberlain: Yes. Three of them are referred to briefly under the year 1934. In 1933 -- if I'm going to go over this chronologically I'll first discuss this: By 1933 Mr. Warren had become convinced that the machinery of state government needed some reorganization. In that respect he enlisted the support of the state Chamber of Commerce and other civic organizations in drafting and pressing for the adoption of four constitutional amendments. The first one was the amendment -- I might add that all four of these amendments were adopted by overwhelming majorities at the general election in 1934, the following year.

Chamberlain: They were however, in Mr. Warren's mind in 1933, and as I say, the drafting of them occupied considerable time. I had the job of drafting them and revising the various drafts after various conferences.

The first one I mentioned was the creation of the state personnel board and the state civil service organization which is still a part of the constitution, although it has been amended in various particulars since that time. But, in large part, the organization of civil service in the state government of California was due to Mr. Warren's foresight and his activity in that respect.

The second constitutional amendment was the reorganization of the attorney general's office and the establishment of the attorney general as the chief law enforcement officer of the state. That amendment is still in the constitution. It made the attorney general, ex-officio, the supervisor of law enforcement throughout the state and gave him the power, when he thought it appropriate, to intervene in any investigation or prosecution in which he believed that the district attorney's office of any particular county was either unable or unwilling to enforce the law.

Feingold: Was Warren, at that point, thinking at all of going for the attorney generalship?

Chamberlain: I don't think anyone can doubt that, Mr. Warren, at that time, having been elected and reelected district attorney in 1930; he had already stood for election and been elected by the people of Alameda County as district attorney. I think he was already looking forward to going on to higher office and I am sure, yes, that he envisioned standing for election as attorney general as soon as the incumbent, Mr. Webb, General Webb, saw fit to retire. Mr. Webb had been Attorney General of California for upward of thirty years.

Chamberlain: To go back to these constitutional amendments: a third one was the constitutional amendment which provided that a person accused of a felony in any court of the state, could, with the consent of the district attorney and the judge, plead guilty in the lower court before the committing magistrate. Oddly enough, it would seem that such a person might have had that power for years but such was not the case. A man who realized that it was hopeless to expect to be able to "beat the rap," so to speak, that the charge against him was supported by the evidence and that it was hopeless to elude, to evade or avoid conviction -- many of them wanted to plead guilty and get it over with as soon as possible. But over the years, up to that time, 1934, they had to come before the committing magistrate, have a preliminary hearing and not for perhaps two or two and a half months or more would they come before the superior court where they could enter their plea of guilty.

The fourth constitutional amendment was one which provided that in any criminal prosecution the prosecutor could comment upon the failure of a defendant to deny by his sworn testimony before the jury, any evidence against him and his failure to deny or contradict an opposing witness; that that could be considered, his failure to take the stand could be considered, by the jury and the prosecution could comment upon it. The law had been up to that time that that was not permissible. Interestingly enough, it was while Mr. Warren was Chief Justice of the Supreme Court that the Supreme Court held that that was not due process of law. But in 1934, the slogan of the campaign for the adoption of these amendments by the people -- the slogan at the election was "curb crime!" It was an alliteration which proved to be quite effective. Keep in mind also, if I'm not mistaken, this was just after the Lindbergh kidnaping and a few other kidnaping incidents when the people of the United States, all over the country, were becoming alarmed and very much aroused about the prevalence of organized crime.

- Feingold: Was there any particular arguments about that amendment that allowed the prosecutor to comment on the failure of the defendant to testify?
- Chamberlain: There was no organized opposition that I recall. The vote was overwhelmingly in favor of it. I don't believe that the State Bar took any position either for or against it. I know they didn't take any position against it, and it seems to me I have a recollection that they supported it. It would be interesting to look over the records in some law library; they would have the pamphlet which was sent out to the voters just before the election, containing the arguments pro and con on all the propositions that are on the ballot. It would be interesting to see who, if anyone, signed an argument against these propositions. I can't recall any such argument.
- Feingold: There was another amendment that was passed at about that time that allowed the judge to comment on the evidence to the jury.
- Chamberlain: Yes, I don't know why I overlooked it. That was a part of the same measure which allowed the prosecution to comment on the failure of the defendant to testify. Included in that was a phrase putting the state courts on a par with the federal courts in which the judge has always been able to comment to the jury upon the evidence. It was in that same proposition.
- Feingold: Is that still true?
- Chamberlain: Yes. It has not been extensively used, but a judge in California now has substantially the same power that a federal judge has always had, the power and the right to tell the jury, providing he does not -- he must not urge the jury to convict or acquit as far as that goes. But he has the power to tell the jury that the testimony of a single witness does not seem to him reasonable; it may be a prosecution witness, it may be a defense witness. The object was to give to the judge the opportunity, when he wanted to and saw fit, to give the jury the benefit of his years of experience so far as witnesses were concerned.

Feingold: Didn't some people argue that if there was any unfairness at all in that that it was because the jury would be unduly influenced by the judge's words?

Chamberlain: Oh, two or three, a number of cases went up to the state Supreme Court after that. In one or two of those cases the holding was that the judge had not fairly exercised that power and the convictions were reversed. But in most of the cases that went up, the records showed that when the trial judge had given to the jury his comments about the evidence, at the same time, he had impressed the jury that they were not bound by his comments, that the jurors must come to their own conclusion, even though they differed with the judge; and the convictions were affirmed.

Feingold: As I remember from reading, the ship murder case was the first case in which that was used. Judge Ogden commented on the evidence.

Chamberlain: I recall that case although, as noted in this chronology, Mr. Wehr tried it, I didn't. But, I don't think that was the first case. I may have my chronology -- One of the first cases that Mr. Olney participated in when he came into the office was the Gosden murder case. Did he tell you about that?

Feingold: Yes.

Chamberlain: Well then I won't tell you. But I think Judge Ogden, the trial judge in that case, I think he commented on the evidence in the case and the case was upheld. I don't find it listed in here.

Feingold: Yes, that may have been the case.

You were describing your legislation work in Sacramento, do you want to continue that?

Chamberlain: It was a very interesting experience for me throughout the years, and particularly in the years beginning in 1939 and extending through the session in 1941 when the governor of

Chamberlain: California was Mr. Olson, Culbert Olson. In those legislative sessions there was a bitter and extended controversy over the state welfare laws -- controversy of which I am reminded in these days, when one reads in the papers about the attacks on the alleged over-liberality of the regulations. In those years the counties were hard put to it to prevent the excessive cost of welfare cases being saddled on the counties rather than upon -- the money taken out of the state treasury. I was fairly active in that.

Feingold: What, specifically, did you do?

Chamberlain: Well it meant watching those bills up there, many of which would have enlarged the eligibility for welfare aid. I had to keep in constant communication with the welfare directors in the various counties throughout the state.

The Anti-Racket Council

Feingold: You left legislative work shortly thereafter, didn't you?

Chamberlain: Yes, 1941, after the 1941 session I felt that so far as my personal preference was concerned I had "had it" as far as attending the legislature was concerned. I wanted to, I much preferred the work of a lawyer trying cases and Mr. Hoyt being district attorney at that time, I told Ralph that I would prefer that he assign someone else to attend the legislative sessions, beginning with the next legislative session, which he did. I became Mr. Hoyt's chief assistant district attorney at that time, and remained in Oakland.

You have handed me a xeroxed or reprinted copy of a page from The Panel, November - December, 1933 and it refreshes my recollection about the organization of the Anti-Racket Council in Alameda County.*

*See Appendix I.

Chamberlain: As indicated on this reprint, I was secretary of that Anti-Racket Council, as Assistant District Attorney of Alameda County under Mr. Warren. I don't know that I have anything to add to this. I see someone has made a pencil mark in the margin opposite a portion of it, indicating that there's a question as to the identity of the man who was "an inspector of the district attorney's office, also devoting his entire time to the work." My recollection is that that man was, yes I'm sure I'm right, Mr. Chester Flint. Have you interviewed him?

Feingold: Mr. Olney --

Chamberlain: I haven't seen him for years.

Feingold: He's up in northern California.

Chamberlain: Trinity County.

Feingold: Yes.

Chamberlain: That's right.

Feingold: He hasn't been well. He's had two heart attacks over the past few years. Mr. Olney is going to interview him for us, as soon as the snow melts.

Chamberlain: Oh, good, because he knows Chet Flint very well and it would probably be best that someone interview Chet Flint whom he had known before. He would have a fund of information. I don't know that there's anything that I desire to add to this. I recall having written this and that's about it.

Feingold: How did Warren get the idea to set it up? Do you remember?

Chamberlain: I can only say this. I don't think I could say where he got the idea. In my opinion he didn't get it from any outside agency. Mr. Warren has a mind that is a very fertile source of original ideas, and over the years, I don't think that

Chamberlain: many projects which he sponsored and originated had come to him from any other source. They were measures to which he had given considerable thought and of which he was entitled to be called the original author. Of course, what was behind the Anti-Racket Council was the prevalence of organized crime throughout the United States and the attempts of organized crime and gangsterism to conduct their operations within every metropolitan area, and particularly in Alameda County.

It was Mr. Warren's idea, gleaned I'm sure from his experience as a law enforcement officer, that, of course, organized crime didn't observe any geographical or political boundaries; that what was needed was a state-wide Anti-Racket Council in Alameda County. Among the personnel, I can't off-hand name all the men, it would be impossible to name all the men who were on the Anti-Racket Council, but it was a list of those who were regarded in the community as the leaders. I see there, where the names of only a few are given here, the positions are given and it's a pretty elite list of men who, representing various organizations, who were interested in keeping organized crime out of Alameda County.

I would say this, I'm reminded by the article which you just showed me that throughout Mr. Warren's incumbency as district attorney of this county, I would make two comments. In the first place, the support of the two newspapers in Alameda County, The Oakland Tribune, which is still published of course, and the Oakland Post-Enquirer, which ceased publication some years ago -- he had the steadfast support of both of those locally published newspapers in the various projects that he undertook. He had the cooperation also of the two San Francisco newspapers, The Chronicle and The Examiner, each of which had its own East Bay edition. Two more papers I might mention: The Berkeley Gazette and The Alameda Times-Star. That support was invaluable. X

I would say this too. Having lived in Alameda County all but one year of my life, I

Chamberlain: can remember, as a youth, the moral atmosphere of the community. While it has never been in any way a community which tolerated, much less approved, of commercial vice of any kind, nevertheless the moral conscience of this community was awakened, as never before, by the activities of the district attorney's office under Earl Warren. This county owes a great, great debt of gratitude to Mr. Warren for those years, when he was district attorney. He was, I think, responsible more than anyone else for the clean record of Alameda County so far as crime was concerned.

Feingold: Were you involved at all in any of the Prohibition cases?

Chamberlain: Well I tried some cases under Prohibition. I tried cases where a man, or group of men, were charged with the operation of stills and the illegal sale of liquor, yes.

Hiring Policies

Feingold: Your mentioning the community reminds me that several people have said that Warren made a special point when he hired deputies to try to get a very broad cross section of people in the community and people who were members of various organizations.

Chamberlain: I would differ to this extent: he was hopeful, of course, of attracting people into his office who might be people, men and women, of Italian or Portuguese descent, for example; I mention those because there was quite -- still is -- quite a group of people living in Alameda County, southern Alameda County, the descendents of Portuguese immigrants from one hundred years ago. Well that was desirable in his mind.

But the first and all important consideration in his appointments to the office was the ability,

Chamberlain: the integrity and the ability, of the men involved. There were instances of people whose names were suggested to Mr. Warren as being -- it was suggested that taking John Doe, for example, into the office would be very helpful because it would mean a lot of votes for Mr. Warren from a certain group in the community. That never appealed much to Mr. Warren, I know. On the other hand there were men who came into the office who had no acquaintance whatever with any politically conscious group of any kind but who proved their ability as prosecutors.

Masonic and Political Activity

Feingold: Did you know much about Warren's activities in the Masons?

Chamberlain: Yes, I did. Quite a bit. He and I are both past masters of our lodges. He and I belonged to the same Masonic bodies all the way through. X

Feingold: Which lodge were you a past master of?

Chamberlain: I'm a past master of Piedmont Lodge where I lived, and he is a past master of Sequoia Lodge, a much larger lodge, in Oakland. We both belong to the Oakland Scottish Rite bodies X and we both belong to the Shrine; he being a past potentate of the local temple here. He was highly respected, of course, in the organizations.

Feingold: Were you also active in the Republican party as he was?

Chamberlain: Fairly so. I didn't have a great deal of time to devote to it, but yes, I was on the Republican Party County Central Committee for a number of years.

Feingold: When was that, what period?

Chamberlain: That would be beginning 1932 to about 1935. Three or four years.

Feingold: I'm continually amazed at how much Warren was able to do. He was active in so many different areas!

Chamberlain: He accomplished a great, great deal. A man of almost inexhaustible energy.

Procedures of Criminal Justice

Feingold: I have a few general questions about what Warren's policies were in regard to things like questioning suspects.

Chamberlain: His policy was that immediately or as soon as possible after a man was arrested, he ought to be questioned by the police and in important cases by the police inspector, and questioned about the material facts. In the more important -- in every murder case or in every case where a murder had been committed and a man was arrested, if and when the police concluded that they had the right man, the district attorney's office ought to be notified and immediately, one of us would go to the jail where the prisoner was and interview him with a stenographer. We didn't have tape recorders in those days but with a stenographer and he'd take a statement from him.

Now while Mr. Warren was on the Supreme Court, the Supreme Court decided that you couldn't do that. Or, put it this way, to be accurate: The Supreme Court decided that no such statement could be used in evidence unless the man's attorney was there or unless he'd been warned. But that wasn't the law when we operated in the district attorney's office.

Feingold: What about Warren's feelings about using things like secret listening devices and evidence collected through them?

Chamberlain: He never -- to my knowledge, he never countenanced that. "Bugging" they call it, bugging rooms. I recall instances where it occurred, and one was in later years, where it developed that a public official's room had been equipped, unknown to him, with electronic listening devices --

Feingold: What case was that?

Chamberlain: It wasn't any criminal case. It was a case of a man named Philbrick who was an employee of Governor Olson's, and who admittedly had "bugged" the office of the speaker of the state assembly. Attorney General Warren condemned that in the strongest terms. [Interruption]

Others may have told you this, but it was when we were working on a case and especially during the early stages of the case, just after the suspect had been arrested and after he was being interviewed, or before he was interviewed, right through to the time when the evidence was all collected, we were expected to and we were ready to work night and day. Cases could be -- to illustrate that, men, and the girls too, had to work on into three, four, five o'clock in the morning interviewing and all that, during investigations and preparing for the next day's trial.

Feingold: I can imagine if you had the policy of being prepared to present the case at any time the judge set the date, that you'd have to do that.

Chamberlain: Yes, that's true. Perfectly true.

Feingold: We were talking about "bugging" rooms and you were describing the Philbrick --

Chamberlain: Oh, electronic devices?

Feingold: Yes, and you were saying that a situation had developed in later years with Philbrick.

Chamberlain: Oh, a man named Philbrick was employed by Governor Olson to "bug" the office of the speaker

Chamberlain: of the assembly whose name was Garland at that time. The device was -- when I say Mr. Philbrick admitted doing it, the device was discovered, I don't recall that any material information discreditable to Mr. Garland was ever elicited, but the mere fact that the device had been installed and that someone expected to use it aroused Mr. Warren's indignation.

I remember that. That occurred while Mr. Warren was attorney general and I was not on his staff at the time, but I was in close touch with him. I was still attending the legislature and although Mr. Hoyt had become district attorney, nevertheless my relations were very close with Mr. Warren, as attorney general.

Ralph Hoyt and Earl Warren Compared

Feingold: I'd like to ask you what Hoyt's office was like as compared to Warren's.

Chamberlain: What was that?

Feingold: I'd like to know what Ralph Hoyt was like as a D.A. as compared to Warren?

Chamberlain: Oh, I see, I'm skipping here now [refers to chronology] to January 1943 when Mr. Warren became governor, and you list his staff -- there's one position that you don't list here. I occupied that position [laughter] on his staff, and it might throw some light on it.

Feingold: I'm sorry we left that out!

Chamberlain: In 1943, January, Mr. Warren's staff when he first became governor, included, in addition to the positions and persons listed on this chronology, which I won't stop to repeat, included the position of legislative secretary. The duty of that position was to be the contact between the Governor and members of the legislature, and particularly to examine the legislation which

Chamberlain: was enacted by both houses of the legislature and which came to the Governor for approval or veto. That position was originally occupied by Mr. Laurence Carr who is still practicing law in Redding, California. He accepted the appointment and joined the Governor's staff in January 1943. However, that was during the war, and Mr. Carr received notice from his draft board in February calling him into military service.

February, when that notice was received and Mr. Carr had to leave, was in between the January session of the legislature and the reconvening of the legislature in March. I don't know whether you're familiar with the procedure that prevailed at that time. Each California legislature held a session in January for about three weeks, during which all or 99% of the bills were actually introduced. The constitution then provided however, that none of those bills could be acted upon until after a thirty day recess of the legislature, during which time the people of the state could examine the measures and decide whether they thought they were good or not.

At any rate, during February, 1943, Mr. Carr had to leave on very short notice, and Mr. Warren telephoned down to me to ask if I would join his staff and occupy that position, I presume because I had been a fairly successful advocate representing him before the legislature for years. My reply was that I did not want to uproot myself from Alameda County where I had lived all my life up to that time, and that I was perfectly happy in the district attorney's office in Alameda County with Mr. Hoyt, but that if he felt he needed me and I could help him, I would be glad to come up for a limited period during the legislative session, because I realized that he was in a kind of a bind not being able to replace Mr. Carr on such short notice.

So I acted as the Governor's Legislative Secretary from March 1, 1943 to the end of June, by which time the legislature had adjourned and the Governor had either vetoed or approved all the legislation presented to him. So I was a member of his staff for those four months.

Chamberlain: I knew what was going on in the Governor's office but I think Judge Sweigert -- have you talked to him -- Mr. Scoggins --

Feingold: Yes.

Chamberlain: Well either of them and Miss MacGregor could tell you more than I could about what went on there.

Feingold: Right. Mrs. Fry, who is head of the Warren project, has been interviewing them.

Chamberlain: All right.

Feingold: Could you talk some about Mr. Hoyt's office as compared to Mr. Warren's office.

Chamberlain: Mr. Hoyt was an entirely different, was equipped with an entirely different personality, of course, than Mr. Warren. I would say this about the two men: I would say that Mr. Hoyt was invaluable to Mr. Warren as Mr. Warren's chief assistant district attorney, because Mr. Hoyt was one of the most competent and brilliant lawyers that I have ever known. His advice on legal matters was invaluable to Mr. Warren because frequently Mr. Warren, on a legal proposition, didn't have the time himself to examine the legal questions involved and he would depend, he grew to depend, on Mr. Hoyt's ability to analyze a legal situation.

Consequently, Mr. Hoyt made an excellent district attorney. He was a good trial lawyer. I think he lacked the -- shall I call it the "flair" for drama that Mr. Warren had in court and out of court; I don't like to call it a flair for publicity. Mr. Hoyt also received the wholehearted support of the local press when he was district attorney. Mr. Hoyt was an excellent administrator.

I think, in some respects, possibly, one would say then in those years, although it would be a dangerous hazzard, that perhaps Mr. Hoyt

Chamberlain: had demonstrated, had a greater opportunity to demonstrate his competence as a "pure" lawyer rather than as an administrator. Certainly he didn't have the opportunity to demonstrate his aptness for the political field as Governor Warren did. But he ran an excellent office. The record of the office during Mr. Hoyt's career as district attorney was, I would say, equal to that during Mr. Warren's incumbency. Probably it was because Mr. Hoyt inherited, I think, an excellent staff from Mr. Warren. Most of us stayed with Mr. Hoyt. Several, however, accepted Warren's invitation to join the attorney general's staff in San Francisco. By the way, one of those is still living and certainly ought to be interviewed -- Mr. Westphal. Anyone interview him?

Feingold: Not yet. We're about to interview him.

Chamberlain: By all means you should. He's just retired, you know, within the last six months.

Feingold: That's right.

Chamberlain: And he's living over in either Alamo or Danville. He crossed the Bay to be with Mr. Warren, and he stayed on and became the second in command of the attorney general's office through two or three administrations. Mr. Kenny, Mr. Howser, Mr. Brown, and Mr. Lynch.

Feingold: Did Mr. Hoyt make any changes in the D.A.'s office?

Chamberlain: I couldn't say that he didn't make any changes but I don't recall any that changed in any way the basic organization of the office as it had been established by Mr. Warren.

J. Frank Coakley as District Attorney

Feingold: And did you serve under Mr. Coakley also?

- Chamberlain: That's right. When Mr. Coakley became district attorney in -- well, Mr. Hoyt was appointed by the Governor to the bench in 1947 and at that time the Supervisors appointed Mr. Coakley to succeed him as district attorney, and I continued on as his chief assistant district attorney until I was appointed to the bench in 1953. Frank and I have always been close friends too. It was a shock to me to learn just yesterday that he'd had this heart attack.
- Feingold: It's a shock to me too because I just spoke to him less than a month ago.
- Chamberlain: I'm afraid he's been courting disaster for at least a couple of years. He's been overstraining his physical energy. After all, we're all getting older. Frank is younger than I but he seems to be perfectly unaware of any limit to his energies.
- Feingold: Yes. I was just completely awed by all that he was doing. He had just come back from Houston from the college of district attorneys.
- How did he compare as a D.A. to Hoyt and Warren?
- Chamberlain: Well I'm not sure that Mr. Coakley had the same genius for organization that Mr. Warren and Mr. Hoyt had. In some respects he himself was a much more vigorous and aggressive prosecutor himself than Mr. Hoyt. Of the two men, given the same case and the same state of facts, I would expect Mr. Coakley to be much more aggressive than Mr. Hoyt. Mr. Hoyt -- every lawyer has his own, depending on his personality -- has a different technique in court. Mr. Hoyt had a rather quite demeanor, a demeanor however, which impressed juries very favorably and inspired confidence in him. Mr. Coakley, if I can use a figure of speech, used the sledge hammer more than the rapier.
- Feingold: I know some people said that he was like a bulldog with a case.
- Chamberlain: Yes, that's right. His tenacity is that of a bulldog. Still is. [Laughter] Persists in it.

- Feingold: I was speaking to the widow of Nathan Harry Miller.
- Chamberlain: Oh were you? Is she still living around here?
- Feingold: Yes. Mrs. Hoyt got me in touch with her.
- Chamberlain: Is that true?
- Feingold: Yes. It was a funny set of coincidences. I had called Mrs. Hoyt to ask a very simple question about Nathan Harry Miller. Somebody had said that Mr. Miller was the labor man in the D.A.'s office and I wanted to check out what that meant.
- Chamberlain: He was. He wasn't a delegate but he came from the ranks -- he carried a union card. But that wasn't the reason why he was a successful deputy. The reason was that he, in his quiet way, he knew nothing of clocks; he'd work just right around the clock.
- Feingold: But Mrs. Hoyt said well, she couldn't really answer the question but she would get me in touch with his rabbi or the widow of the rabbi.
- Chamberlain: Yes, because his rabbi died some years ago; that was Stern.
- Feingold: That's right. Well, several days later I got a call back from Mrs. Hoyt saying that she had done better than to find the widow of the rabbi, that she had found Nathan Harry Miller's widow, who had just recently moved back from L.A. to Rossmoor.
- Chamberlain: Oh she's living in Rossmoor, too. Do you recall her name?
- Feingold: Balaban.
- Chamberlain: Odd name. Is she still a widow?
- Feingold: No. She has a new husband, whose name is also Harry.
- Chamberlain: And you've interviewed her?
- Feingold: Yes.

Chamberlain: He wasn't the success at trial work that Mr. Coakley and others were. Anything else you want?

Feingold: I was just trying to think. Were you at all involved in the Bessie Ferguson case?

Chamberlain: No. You see, as noted here, Bessie Ferguson's corpse or remains, were discovered before I entered the office; somewhere here I note -- oh here it is -- in September, 1925, and there was some investigation. I had no part in that whatever.

Feingold: In connection with that, we keep coming across references to the KKK as being somewhat active in Oakland in that period.

Chamberlain: Mr. Becker, I think, was admittedly -- who became sheriff -- was admittedly a KKK. I notice here "pressure from vigilante's group for prosecution" in the Ferguson case. I don't recall any such pressure. But there again, that was in September 1925. I never felt pressure of that kind.

Feingold: I think what that refers to is that Warren was about to run for office and one of his opponents was Preston Higgins --

Chamberlain: Oh, that's right.

Feingold: Who was city attorney about then and he used that as an election issue.

Chamberlain: I wouldn't be surprised. You see Mr. Warren first ran in 1926 and by that time I had joined his staff.

I'm rather surprised [referring to chronology] not find in here much mention of the so-called graft cases that were prosecuted by Mr. Warren during the year 1930. Because he prosecuted, not only did he prosecute Sheriff Becker for bribery and two of his deputies likewise for bribery, but he also prosecuted

Chamberlain: one of the city commissioners in Oakland for bribery in connection with street work. Did you come across that?

Feingold: Is that the paving scandal?

Chamberlain: That's right. Oh, you knew that. By the way, have you interviewed Mr. Jahnsen?

Feingold: Yes, yes, we have a wonderful long interview with him.

Chamberlain: I bet you have.

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ALAMEDA COUNTY FORMS MODEL ANTI-RACKET COUNCIL

By **RICHARD H. CHAMBERLAIN**

Assistant District Attorney of Alameda County, California, and Secretary of the Anti-Racket Council

Although crime is the most important subject in the United States, next to the depression, THE PANEL is the only publication of national distribution devoted solely to crime, improvements in the criminal law and procedure and cognate subjects. Much useful matter which should go to those warring upon crime never reaches them.

An illustration is the present article which tells how Alameda County, California, formed on June 16, 1933, the Anti-Racket Council of Alameda County, nor is it generally known that two weeks later a California State Anti-Racket Council was formed.

Such information is valuable as a means of inspiring similar efforts in other localities and THE PANEL is pleased to give space to this illuminating article by Richard H. Chamberlain, Assistant District Attorney for Alameda County and secretary of the Council. His outline of the history and methods of the organization may result in cities or counties in other States following the same course.

The address of the Council is Court House, Oakland, Calif.

Alameda County contains three large cities, which makes the significance of its Anti-Racketeering Council all the greater. According to the census of 1930, Oakland, the county seat, had a population of 284,063; Berkeley, home of the University of California, had 82,109 and Alameda had 35,033.

For a long time it has been a matter of grave concern to all citizens and law enforcement officials that the shadow of racketeering and gangsterism across the land has steadily lengthened. Many sections of our country, both urban and rural, are now completely under the domination of this system while others are badly tainted by it both governmentally and economically, and still others offer attractive fields for the system, although they are at present practically free from its influence.

It is to this last class that the County of Alameda, with a population of half a million, belongs at the present time. That the county is now practically free from serious rackets is due to the individual efforts of the county officials and the police authorities of the ten municipalities in the county.

Without further safeguards, however, there can be no assurance that this condition will continue to exist. Racketeering is merely another name for organized crime, and organized crime can be prevented only by organization of the law-abiding elements of any community. The establishment of an "Anti-Racket Council" was therefore proposed early in June of 1933.

Composition of the Council

On June 16, 1933, the Anti-Racket Council of Alameda County was formally organized

with the first meeting of an Executive Board composed of the following:

The Chiefs of Police of the three largest cities—Alameda, Berkeley, and Oakland; the Sheriff, representing the smaller communities and the unincorporated territory; the District Attorney; the Agent-in-Charge at San Francisco of the Bureau of Investigation of the U. S. Department of Justice.

In order that not only the confidence but the support of the most important lay groups in the community might be assured, the Executive Board also includes a representative of labor (the Secretary of the Central Labor Council of Alameda County); a representative of business (manager of the Oakland Chamber of Commerce); a representative of the agricultural interests (the president of the Alameda County Farm Bureau); and the publishers of the two largest newspapers in the County (the Oakland "Tribune" and "Post-Enquirer"). District Attorney Earl Warren was elected president of the Council, Chief of Police James T. Drew of Oakland, vice-president, and the writer, secretary. The Secretary devotes his entire time to the development of the organization, and with him is an Inspector of the District Attorney's Office, also devoting his entire time to the work.

Articles of Association were adopted at the June meeting. The object of the Association was generally stated in those articles as follows:

"... The militant purpose of combating racketeering and gangsterism in every form in Alameda County, to the end that it may permanently remain free from the menace of organized crime."

Laymen Take Active Part

In order to enlist the active cooperation of every organization and public officer connected with law enforcement in Alameda County, formation of an Advisory Board was decided upon and invitations extended to every Chief of Police in Alameda County, other than those already members of the Executive Board; representatives of Federal officers and State law enforcement officers, and the adult and juvenile probation officers.

It was also decided to include in this Advisory Board additional representatives of business, labor and farm organizations and the press as the occasion arose.

The Council is now engaged in securing the active help of every worthwhile business and civic organization in the county, and is building up the general membership from such organizations. Every line of business is being canvassed to determine whether rackets are preying upon them, and every trade association in the county is being requested to

pledge itself and its members to two duties:

- (1) Not to comply with any extortionate demands of any character,
- (2) To notify the Council of any such demands, or of any other evidence of organized crime within the industry.

Every trade association and civic organization which has reported to date has promised its hearty and complete cooperation in this regard, and also in regard to petty swindles.

Plan of Operations

The Council has tentatively acted upon a plan of operations including: first, an exhaustive study of rackets and racketeering, both local and national; it is proposed to learn the methods by which the racketeers and the swindlers have operated throughout the country, in preparing every form of legitimate business, labor and agriculture.

An intensive study of all rackets which have heretofore been encountered in the county is being made. By way of taking inventory of the local crime situation a file of all public enemies in the county is being prepared, including their pictures, fingerprints, crime records and those of the associates of every known or strongly-suspected racketeer or swindler.

In the field of preventing the establishment of gangsterism in this community, the Council serves as a clearing house for all complaints and reports which indicate that organized criminals are attempting to establish themselves. A record will be kept of every complaint made, the action taken thereon, and the disposition thereof. Based on these complaints and on the reports received from Police Departments, bulletins will be prepared and sent to the various law enforcement establishments throughout the county, as well as those in adjacent counties and to the San Francisco office of the Federal Bureau of Investigation.

State-Wide Council Formed

As the activities of the Council continue it is expected that facts will be developed showing the necessity for new legislation amending the present criminal procedure and the substantive criminal law. This will entail the drafting of such legislation.

Inquiries have come from other communities with reference to the organization purposes, and the functioning of the Council. In every case such information has been furnished as might be of assistance in the formation of Anti-Racket Councils in those communities.

Within a week following the organization of this Council a state-wide anti-racket Council was launched in San Francisco.

ALAMEDA COUNTY FORM NO. 10

STATE OF CALIFORNIA

ALAMEDA COUNTY FORM NO. 10

1. Name of the person or persons who executed this instrument

2. Name of the person or persons to whom the same are given

3. Name of the person or persons who witnessed the same

4. Name of the person or persons who executed this instrument

5. Name of the person or persons to whom the same are given

6. Name of the person or persons who witnessed the same

7. Name of the person or persons who executed this instrument

8. Name of the person or persons to whom the same are given

9. Name of the person or persons who witnessed the same

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13. Name of the person or persons who executed this instrument

14. Name of the person or persons to whom the same are given

15. Name of the person or persons who witnessed the same

16. Name of the person or persons who executed this instrument

17. Name of the person or persons to whom the same are given

18. Name of the person or persons who witnessed the same

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Lloyd G. Jester
1966

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INTERVIEW HISTORY

Lloyd Jester was interviewed for the Earl Warren Project of the Regional Oral History Office in order to document his active and colorful career as an inspector in the Alameda County District Attorney's office.

Interviewer: Miriam Feingold

Conduct of the
Interview:

A single interview was held on November 20, 1970 at Mr. Jester's home in Hayward, California.

Mr. Jester and the interviewer sat at the kitchen table, with the tape recorder microphone set on the table between them.

Prior to the interview, Mr. Jester had gathered together a collection of photographs and newspaper clippings dating from his days with the U.S. Department of Justice's Bureau of Prohibition and with the Alameda County District Attorney's office. He referred to several photographs and clippings during the course of the interview, and apologized that he had not been able to locate all of his records. Mr. Jester kindly donated most of the photographs and clippings to the Earl Warren Collection in The Bancroft Library.

A written outline had been submitted to Mr. Jester before the interview, and he used this as a base from which to reminisce about his adventures in investigating crime. He spoke in an informal and candid manner, and

recalled with remarkable ease events of twenty and thirty years ago.

Editing:

Editing of the transcribed taped interview was done by the interviewer. Minor rearrangements of material were made to maintain the continuity of the discussion without interrupting its informal quality.

Mr. Jester very carefully reviewed the edited text, corrected several minor points, and added a few remarks to amplify or clarify his original comments.

Narrative Account
of the Inter-
view:

Mr. Jester began his career in law enforcement with the Bureau of Prohibition of the U.S. Department of Justice in 1929. He relates colorful stories of raids he made on stills and bootleg joints, commenting on the difference in standards of evidence demanded in the state courts and federal courts. He describes how bootleg liquor was manufactured and supplied to the customer.

Mr. Jester first met Earl Warren when the District Attorney provided the federal "Prohides" with office space in the district attorney's office. This arrangement gave the federal agents valuable office space and use of a telephone, and promoted cooperation between county and federal law enforcement agencies.

When Prohibition was repealed, Mr. Jester was asked to join Mr. Warren's new investigative staff. He describes how the district attorney's office was organized, noting several of Mr. Warren's innovations. Mr. Jester comments on the organization and administration of the Department of Inspectors and the close cooperation that existed between the deputy district attorneys and the inspectors.

Among Mr. Jester's first adventures in the office were large scale raids on Chinese lotteries and gambling establishments in Emeryville.

Mr. Jester played an investigative role in several notorious cases, and his comments shed light on procedures of criminal investigation acceptable in the 1930's. He himself made one of the arrests in the shipboard murder case and helped uncover information the evening of the murder that led ultimately to the discovery of the guilty parties. He also played a part in the Brooke Hart kidnap-murder case, the Page murder case, the Gosden "Bluebeard" murder case, and the Mausoleum case.

When Mr. Warren became Attorney General, Mr. Jester left the district attorney's office and was elected police chief of Albany, California. Wartime service interrupted this, and after the war he served for a short time as police chief of Fargo, North Dakota. Homesick for Alameda County, however, he wrote to J. Frank Coakley, then District Attorney, and secured a place for himself again in the Department of Inspectors, from which he recently retired.

Throughout the interview, Mr. Jester comments insightfully on his colleagues -- inspectors and deputy district attorneys. Having served under two district attorneys, he concludes by comparing the district attorney's office under Mr. Warren and Mr. Coakley.

Miriam Feingold,
Interviewer

23 October 1971
486 The Bancroft Library
University of California at Berkeley

I FAMILY BACKGROUND

MF: We like to start with a little background on yourself so people know where you came from.

Jester: There's not much background on me. I was born in Montana, Missoula, Montana, July 25, 1906. I was orphaned at age three and I was raised by some people by the name of Steele, John W. and Eva L. Steele in Los Angeles and Los Angeles County. My education was eleventh grade. I enlisted in the Navy in 1925.

MF: What made you want to join the Navy?

Jester: Well, Mr. Steele had been a railroad man all his life. He'd gone out on a railroad strike. He didn't get his job back. Then he went out into the country in San Gabriel Valley and bought a little chicken ranch. Things weren't going too good, so I joined the Navy for a living, for a livelihood. That's about that.

Nothing happened in the Navy, except in 1927 I got married. My wife was an orphan, also, by the way. So it seemed natural that we would get married. My daughter was born, my first child, Gwen, in 1928.

I decided then that instead of staying in the Navy I'd go out into civilian life. I went to the local post office. The only civil service examination that was posted on the board, the only one going at the time was in the Department of Justice. There were several branches in the Department of Justice, and the Bureau of Prohibition was one of them. They had an examination on at the time so I took it. I wanted to have something to come out to. I passed it. [Laughter] Then, in those days, you received a

Jester: certain percentage for being in the service. This was added to your score.

MF: They still do that.

Jester: My grades plus service percentages were over a hundred percent but there were still a lot of applicants ahead of me. In any instance, I was discharged from the Navy and went on into the Department of Justice and that was that.

MF: What's your wife's name, by the way?

Jester: Leona.

MF: Did you just have one child?

Jester: No, we had two. After I was out of the Navy, on May the 30th my son Jack was born -- John, always known as Jack. We sent both of them through universities. Both have good college educations and they've done real well in the world. We're very proud of them.

II WORKING FOR THE BUREAU OF PROHIBITION

Jester: Anyhow, getting back to this thing, as I recall, it was in May of '29 that I went into the Department of Justice, Bureau of Prohibition. I was sent from Los Angeles to San Francisco and I was in the San Francisco office for a while. The nearest I can figure out at this time, it was so long ago, I moved over into Mr. Earl Warren's office, that is, the district attorney's office of Alameda County for the purpose of office space for the Department of Justice, east bay branch of the Bureau of Prohibition, some time in the early thirties. Possibly, it could have been in the latter part of 1929. But the nearest I can recall it would have been right about that time, the early thirties. I remember because at the time we were making some bootleg raids around Emeryville. [He reaches under the table for some pictures.] I think I'll give you some photographs here, and let you look at them. They are the "joints" -- bootleg places -- in Emeryville. You never saw a "blind pig" bootleg "joint," did you?

MF: No, no. That was before my time. [Laughter]

Jester: Obviously it was.

MF: These are raids that you made for the Department of Justice, or for Earl Warren's office?

Jester: Some of them were for the Department of Justice, and some of them were for the county. Now here's the way that thing went.

A federal prohibition agent could take the particular case -- arrest -- into the local court or he could take the accused into the federal court, either one. As a rule it was his choice to make.

MF: How did you decide?

Jester: Well usually this was governed by the type of the case. Now, at that time, by state law the query was not, "How did you get your evidence?", but rather it was, "What evidence have you got?". That is, in those days it was that way; that was the state law in those days. In other words, if you'd come in with evidence of a crime having been committed, the state courts didn't go into the proposition of "How did you get this evidence? How did you come about having this in your possession?", but rather they just said, "Well, here's the evidence, and there's the guilty party."

In the federal court, however, we were bound by the Fourth and the Fifth Amendments, all of the constitutional amendments, in fact. You had to get this evidence without violating, in the slightest degree, any one of these possible constitutional rights. Now the only way that you could get -- have a crime committed in your presence according to the federal rules, was by the use of one of your five natural senses, which was feel, taste, smell, sight, and hearing. If the particular thing happened within your hearing or you saw it happen and so forth in your presence by use of any one or all of those natural sense, then the crime could be committed in your presence.

For example, let's take a still, one that was located out in the country like this one [shows picture of bootleg stills], this picture, see. Here's a gate and it says "No Trespassing" and so forth, see?* The still is in a barn, way back in the back there where you can't see it from the road. Here's the close-up of the barn taken after we got in and made our case.**

MF: Yes, you wouldn't even know that there was anything going on there.

Jester: No. So how would you be able to raid this still, and obviously we did because here's the pictures of it in the barn, as proof. How would you be able to raid this?

*All photographs referred to in this interview are on file in Bancroft Library. See photograph A.

**See photograph B.

Jester: Well, here's one procedure. They, the operators, had to have supplies going into this still and they had to haul the produce out. Some of the supplies were these five gallon cans that you see here in this photo, these five gallon cans were used to haul the alcohol, the produce out.* They would have to go in empty and come out full, wouldn't they?

MF: Yes.

Jester: Sugar would have to go in and yeast would have to go in to make the mash. We could follow a truck from a sugar distributing point or from the Continental Can Company or the American Can Company or wherever, to some farming place like shown here in this photo.** If it was cans we knew they wouldn't be feeding the cans to the hogs! If it was sugar, it was a possibility, you know, possible but not probable.

In this case you'd have to use two or three probable causes. Now if you could get an odor of the fermenting mash this would, added to the cans and sugar going in, be probable cause. So you could go all around the area, up in the hills, drive around at late and unusual hours or in the early morning hours, usually when the air was heavy, to try to get an odor of fermenting mash. That would be one natural sense, "smell."

Now that you have already seen the cans going in and obtained an odor of mash, if a load of alcohol -- cans -- came out and it went someplace -- say to Emeryville or to a garage in San Francisco or anywhere, and you had the good fortune to be able to follow it and see the alcohol in the terminal, or maybe an arrest would be made there by local authorities to prove it was alcohol coming out, then you'd have a good federal case. But you would still have to get a search warrant; you used your natural senses for probable cause for the warrant. To get a search warrant in federal court you have to particularly describe the places to be searched and the things to be seized. This is hard

*See photograph C.

**See photograph D.

Jester: to do, as anyone will agree.

All right, by comparison. Now if this were a state case, if you were going to take this case into state court, in those days, all you had to do was wait your opportunity, go over the fence, go on in and "knock the thing over" -- this was a term used for raid in those days. Then make your arrests, make your seizure, the court would only ask, "What evidence do you have?" and not, "How did you get it?" You see that was the difference in those days.

The same thing would apply towards bootleg joints, a bar catering to the public. When you'd see bootleg joints running, with the barred doors, peep holes, etc., people going in sober and coming out under the influence, you didn't need a ouija board to tell you that it was a bootleg joint, although the law was still quite a sticky wicket on that subject as far as the federal law was concerned. In many of these cases we'd go in and knock it over on the state proposition and we'd take it into state court and be done with it.

[Showing some photographs.] Here are several places of like nature, barred doors, peep holes, plants and bars. This is one on Adeline Street, 3622 Adeline.* This was the door to the plant and the serving room. This is what it looked like inside.

Now here's another bootleg joint down in Emeryville. You see they had it in a vegetable garden area. They tried all manner of disguise, but anyone could tell it was a joint. This place was under abatement, 5860 Beaudry Street, when this picture was made.** See, when I made these notes, this was a good many years ago. Here's the people, the barred door; they'd come in through the barred door. The peep hole was used to first identify the customer, and not admit an officer.

Here's what a bar looked like inside one of those joints†

*See group of photographs labeled E.

**See photograph F.

***See photograph G.

Jester: Hooch come in these kind of bottles, you see. It wasn't like today. These were bootleg bottles. This is a bar from inside here; that one is at 4216 Holden.

Here's a deputy sheriff, one of the raiding party at 1268 - 65th Street.* His name was Terry -- he's dead now.

Here's some people inside a joint.** This one was at 1281 - 64th Street. This was what the inside looked like. You remember Cliff Wixson, used to be supervisor in Alameda County? Well he was running for -- what was he running for -- Assemblyman or Supervisor at that time? Assemblyman, I think. There's one of his campaign posters up there. He's dead now, Cliff is. His son's still around.

But that's the serving room and this is the way the people dressed. That's the way they looked in those days. A lot of these people, it's not at all amazing, went out and they became very successful businessmen.

This is on Hollis Street.*** Oh, here's Wixson, he's running for Assembly. Mike Driver is the sheriff now in Alameda County and they want to reelect him here; they've got election signs up to retain him, see? [He is referring to a picture of inside a bootleg place which had campaign posters on the wall.] That's on Hollis Street.

MF: Frank Ogden had a campaign poster in one of these pictures. I wonder what he was running for.

Jester: Judge, superior court judge.

*See photograph H.

**See group of photographs labeled I.

***See photograph J.

Jester: Here's Floyd Gallo's place; he turned out to be very famous.*

MF: Who is this?

Jester: Gallo. Floyd Gallo.

These are joints in Emeryville. There's old George Hard from the D.A.'s office.** He's dead now. There he is writing up this bootlegger with his booze, evidence. I've this picture as evidence, also. He's got Exhibit A in his pocket. [Laughter] [Picture shows Hard with a bottle in his pocket.] That would be all you'd take, you'd dump the rest. You'd just take a pint of it, that's all, just enough for evidence.

Here's Batto's place on the southeast corner of Hubbard and Park.*** Right next door was a house of ill fame run by Marie Jones. Marie and Batto were supposed to be living together.

Alongside this piano was a door and a passageway, led from this joint into the place next door. They had that door barred, also.

A lot of the kids from Boalt Hall remember a lot of that stuff. A lot of these lawyers and people around here, judges and this and that, when they were going to law school up at Cal, they knew some of these places.

Now here was one that we took for Prohibition.**** That was one we made a federal case on. Otherwise we wouldn't have come up with that picture and identified it that way.

*See photograph K.

**See photographs labeled L.

***See photograph M.

****See photograph N.

MF: Yes, it has a Prohibition identification on it.

Jester: That was one that we took to federal court. All of these here went to state courts. I mean by that, went to Emeryville Police Court. Very few indeed made the Superior Courts.

MF: You didn't have to have as strict standards of evidence?

Jester: No, no. The evidence that you produced in court was what counted, at least in those days, not how you came by it.

This is what's called a "cutting plant."*
Here is where they take the alcohol that comes in the five gallon can and mix it with distilled water in these barrels, see. If it's going to be whiskey, they'll color it with burnt sugar and so forth and with coloration. There is an electrical rod, an aging bar. An electric cord comes on it.

MF: Yes.

Jester: That gets very hot. They put that down through the bung in the barrel. They put it in tight. This heat from this rod is supposed to age it, age this whiskey. Now if they want gin, why they just put juniper berries in, cut with water, and to hell with it! They don't age that. But they could make scotch and all other types, you know, in these barrels. That's called a "cutting plant." From there the bootleggers bottle it. There were four steps in the production and sale of bootleg liquor. It went from the still, to the cutting plant, to the bootlegger and joint, to the customer.

Then you see the stills. This still was like this first [shows picture of undamaged still]** and when we got through with it we chopped it up

*See group of photographs labeled O.

**See group of photographs labeled P.

Jester: [shows picture with stills full of holes from axe and pick blows] -- it looked like that.*

There were some dangerous cases where they used an old hot water heater for a coil. Here's what it looks like when we got through chopping it up.

This is for the cooking.** They have the pot itself up on bricks here, the copper pot, and they have a stove heater under there that puts the fire and heat to it. The flame heats it up and causes the mash to evaporate and the evaporation goes up through the copper baffel plates in the column. There are little divisions it has to go through. Each division has a certain number of holes with little copper cups over the top of each. This catches the evaporation (steam). Finally it cools enough and drops as liquid, goes into the "try" box. From that it is put into the cans. A "try" box is where they gauge the percentage of alcohol.

See these stills? Some of them are tremendous in size and would turn out a heck of a lot of alcohol a day.

The still was the source of supply, and the federal government and the Prohibition agents, by and large, were out after the source of supply, that is, the stills and the cutting plants and that sort of thing.

However, the general public, at least the WCTU, the churches, etc., was making such a ruckus and hollering about the bootleg joints so that you had to go in there and make a big splurge, knock off a few bootleg joints and satisfy the general public and the church folks, see. But I can point out to you this, that if we knocked over one great big still like this, that was turning out several thousand gallons of 190 proof alky a day at the source of supply, we were doing a better job even though it took us a longer while to locate and to make a powerful enough case to satisfy the federal court. We did more good that way than going out and knocking over dozens of these bootleg joints a night!

*See group of photographs labeled Q.

**See photograph R.

Jester: But here again you came into the proposition, why did we do it? Well, here's Earl Warren, here in Alameda County, a very vigorous prosecutor, a politician responding to the church and WCTU folks. Therefore, he's got his own active staff set up to go out and raid these places. The federal courts were charged with the responsibility, regardless of how large or small it was; that is, to enforce Prohibition.

In the spirit of cooperation with Mr. Warren and with his people, we would get together and we'd go out and we'd raid these places, or if I and my crew went out alone and raided the place we would turn the case over to the state. Because the federal government wasn't in the business of making money from the fines, turning a case over to the local court was never questioned. It is still a fact that in the small towns like Benicia, Emeryville, Oakland, and many others, they depended a heck of a lot upon these fines they received from these Prohibition cases to help them in their expenses of government. They never admitted it then and many deny it now, but it's the truth.

For instance, we went up and we raided in Benicia. Then we turned all the cases right over to Benicia court. The Judge'd come down in the middle of the nighttime, and he waxed eloquent. He dispensed judgments in all directions. Everybody who'd come in was guilty and then he had a set fine of \$250 or whatever it was. This is in Depression days and that's a pretty good size of money. It didn't take many of these bootleggers to build the coffers of the city up to the point where it paid the judge's salary for a year, you see, and it helped out. They appreciated it. That let them off the hook because their local authorities hadn't initiated this action against the local citizens, the Federals did it.

They viewed this -- the bootlegger himself, that is, this bootlegger who'd been taken into Benicia or Vallejo or Emeryville court, whatever it was -- they viewed it very much the same way as the city fathers did, that it was the same as a license. They figured, well, they could stand -- they call them "busts" now today, but in those days we called them "knockovers" -- they could stand so many knockovers a year, pay their fines the same as buying a license, and think no more of it.

Jester: But if you arrested them more than three times, they'd start screaming like a banshee. They would say things like, "Gee, you're getting me all the time! Why aren't you getting so-and-so?" But they didn't mind coming in and paying up a fine once in a while. What they feared most was more than three convictions on one place, which meant facing a chance of abatement.

I remember one time we had a fellow by the nickname of "Peanuts." I don't know what his real name was. He was a bartender. He tended bar for the Fegonis' during Prohibition. He'd done so for many years. Well it was no fun arresting "Peanuts" towards the end, because you could just as well knock at the front door and say, "Peanuts, come on out. I'm going to take you in and book you." And he'd do it! So there was no sport in it anymore, and I suppose that that's why "Peanuts" went so long between arrests: [Laughter] I don't know. OK. Well, this is a far cry from what you're after.

Well now, you see, I went into his [Warren's] office. He furnished us office space. At the time I first went into his office there were four or five of us Federals. I was in charge.

MF: Now you were still with the Department of Justice, is that right? You were just using office space in Warren's office?

Jester: That's right. In other words, we were sharing space in the inspector's office, the district attorney's inspector's office. We were using space just as though we were inspectors although we were federal Prohibition agents. This gave us a place to receive telephone calls, it was a place to receive our mail and messages, this and that.

When I first went in there, I know I had as agents Lee O'Hara, Johnny Bike, and a man by the name of Thompson -- I forget his first name. Maybe there were one or two others, I forget. That was when I first went in there.

Later on it became bigger. When the new post office building in Oakland was completed, they furnished us with quarters there. That's when we moved up there. When Prohibition was repealed, that was where we were officed.

III JOINING THE DISTRICT ATTORNEY'S STAFF

MF: Did that leave you without a job, when Prohibition was repealed?

Jester: No. They repealed Prohibition, but they set up the Alcohol Tax Unit, which still exists. The people in the Bureau of Prohibition, the agents, were given all kinds of opportunities to transfer here and there within the federal government. For instance, Bob Wells went into the Secret Service. Ted Meyers stayed with the Alcohol Tax Unit and became the head man of it before he retired. Some other people became gaugers. You know, in the distilleries, they have federal gaugers. They went into various and sundry things.

I was taken by Earl Warren to fill in Charlie Blagbourne's place after Prohibition was repealed, while I was still with the Alcohol Tax Unit. We were still winding up some of the old federal cases that were still hanging fire in federal court by the time that I went with him.

The way I come to go with him is Charlie Blagbourne died and Warren knew me from my having been in his office. Oscar Jahnsen and Captain George Helms of his inspector -- detective force -- knew me. They recommended me, apparently, and, well, he wanted me and telephoned me asking if I'd join his staff. I said, yes, I would. However I wanted time to finish off the federal cases I had hanging fire. He told me to go ahead, but he wanted to make an announcement for political purposes that he hired somebody to take the vacancy, he was like that.

Jester: He was always watching out for his image and not letting anybody get into the point of embarrassing him. In short, Charlie Blagbourne died this evening; he was hiring somebody to take that place right now. The following morning, before anybody would ask a question like, "Hey, I've got a man for you," or "I'd like to --," you see, and he'd have to turn them down or he'd have to take somebody he didn't want. He was like that.

There's a lot of things about him that were good. I think that was good, primarily because it affected me, but I think it is smart when you analyze it that he could still retain a friend who would like to get somebody a job. This friend would have to wait for the next vacancy to develop and Mr. Warren would be afforded time to properly handle the situation. He'd have time to sweat out how he's going to cross that bridge if the time ever came! But in this instance he didn't. He did those things. In other things it was obvious, his ability to cross his bridges even before he came to 'em.

MF: He was a good politician then? Is that what you're saying?

Jester: Best single-handed politician the county had ever seen! The best single-handed politician that Alameda County has ever seen! He was good. He was good at that stuff, believe me!

We speak so much of Emeryville, although we did raid throughout the county. Emeryville seemed to be the focal point. They had a chief of police there, that Warren's office was sort of putting the pressure on.

Mr. Warren had some difficulty with a sheriff by the name of Becker before my time there. I recall having heard so much about the Becker case, and their sending him to the prison. I'm not sure but I kind of felt from what I'd heard about it, the Becker case and the bail bond scandal is more or less tied in together. I don't know. Maybe not.

MF: The paving scandal was tied in to it.

Jester: The paving scandal was yet another thing, I think.

Jester: I believe so. I tell you who will be an authority on that is Frank Coakley.

MF: Oh really. On what, the Sheriff Becker thing?

Jester: On Becker and on the paving scandal and on your bail bond scandal, and your Bessie Ferguson case, because I've heard Coakley discuss this thing so many times. There were a lot of angles to this thing that he and he alone knows and can answer.

IV ORGANIZATION OF THE DISTRICT ATTORNEY'S OFFICE

MF: Could you tell me a bit about how the office was organized?

Jester: You see, in the line of authority or succession in that office at the time I hit there, Ralph Hoyt was the chief assistant to Earl Warren. J. Frank Coakley came under him. As a matter of fact Richard "Dick" Chamberlain and Coakley were more or less on a level, on a par. Chamberlain was on the civil side and Coakley was on the criminal side, you see. Now the same way with Bob Hunter. Bob Hunter was on the civil side. Now you know what I'm talking about, civil and the criminal side?

MF: Yes.

Jester: All right. Now that's [referring to civil side] out of the office. They have the county attorney now.

MF: That's right. They have a separate county counsel who handles all the civil matters.

Jester: That's right. So the civil end of it is out of the district attorney's office. But it was there in those days.

Coakley has a very good memory. There is available in the district attorney's office if you don't forget this when you're talking to him, a book of cases, "Short Stories," and he can always refresh his recollection from the short story. Now what we had a habit of doing in that office -- now this goes back to Earl Warren's, it might even go back to Ezra Decoto's time, but they were using it when I was there -- is that when a case came into the office, in other words a case has been through

Jester: the police court and it's now submitted to the superior court and comes to the district attorney's office they would write up a short story.

For a long while a young lawyer by the name of Oxie Hotle was writing these short stories. He was dictating them into a dictating machine and they would be written up on a form. What he would do is abbreviate everything. In other words, he'd tell the whole case history on one page of a short story, if at all possible.

MF: Just so it could be right there for people to glance at.

Jester: Just like the label on a bottle. It'd give you the content in just a few words. Provided Mr. Coakley has forgotten about a case or part thereof, he has access to those "short stories" because they go clear back in the archives. Now he is the one that I would strongly urge you to see in regards to Bessie Ferguson, the bail bond scandal, the paving scandal and another one that you've missed in there in the scandal they had right at the time I came into the office. It had to do with an oil refinery.

MF: Was that the Gollett oil swindle?

Jester: [Trying to recollect] I don't know, but Coakley had to do with that.

Getting back to how things were being done in that office at that time. You've got the picture of where I was in the federal force before I came in there with him and the inspectors. You had the two sections; you had the civil and you had the criminal. Then you had the secretaries or stenographers pool that was used by both criminal and the civil and the inspectors. Then there were some of these people doing specialties.

For instance, J. Frank Coakley and Cecil Mosbacher -- she's now a superior court judge -- were two of the absolute best on frauds, buncos, corporate security cases and so forth, and conspiracies. Coakley was a great hand to charge a conspiracy, if at all possible, when you had more than one accused in one of these involved corporate securities cases or fraud cases.

Jester: Mosbacher and he were two of the very best on that.

Then you had another lawyer in there by the name of Leonard Meltzer. He was absolutely the best criminal lawyer on his two feet that ever hit that office. He was short in stature. He was Jewish and had a lot of things that would ordinarily detract from him. He was a snappy dresser. But once he started talking, he opened his mouth and started talking, you saw a lion. You saw a mammoth person there. He was terrific. He was on criminal matters of all kinds and descriptions, but as a general rule Charlie Wehr is the one who handled the murders and the homicide cases.

So that was the way the thing was divided up. You had your inspectors, headed by Captain George Helms. Oscar Jahnsen was the lieutenant and that was it.

There's one thing that I can't pass up here, and that is that there was a fellow by the name of Riley that wrote the Free Press. Did you ever hear of the Riley Free Press?

MF: Yes, I've heard of it.

Jester: All right. The Free Press was written by the opposite number, that is, the opponents of Joe Knowland and Earl Warren. They were two together on the Republican side of this political thing here in Alameda County. Kelly and his crowd were on the other. In that Free Press --

MF: This isn't Mike Kelly, is it?

Jester: I think it was Mike Kelly.

MF: The political boss?

Jester: I believe it was, Riley's Free Press. I believe it was, the same one. He came out with this paper every week. He dubbed Earl Warren "Pinky" Warren way back in those days. He called him "Pinky" Warren way back in those days.

MF: Now what was the "pink" referring to?

Jester: Well, actually Warren's hair when he was a young man sort of had a reddish hue, see. But later on, the tag "Pinky" came back and it was brought back by some who remember the Free Press, especially so while Earl Warren was sitting in the Supreme Court. They said, 'Look at old 'Pinky'. The color's coming out again! So anyway, that's that.

There's another thing that you're asking about here. [Refers to interview outline.] How were the people recruited?" Now let me stop right here. When I came into the office Charlie Blagbourne passed away and that was in '33.

MF: When you came into the office?

Jester: Yes, as a district attorney's inspector. It was after Nina Warren was born, I know that. It had to be after Prohibition was repealed. Wasn't there a national election in '32? Wasn't that when President Roosevelt done away with Prohibition?

MF: Prohibition was finally repealed at the end of 1933.

Jester: Well, anyhow, I don't recall the month or year right now for sure. I just can't find my records. If I could find those records I could have had your answers down to a T here.

I am almost sure that I was in the office at the time that Mr. Warren had been thinking strongly of filing for attorney general against U. S. Webb. But he didn't do it.

MF: Would he talk about that in the office?

Jester: Yes. He would say -- I think would be the comment -- "What do you think about my doing so-and-so?" or something of that nature, or make some statement of that kind. This was usually done to someone, like -- well, for instance every week he would have a meeting, usually in the law library, with the attorneys and his staff. By the same token he'd have a weekly meeting with the inspectors.

At these meetings he was inclined, from time to time, to feel out the thinking of the people in

Jester: regards to politics, in regards to the position that he was going to have to take or should take or expected that he may take. He would feel them out as to what would or would not be a good thing to do for public relations or relations between departments and so forth. There was no question in that office that he was thinking strongly about running for attorney general before he actually did, several years before he did.

One thing, he was always strong for civil service in everybody else's department but his own.

MF: Really?

Jester: Yes. And it is because of him, really, that the district attorney's office in Alameda County has never gone civil service.

MF: Why did he feel that way?

Jester: Well, I don't know. I think it was because when there wasn't civil service he exercised more control over the individuals, I think, that way. I think that way he would receive loyalty that he probably felt he wouldn't get in any other way. I don't know. He was never for civil service in his own bailiwick. But he was always strong for it in the other guy's department.

MF: Yes, I remember reading that he was one of the people who really pushed for civil service generally.

Jester: Yes, yes, yes. I noticed in your notes here that you say, "Earl Warren drafts constitutional amendments for ballot to effect state civil service. Attorney general debated chief law enforcement officer salary," and so forth.

Now, you see there were two reasons for that. While Webb was attorney general, he [Warren] could go ahead, up the salary of the attorney general, and fix it on a scale to go upwards. He could go for this business of making everything civil service and that sort of thing because he could have in the back of his mind four years from now that will be my office, now the salary is all set for myself. See what I mean? Now you don't know what his thinking was, but don't sell him short!

Jester: He was a hell of a politician! He was not looking behind him. He was always looking ahead. If he did something, all right he did it. He didn't stand around and cry about having done it and figuring out how it would have been had he not done these things. He said, "All right, I done that, now I'm going to go ahead to something else." He was driving ahead always!

V THE DISTRICT ATTORNEY'S DEPARTMENT OF INSPECTORS

Organization and Administration

Jester: Let me see, maybe I'm jumping around too much.

[Reading from interview outline.] You wanted [to know], "How are inspectors recruited?" They were just plain hired and they weren't recruited at all. They were hired. Now as close as I can remember George Hard and Oscar Jahnsen were federal Prohibition agents, just like myself, so they came in that way. But Tupper, Howard Tupper was a carpenter. George Henningsen was a carpenter. I just don't know. He'd hire them himself. What he was looking for in the individual, I don't know. I imagine that Captain Helms exercised some influence over him in regards to the hiring of people but he did those things himself.

[Referring to interview outline.] "How organized and trained?" Well, we weren't. You were hired. I, myself, had experience and had already been trained.

MF: Right. You didn't need special training.

Jester: Didn't need it. So I don't know what happened, how these other guys come along on this thing but they did and they were there, all of these other people were when I got there. They were doing all right.

[Reading from interview outline.] "How were cases assigned to them?" Well, now that's something. That's something. They had for a while what they called the homicide detail, in which one inspector would be assigned to the homicide trial deputy; was responsible to attend the coroner's inquest and to gather information on all homicides within the county and be up on them; and assist the smaller [police] departments in their investigations, and so forth. Warren was always insistent that we would never take it [the small police department] over ourselves. In other words, we wouldn't go in there as an elite corps and take over. Rather than that, we would offer our assistance. Although we were looked at as an elite corps by some of these smaller departments, we didn't go in there and take over; we offered

Jester: assistance and always let them get all the publicity and get all the credit and all that sort of thing.

[Referring to interview outline.] "What hours and standards?" [Laughter] Well, that is something I must comment on. There were no hours. You worked morning, noon, night, Sundays, holidays or whenever they thought you were needed. When I say "they," that would be Mr. Warren, or one of the deputies who had a case going, or it would be Captain Helms or Oscar Jahnsen.

As a general rule you would be in the office for the purpose of handling the criminal matters that are in court during the daytime, or doing investigation on general cases during the daytime. At nights [you'd] be out raiding gambling joints and bootleg joints around over the county.

Today when you reflect back on it you wonder how in the hell would a county office be able to do that and get away with it when you compare that with the conditions you have today, where overtime is the demand; a forty hour week is something; and there's quarrels in the department about who gets the night shift and day shift and so on. Here we were doing it all the time with no consideration as to pay for overtime and so on.

Well, I'll tell you the answer to it was this, we were hungry. We had to. This was during the Depression period, the Depression era, and all Warren had to say is, "I don't want you any more," and you were out, and your family was on the street. You'd do anything to keep that job. Now if that is retaining loyalty -- it's the way you look at it. But that was it. That was how that was gotten away with, with those people. Now these inspectors would get up and get involved in these raids at night and of course you know you'd get interested in [it], and then it would be your case.

MF: What kind of working relationship did the inspectors have with the deputy district attorneys?

Jester: Here's what would happen. Certain deputy district attorneys would have their own idiosyncrasies.

Jester: Inspectors would soon find out what those were and he would bend himself to these idiosyncrasies. As for instance, Charlie Wehr. We called him the "Old Bucket of Blood." He liked these homicide cases; he was always trying homicide cases. He liked it. He went into them.

One of Wehr's things -- he was single when I first knew him. He got married after I left the office, but when I knew him he was single. One of his idiosyncrasies was that he would always have some work to do in the eveningtime during the meal hour. Immediately after the meal hour then he'd have to go to dinner on the county, you see, and the county would pick up the tab. The expense sheet was made out on the blue sheet, and they used to call it "blue-tagging." So the inspector would always be hooked with Charlie Wehr if he was on a case with him, to stay there during the dinner hour. He couldn't go home to his own family. He'd have to take Charlie Wehr out to dinner in the evening, you know after the dinner [hour], take him out to dinner, "blue-tag it" on the expense account, pay for Charlie Wehr's dinner. That was his idiosyncrasy.

Coakley had a nasty habit of getting his second wind along about eight o'clock at night and he would work at his paper work on his cases, whether it was in the preparation for putting on the case, or whether it was in rebuttal, or whether it was a presentation to the jury. He would do that between eight o'clock and midnight, or one o'clock in the morning and you'd be there with him!

MF: I'm beginning to feel that no one in that office ever saw his family.

Jester: I'll tell you what, it was for a long period of time a lot of them didn't.

Cecil Mosbacher -- it is not uncommon for her, when the inspector -- they were working on some fraud case -- to want the inspector at eight, or nine, or ten o'clock at night to go get a witness to bring him in to talk to. She wanted to examine him in preparation for the case -- at nighttime! So there was her idiosyncrasies and that's what it was.

Jester: These people did these things not because they were paid a tremendous salary for doing it, but we were in the Depression and by golly you loved your job and your family more than anything else, and that was it!

Then you would have high respect for certain ones of these lawyers, for their abilities to do these things and so forth.

[Reading from outline] "How did we get along with Alameda County cities?" Fine. "Sheriff's office?" Fine. "Superior court judges?" Fine. As a matter of fact, judges used to have a lot of respect for district attorney's investigators, inspectors.

Gambling and Bootlegging Raids

MF: Perhaps we could jump to some of the cases you were involved with.

Jester: Let's take the Chinese gamblers, distillers, bootleggers and hijackers.

Every summer Warren started a practice of hiring a young football player or somebody of that stature from the University of California for the summer months. Usually they were people out of Boalt Hall for the summer months, and hire them as a law clerk, you see. They'd be assigned to the inspectors. When you're raiding a Chinese lottery, and we had them in Emeryville in those days, thick, when you're raiding a Chinese lottery, the ticket that you have to have for evidence is the marked ticket. That is the one that's marked with the brush, you know?

MF: Yes.

Jester: Not the ones that have the holes punched in them because they don't count as evidence. So in these gambling joints these Chinamen would have Chinese "runners," as they call them, who would keep the marked tickets on their persons. If there were a raid they would co-mingle with the customers and would

Jester: subsequently make their getaway. Or in some instances they had a getaway door, an exit door and they would get away. They'd run. So this particular summer he'd hired Hank Sheldack, who turned out to be quite a football player. Sheldack's practicing law down in San Mateo County, I think, now.

We had this Chinese lottery out there on Park Street. There was an alley went alongside of it. What would happen is that the runner with these marked tickets would come out the side door and run down the alley. He'd run like a deer and none of us could catch him. We took Hank Sheldack out there and we explained to him who the Chinaman was, what he looked like and what to do about it. We went charging up and beating on the door with our mallets and out come the Chinese runner. He started down the alley and just hit Park Street and started to make his turn, and Hank Sheldack tackled him, put a flying tackle on him and lottery tickets and marked tickets and Chinaman was all over the street! [Laughter] So that's one of the highlights of gambling.

But Chinese are gamblers, period. Let's face it. There was a big place at the end of Park Street, Chen Hing's. Chen Hing is over, I think, in the Orient now.

MF: Yes. His son is still here though.

Jester: He was self-deported, I guess. He run this big gambling joint down there. I think it was called the "Olemo," at the end of Park Street. It had all kinds of gambling in it. It was filled to capacity at all times. there's no dead times in there. We raided that a time or two but it was so boarded up -- barred door -- that we had to come in the skylight. There was a fishpond under the skylight. [Laughter] That was a job for Oscar Jahnsen one time. They'd keep the skylight, you know, painted over so you couldn't see down through it and Oscar belted that thing with a sledgehammer and jumped down through there. He went right in the fishpond, knee deep!

So anyhow, we'd go and we'd raid these places. Then we had a system on making the return on the

Jester: search warrant or whatever, and take them into court. As a general rule, the attorneys would want to know how many Chinamen would want to go in and plead together because it's awful hard unless you absolutely take a picture and the fingerprints of the Chinaman to tell him again when you see him. So we used to and we did at the tail end.

We'd get Berkeley police in on the deal and we'd have them with their paddy wagons come down there to Emeryville. We'd run them up to Berkeley Police Department where they'd mug them and fingerprint them and so forth and ignore Emeryville altogether.

[Referring to interview outline.] On stills; I've talked to you about stills; the same applies in Alameda County as elsewhere on that. [Referring to outline.] Bootleggers; I've told you about that. [Referring to outline.] Hijackers; well, we had a few hijacks around here but generally it was one bootleg outfit against another one and when we got into the picture it was only to seize those who were handling the hooch and seize the hooch and so forth.

MF: Now who are these people in the picture?*

Jester: Well, these are all -- this is what we call a "still donkey," he is a guy that works on a still, you know? Now this is a deputy sheriff, a special deputy sheriff and this is a special deputy sheriff [pointing to two men in photo] -- they're country folks there making a little extra money as a sheriff or do it for free. This is a deputy sheriff on pay and this is deputy sheriff on pay, but who they are and where that was is beyond me. This was taken where? In San Jose? I haven't the slightest idea! But it must be down in that way there someplace.

[Showing another photograph.]** Oh, this hole here, that one is important. That was an escape hole. Let me see if I can show you where

*See photograph S.

**See two photographs labeled T.

Jester: the hole come up. The hole come up a ways off from that barn, so that the workers slip down through that hole and they could get out, you see.

MF: Where was this, do you remember?

Jester: That, I know, was up at that St. Helena area, up in there.

They'd set these stills up, they are just most anyplace that they could put them up. They knew that they were only going to stay so long, so they'd put them up, for instance look here, how some of the machinery is being worked by string going down that for weights, see?* In other words there was no permanancy to it.

MF: Yes. This looks just like a tree trunk.

Jester: It was a tree growing right through the thing there, see. For instance, here they knocked out a wall in the closet to put a still in there; they come up through the floor.

Investigative Aids

MF: Did you make much use of undercover agents?

Jester: We used them frequently. They would make a buy of narcotics or illegal hooch or whatever it was -- gambling and so forth. But again, it was Depression time and these people would do that for \$5 a case. I don't know. They'd take an awful chance on their lives doing it, but they did do it. They'd actually go in the place and make a buy and hold the evidence while we were crashing in through there.

[Referring to interview outline.] The search warrants, I told you about that. Used them when necessary, but didn't use them when it wasn't

*See photograph U.

Jester: necessary. We found out that you bound yourself -- here's what Mr. Warren found out long since -- the use of a search warrant you bind yourself to certain things described in here. If you don't use it, you see you've got every horizon to go on these things. You don't bind yourself.

[Referring to outline.] Telephone taps? Yes, we used them and used them quite a bit.

[Referring to outline.] Concealed microphones? Yes, had them concealed.

MF: Could you introduce that as evidence?

Jester: No. But you see what you'd do, you'd have the microphone and you'd learn from this, then you'd go out. So many times people say, "How does the FBI, how does that outfit, what power do they have, what crystal ball do they have?" For instance, right now, over in San Francisco where a man was threatening the Bank of American building and so forth, how did they know to be at the certain street and watching for this particular guy? How of all the people in San Francisco did they know to watch him? Well you know damn well and I know damn well that there is a phone tap in that, don't you?

MF: Right.

Jester: All right. Now they're not going to bring it out and convict themselves in it. They're not going to say it; but that was the answer. See, they've listened to the phone; they traced the call back. They had P. T. and T. [Pacific Telephone and Telegraph] help them. Now all a guy had to do, like he did in the Brooke Hart case, is stand and watch that telephone booth and whoever goes in there using that phone, that's the guy! Now we know who we're looking for! You see what I mean? The same thing in the Brooke Hart case. They was getting this phone call from this telephone booth --

MF: Who was getting the phone call?

Jester: The father, you see, to make the pay-off. The FBI and the P. T. and T. was checking the call. The P.T. and T. had this call coming in and they checked it right back and it went to this phone booth.

Jester: They told the FBI. They went down there to the phone booth; there was the guy. Like shooting fish in the bathtub, wasn't it?

MF: Yes.

Jester: So that's the way. They all do it. This is a phony business to say you don't you do, because it is a means of investigation. It is an investigative aid. You don't have to use what was said, but you can use the information as an investigative aid. It is like a crutch.

The Page Murder Case

Jester: Now in the Page murder case -- I'll tell you, you asked me about specific cases of how Mr. Warren was a rugged prosecutor. All right.

The Page murder case was a case where Page was a captain, retired from the Army. Now during the Depression era the military cut many of the officers and enlisted men off the payroll before they had a chance to finish out their time. They were career men. All right now; Page was a captain who was retired under that program. He lived in a house that had been made over into two apartments, one upstairs and one down. Page lived upstairs, with his son. He was a widower. So in this little two bedroom, two room apartment upstairs in the house, where you come in a common door, lived Page, his teen-age son and Page's mother, the grandmother of the boy. Now Page was working in a WPA project -- you know what that was?

MF: Yes.

Jester: They had an art project up at the University of California. Behind the door of his bedroom, he had his old Army 45 hanging there, you see, in a holster. The son and he had been having some words over a period of several days. It came to a head on this particular Sunday afternoon. The old man

Jester: hollered out the window at the kid. The kid got upset, came upstairs, come to the bedroom door and said, "What did you say?" With that the old man -- the door opened like this, see -- reached behind the door took out the 45, shoved it in the kid's stomach, and pulled the trigger in the heat of passion. The kid grabbed him -- for the gun -- and probably sneered at his father. Page pulled the trigger and he killed his own son, right there.

The only witness to this is who? The boy's grandmother who was the mother of Mr. Page. The Berkeley ambulance came there, put the boy in the ambulance and the grandmother goes along with him together with a police officer. The police officer is driving the ambulance going to the hospital, Alta Bates, I believe it was. Before the kid expired in the ambulance, he said to his grandmother, "Dad shot me; he's killed me! Why did he do it?", words to that effect. This now, is a dying statement and the only one who heard it was the grandmother. The kid was dead upon arrival at the hospital -- DOA at the hospital.

While the grandmother or the mother of the accused -- he's now in jail. We've got him locked up in Piedmont Jail, hid out away from his attorney who I think was Leo Sullivan at the time, hunting for him all over and we wouldn't tell him where he was. Mr. Warren knew that. This is what we did in those days! We did it in those days.

Page's mother, the grandmother of the deceased, was upset about this thing. She told me and the investigating police officer -- I think his name was Thompson, I'm not too sure what the police officer's name was -- she told me what the boy said on the way to the hospital, and I recorded it. Subsequently she told the same thing, in the form of a statement taken in shorthand, to Charlie Wehr.

Now, we kept Page hid out up there for a while, several days. Finally we had to tell Leo Sullivan, who wasn't stupid, where he was. From that day on, after Leo Sullivan talked to him and got to talk to the grandmother, she never said another word.

Leo's dead now, but one time I asked Leo what

Jester: he said to her. He said, "Well, you know what I'd say to her." I know what he'd say to her. I know what I'd say to her if I were Leo Sullivan. "Look, your testimony can only hang your own son, and that is not about to bring back the life of your grandson. So now do you want to go ahead and testify?"

Well apparently she decided against it because I had to go out and see her every so often.

This was one of the inspector's jobs. When you find an important witness, important to a case, and there is a chance that the witness might flop or change his story a little bit, you've got to wet-nurse him, you've got to go out and see him every day or every other day and be with him. I've done that many a time and Frank Coakley will tell you that. I was one of the guys that used to wet-nurse witnesses; he'll tell you that.

She told me that she wasn't going to testify. Now I went to Charlie Wehr first and I said, "Hey, that gal is not going to testify. Your dying statement is out the window!"

[Imitates Charlie Wehr.] "Don't tell me, don't tell me. Don't mention that around here at all! You keep seeing her. Don't you tell me what she says. Don't you tell me she's not going to testify."

We were at one of these inspector's meetings and after the meeting was over I tried to tell Mr. Warren. He said, "You take it up with Wehr."

You know what happened?

MF: What happened?

Jester: In the trial of the case, Charlie Wehr had the old lady subpoenaed and called her as a witness for the State, for the purpose of testimony about the dying statement. The defense counsel entered an objection; the objection was overruled. She took the stand and refused to testify. Charlie Wehr threw up his hands like this [throws up his arms wide], "Well, I'm taken by surprise!" Now in a court of law, if you're taken by surprise you can cross-examine your own witness, and he got that statement in two ways. Number one,

Jester: by using cross-examination of her. Making her read line for line her transcript statement.

MF: The thing that had been taken down by the shorthand reporter?

Jester: That's right, the transcript of the statement.

He would take each of his questions and her answers thus: "Wasn't that your word there?" She'd say, "I don't remember, I don't remember, I don't remember." But he got it in by impeaching her. He impeached his own witness! Impeached his own witness.

Then he put a police officer on to testify that he was present. I don't know whether it was me or it was somebody he put on to testify that they were present -- oh, I know who it was, it wasn't a police officer at all. It was the girl who took the shorthand statement, that this was her notes and that was what was said, a true and correct transcription.

You see what was done there? They knew she wasn't going to testify! But they wanted to be taken by surprise.

MF: Yes, and they couldn't if you had already told them.

Jester: Right!

The Shipboard Murder Case

Jester: Now on the ship murder case, Vern Smith and I arrested this defendant King, over there on the waterfront as he come out of the union building. This was a union killing, no question about that.

MF: Now I'll ask the question you said before people always ask. How did you know to go arrest King?

Jester: Oh well -- see when that case happened, it happened on a Sunday, over on board the ship Point Lobos over in Alameda. They called me -- the Alameda Police, it was Inspector Lloyd Wendland -- called me at my home

- Jester: and said, "We've got a murder over there aboard ship." Would I come over, because I was working at that time with Charlie Wehr on homicides. So I went over to the ship. I went on the ship and they had the Berkeley police there dusting for fingerprints. They were probably as good as anyone -- the best at that time in our area here.
- MF: Who was the police chief there?
- Jester: Jack Greening and it was [August] Vollmer before Jack.
- MF: Vollmer had quite a good reputation.
- Jester: Jack was the chief there at that time. But anyhow, at this time we didn't know who was responsible for the murder, only the people aboard the ship kept saying that it was union because George Alberts was the chief engineer and he had not agreed to certain fringe benefits that these union people would demand. They were jockeying their time sheets and one thing and another, like that. Apparently somebody from the union had come aboard the ship down in Wilmington, in Los Angeles before they came up here and was looking for him and had threatened to get him. This was what we were picking up. All hearsay. So anyhow, Wendland and I, and I think it was an Inspector Johnson from Alameda Police Department --
- MF: Yes, there was someone by that name.
- Jester: The three of us went over -- their reports from Alameda Police Department will show this -- the three of us went over to San Francisco and we met with Inspector Frank Lucey of the San Francisco Police Department. This was on a Sunday afternoon. He told us that he thought we could get a lead on it by going to a certain joint on Ellis or Eddy, I forget where it was. We went to the joint and anyhow, we were told by a party there that it was King, Ramsey, Sakovitz, Wallace and that it was a union deal. But this wasn't any proof. This was just information.

So that was the original start of this thing and it went from there. The investigation showed that it was a union deal. We were given other information. Oh, yes, this guy told us one other

Jester: thing. He said that Alberts was knocked out with a roller from an eighteen inch typewriter carriage, that was it, and that the knife was thrown overboard. The Alameda police got a diver and everything. But this was just the start of the thing, this information.

Earl Warren came over to the police department that evening.

MF: San Francisco?

Jester: Yes, that evening, I met him and talked to him in the hall outside the Captain of Inspector's office, there over in the San Francisco Police Department.

He subsequently went in and talked to the Chief of Police. I don't know what he learned there but I know that that was the start of it for my part. My case files -- God knows where they are -- they've got the whole thing down in the court house and you can get the whole story. That started the thing off.

When we got to the point that we were about to make an arrest, I knew King by sight by this time. We got a lead that he was at the union hall, or supposed to be there. Vern Smith -- Smith was Chief of Alameda Police -- and I went together for him. The other fellows divided up and went for their people at the various places. Some hit and some didn't.

But now on King, what happened with King, he walked out of the union hall down on the sidewalk. I saw him and I said to Vern, "That's the guy." Vern was standing over behind the signboard, kittycorner across the way. I said, "I'll walk up to him and when I engage him then you follow up."

So I walked up to him and I started talking to him. He said, "Who are you?" He was a big man, husky guy, and I showed him my badge but I just flipped it, you know. Just so he could see it, that there was a badge and didn't have a chance to read it. In other words, he assumed I was San Francisco [police]. Vern Smith come up and I said, "This is Officer Smith" or Inspector Smith or something like that. I didn't say he was Chief Smith, see. I said, "Come on, let's go up to the Hall."

Jester: He thought we were talking about the police department, the Hall of Justice -- as they called it "the Hall" over there in the city. "Let's go to the Hall." He said, "Where are you taking me?" I said, "I'm taking you to the Hall. We want to question you. We want to talk to you a little bit, just talk to you."

There was a police station right there; the waterfront police station was right there, just right around the corner from there! We had our car stashed in there, in the police station. All that we did was walk in one door and right out on through to our car and get right in our car and drive out and went right down and over, I think it was on Battery Street, but anyway went right down and over and around to the ferry. Remember, the ferries were running at that time.

We come in and got in the ferry line and he started beefing about it. "Where are you going?"

I said, "To the Hall." He said, "Not to the Hall." Because he had hollered to these young guys, his followers there, when we lay the arm on him. He said, "Have them send "-- and he called somebody by name --"Up to the Hall. They're taking me to the Hall."

Whether it was his attorney or who, I don't recall now. I wish I had those files, but I don't recall now. Anyhow, we took him across on the ferry and up to the D.A.'s office. Now this is at night-time. It is after dark when we arrived at the D.A.'s office. We took him up the back way into the D.A.'s office. We had a back way entrance into the thing, and took him in and set him in an office. At this time I took off of him such things as he had in his pocket. He had telegrams and things of that nature that were pertinent to this case, in these papers.

Mr. Warren was there. He came in and he talked for a few minutes, and finally Charlie Wehr questioned him at great length on these papers and things. So we had him there and they didn't know over there. They were hunting all over the city of San Francisco for him, you see, while he was over here.

Jester: So that's some of the methods that we used at this time.

MF: Were any of the other witnesses hid out?

Jester: Yes, they were all of them brought over there eventually, but it wasn't long 'til they found out where they were and they got them out on bail. We held 'em for a long while, a long while.

MF: Were you involved when they brought Frank Conner back from Seattle?

Jester: No.

MF: And they brought him to the Whitecotton Hotel in Berkeley?

Jester: No, but I knew about it.

MF: Was that part of that same practice of keeping a suspect out of the sight of his attorney?

Jester: Yes, yes. The same thing as in the Page case. It was just where you had 'em. Many times we'd hold these people in a hotel room! Boy, they'd feed them good and keep them in a hotel room, many times! This is not uncommon, particularly with witnesses. Holy mackinaw! An important witness? Somebody that somebody could get to? Why, they'd keep him in a hotel room.

MF: Captain Charles Ryken at the district attorney's office said that with some of the witnesses in the shipboard murder case, inspectors just about lived with them, and kept moving them all over the state.

Jester: That's right. To keep the opposition away. It was a dangerous thing when you reflect back on it, because the opposition could have killed them in any one of these situations. Then query, "Who was responsible?" You've got this person in custody per se. The inspector has this person in custody per se. If something happens to him when you're moving him around — many of us used to take them on long rides, take them in a car and go for long rides. Yes.

The Brooke Hart Kidnap-Murder Case

MF: Do you know much about the Brooke Hart murder case?

Jester: The San Jose lynching -- what I've done here -- I know I was in Prohibition in those days -- I've brought you some papers here. [Hands interviewer a stack of newspapers with pictures of San Jose lynching.]

MF: Oh, thank you.

Jester: I dug them out. Mice has got to them, but these are the newspaper pictures of them breaking into the jail down there.

MF: Oh, look at that!

Jester: This is it. There's some of the crowd. There's Helms and the others there. These papers are really old! November 27, '33. So there you are!

Here's when the body was found down here by San Mateo Bridge. Here's a picture here [showing clipping] and that's Mike Driver, right up here with a mustache.* That's old Mike Driver, and that was down here right near the San Mateo Bridge. I think this is Chet Flint standing right here. I know that I'm in here someplace because I was sticking my nose in that thing down there at -- I didn't have anything to do with the investigation. It wasn't any of my case, but I was there and I saw it.

The Gosden Murder Case

Jester: Now, I have a whole bunch of newspaper clippings

*See San Francisco Chronicle, November 27, 1933, filed with Jester photographs in Bancroft Library.

Jester: here on the Gosden murder case and so forth.* Now you know I told you that I had a picture of the deceased after she was -- the body exhumed.

MF: That was the second wife?

Jester: This was the one for which he was convicted here in Alameda County. [Shows photograph] That's her. And here's a guy, this [the photo] was hanging out in my garage out there. I had to go dig it down off of the wall, and it's dirty as hell.

They had him set up to be hung, you see. So the governor called Coakley, or -- I guess he called Mr. Warren, and said that this restaurant owner operator was a new witness to give an alibi for him. I had to go out there in the early morning hours to see him. His alibi wasn't any good. Anyhow, I went out to the restaurant to see the witness before the hanging, but it wasn't any good. It didn't stop the hanging.

[Shows another clipping] This was down in Sunnyvale. This was taken at his home, at his mother and father's place. We were in there and this was what give us a lead on how he could get the strychnine into her. It was through little abortive capsules. He administered the strychnine to his wife through these abortive capsules. He had a tin box of these. We found the abortive capsules in a box down in his mother's place in Sunnyvale.

An abortive capsule is very bitter to the taste, when it dissolved in the woman's stomach and so he was able to put the strychnine crystal in that. She would take it -- the bitterness you didn't mind as you thought it was the medicine, and that's the way he got it to her. It was for the insurance.

This is the actual picture here. It was underneath the house. What was it 98th Avenue? I forget what it was there.

*Clippings are on file in Bancroft Library.

San Francisco Call-Bulletin
Friday, March 1, 1935



Inspectors Tupper and Jester of
Oakland, Chief Reimer of Sunny-
vale with suspected poison bottle

found in Sunnyvale place where
Vivian, the second wife, died in con-
vulsions in 1928, aged 18.

Jester: This bottle when he threw it hit this pipe here and fell down. There was this big crack in this adobe there, and the bottle fell in there. You couldn't see it from out here but when you crawled under the house you'd find it. Inspector Jimmy Goodnight and I had to do that.

The bottle gave the whole story, because there it was, it had the number on it and the drugstore on the label. Went right up around the corner to the drugstore and checked back and found where he forged the -- he'd used a fictitious name to buy the strychnine, he said to kill a kitty.

MF: That's enough to turn me against him!

Jester: Then George Hard went up there and cut that damn thing out of the book, and we had to go back and get the book because it has to stay in the register. They never did find that out. We got the register and put that back in there [laughter]. They never did find that out. That's the Gosden murder case.

MF: Warren Olney --

Jester: Warren Olney -- to my mind he was the prime mover in the investigation of that thing. Charlie Wehr done it, done the case. But the woman that put the case over for us was a Mrs. Gonzales or some such a name as that, lived next door. [Shows interviewer newspaper photo of scene of the crime.]

MF: Oh, this is you.

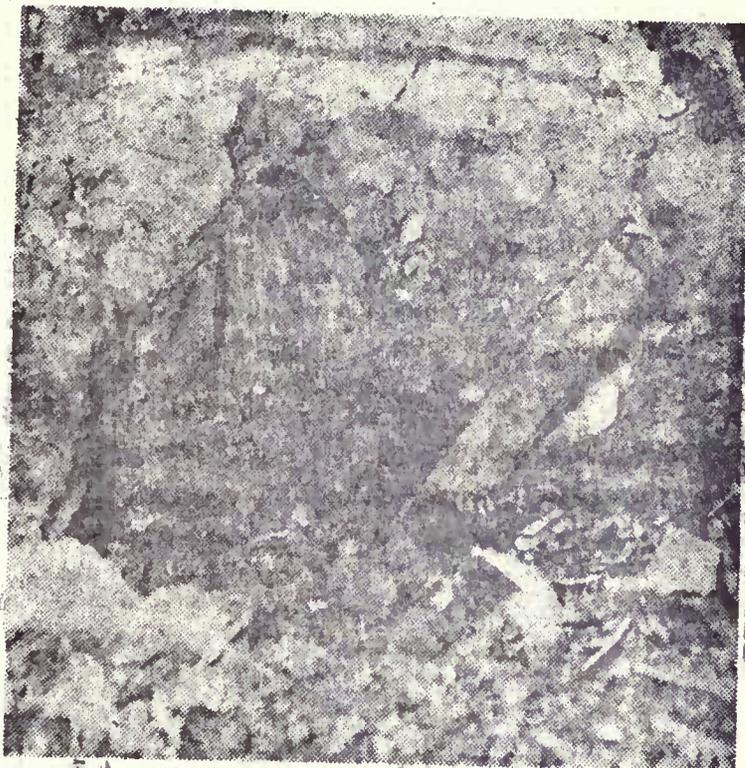
Jester: Yes.

But she's the one. She was on the toilet [laughter], I'll tell you the story on this thing. Let me show you. You see this one of her?

MF: Yes.

Jester: That was her bathroom window. The stool was right next to it, see. She used to go in there with the lights off at night and open the window, you know, and curtains open, and sit there with the lights off.

Oakland Post-Enquirer
Friday, March 1, 1935

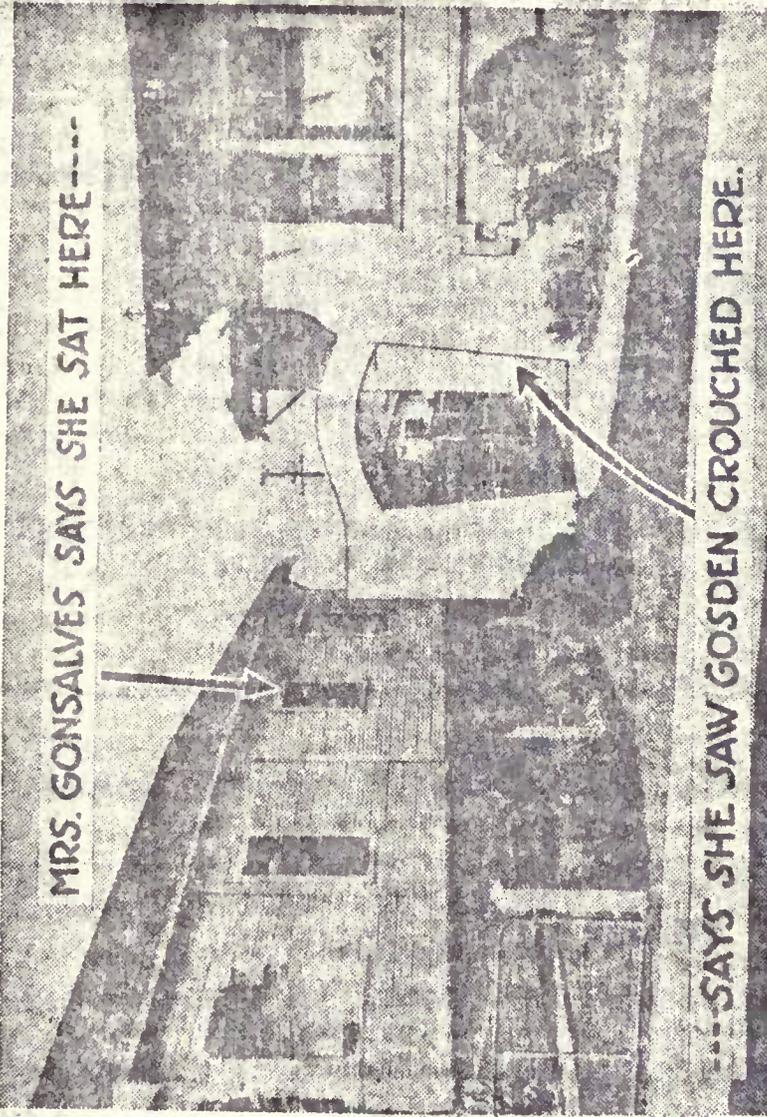


CELLAR ENTRANCE of Gosden house at 1275 Ninety-sixth avenue, where Police Inspector James A. Goodnight and Inspector L. G. Chester, of district attorney's office, found poison bottle. Gosden said he bought poison to rid place of rats.

—Post-Enquirer photo.

...M BEHIND THAT WINDOW I WATCHED IT ALL'

MRS. GONSALVES SAYS SHE SAT HERE-----



-----SAYS SHE SAW GOSDEN CROUCHED HERE.

Mrs. Clara Gonsalves, shown at left with Inspector L. G. Jester, of the District Attorney's office, testified today in the Gosden murder trial that, from her bathroom window (left in the picture, at upper right) she saw Louis Gosden crouched beneath the kitchen window of his home

next door for 45 minutes, looking at his dying wife, Laura, inside. All this happened, she said, after she had heard Mrs. Gosden cry out that she was dying and plead with her husband to get a doctor. Gosden is accused of poisoning his wife for her insurance. —Tribune photos.

Oakland Tribune

Jester: Gosden was standing over here, see, on this side, and she was here. She watched and she saw him when the women was inside with her arms up like this screaming, you know, to come give her some help. She saw all this and boy, I'm telling you, did she make that case! That was the winner. There's one that you had to wet-nurse a little bit. She was going back and forth.

MF: Were you her wet-nurse?

Jester: Yes. I worked hard with her and brought her into court and everything.

The Mausoleum Case

Jester: [Showing another picture.] Now this thing is the mausoleum case.

MF: Mausoleum case! I've never heard of that one.

Jester: Oh, you want to talk to Frank Coakley about that.

MF: Were you involved in that at all?

Jester: Yes. Frank Coakley and I, I'll say!

MF: Well, why don't you tell me your side of the story.

Jester: Well, the mausoleum case. Let me see if I can find the newspaper clipping on that thing. [Rummaging through them] I thought I had it somewhere.*

Warren was kind of hot for this. It made good copy. That's what he was interested in in that mausoleum case.

You know where Mills College is?

MF: Yes.

*Clippings on mausoleum case are on file in Bancroft Library.

Oakland Post-Enquirer
Monday, November 4, 1935

MAUSOLEUM QUIZ TO BEGIN

The Alameda County Grand Jury will convene at 10 a. m. Wednesday to begin its investigation of the affairs of the East Bay Mausoleum. It was announced today by District Attorney Earl Warren and Foreman James Fiske.

A. E. Noble, president and general manager of the mausoleum, already is facing charges of grand theft, growing out of the alleged removal of a \$300 stickpin from the body of John C. Foster, placed in a crypt ten years ago and of illegally moving Foster's body.

He is at liberty on \$3000 bail on the warrant, sworn to by Mrs. Edith M. Kysh, sister of Foster. She is expected to be one of the witnesses before the Grand Jury.

Noble also will be called, it was announced, as will H. L. McAllister, San Francisco attorney and vice-president of the mausoleum company; Miss Mabel E. Kuss, an employee, and Mrs. Alice DeForrest, secretary and bookkeeper.

Assistant District Attorney J. Frank Coakley, in charge of the case, said a large amount of evidence procured from seized books and records of the company, also would be presented to the Grand Jury.

Jester: There's a mausoleum up on the hill there. Well, there was fraud on that thing. A gal by the name of Kysh, from Houston, Texas conferred with Mr. Warren, and complained about the mausoleum. She alleged that the body of her brother had been put in there and that it was no longer there, that there was the theft of this pin off of the body and so forth, see.

Anyhow, she came into the office. She was a nice-looking gal. She said that she was a movie extra, or something, a movie something or other, down in Hollywood. She was with her mother, or said it was her mother, and said that they'd put her brother's body in this mausoleum. They'd paid so much to have an inscription put on the marble front of it and so forth. They were down in Texas, and then when she got into the movies down there in Hollywood, she decided to come up here and see about her brother's resting place in the mausoleum and she found that it was vacant.

Let me see, what was it she said, "He'd been removed from its crypt" and that the crypt was vacant and oh yes, then they said the body was downstairs someplace in this mausoleum and apparently they'd resold the crypt.

This was interesting and of course Mr. Warren sees a good-looking gal, and it didn't take long to get her together with him. He'd get interested in the case and got his picture taken with her.

Then, there was an attorney by the name of Noble that was involved in this thing and I forget what the other gal's name was, but anyhow, I got involved in the investigation of the thing and went out there.

Jesus, we found out that a lot of things they promised wasn't being done. In other words, they were supposed to be given perpetual care in this thing, running a special fluid or gas through the crypt. The back end of those crypts was just like they were years ago, see. That wasn't being done. Then we found that bodies were moved all over the cotton-pickin' place and they were reselling the things.

Jester: One girl's body was taken out and put in the cemetery plot and the crypt resold.

Slipped in there on one night and they had an urn that they were putting in a niche -- you know, one of those niches? When I got there, slipped up on them and Jesus, they had a whole bunch of jewelry! There were Masonic pins, K.C. pins, Eastern Star, and every other kind of jewelry you can think of, rings and everything, see. Jeez!

I grabbed hold of that and held them and we had got some other investigators up there. We were making a big issue that these things came off of some bodies. How in hell would we ever prove what body it come off of! You'd have to open every crypt. You can't go back and find people who were concerned about these things! Couldn't tell you!

I know that one of the accused, this woman, said that these things were her father's. I said, "Well, he was quite a joiner!" [Laughter] -- to belong to all those things.

Frank Coakley got the case, and Cecil Mosbacher was carrying the books for him. They prosecuted this case and they convicted them all! The whole schmeer, the lawyer and the whole schmeer! Convicted them all. It was known as the mausoleum case.

MF: I see they took it to the grand jury.

Jester: Yes, it was an indiotment before the grand jury. That was one of the things that Earl Warren did on these big cases, because it would be unwieldy and I think you'd agree to that, it would be unwieldy indeed to take a big case like that on a preliminary hearing. It just wouldn't work.

Now remember I said I was stabbed in the place there?

MF: Yes.

Jester: [Laughter] That was in the early part of '33. I'm sure that I went to the D.A.'s office in the latter part of '33 or the early part of '34 because I was still in the Prohides here. [Shows photograph]

Jester: This was over in Alameda -- a guy by the name of Anton Silva Brown stabbed me with this ice pick. It didn't do any harm. The belt buckle in the belt here saved it. He tried to hit me in the head with the iceman's axe -- poor old soul, he's an old guy. [Laughter] He died before they could bring him to trial. He was an old guy, he plain up and died before they could bring him to trial.

Well, let's see. [Referring to interview outline.] The Becker case I suppose you're going to get from Frank Coakley. The General Strike in '34, all I can tell you is it was in Alameda, in Oakland as bad, possibly, as it was over in San Francisco. Tied up everything, but they didn't get to the point where they were fighting it out over sand bags, like they did over in San Francisco.

The Kidnap Squad and the Racket Squad

Jester: [Referring to interview outline.] Communist activity and criminal syndicalism. well, that was Chet Flint's department, communist activity and criminal syndicalism. However, Warren had a happy faculty for doing this -- you know when these kidnappings were going on? You had the Hamm kid was kidnapped and then the Brooke Hart thing and this, that and the other?

MF: Yes.

Jester: Well, Warren would come up with these things. I don't know who helped him think of them, but he formed a kidnap squad in Alameda County. The kidnap squad was made up and I was on that, I forget who else -- Oscar Jahnsen, of course, would be on it, and it would be somebody from the sheriff's office and somebody from each police department, see, and that would make everybody happy. Then he'd have big splurge in the paper, see, "Kidnap Squad Made Up of --" so forth and so on. Now that looked good. The practical part of it was that we'd have meetings from time to time, but it wasn't slowing down any kidnappings.

Jester: So the next thing they formed was a racket squad. Now we had the suede-shoe-ers in the old days, you know, running around here, selling everybody everything. There was all kinds of rackets going on. The Depression bred a lot of this stuff. We had guys selling phoney stocks and everything. Well, he [Warren] formed a racket squad. That was great stuff, too. But he was good for that; he'd do these things; he'd form these things. He'd get the publicity; he'd milk it out, get what there was and everybody was happy, even the people who were serving on these things were happy, the whole thing was happy.

MF: But did it stop any of the rackets?

Jester: No, but what happened was, because of the prosecution over in Alameda County, it brought it down to a bare minimum, I'll tell you that, in Alameda County.

MF: Oh, it did.

Jester: Oh, I'll say it did! Yes, m'am, it did. We'd have them. They'd crop up, but as a general rule the real pro would never hit Alameda County unless by accident. I know in one case there, well, they got an old guy by the name of Rohn -- or Bahn -- a miner from Alaska. [Laughter] They showed him -- this was a funny thing!

You know the Scottish Rite Temple down by Lake Merritt?

MF: Yes.

Mester: They showed him that and told him it was the New York Stock Exchange Branch. [Laughter] Said it was a part of the New York Stock Exchange. Well, anyhow they got him for a few thousand dollars -- I don't know whether it was eleven thousand, but something like that. They had to come over here because Rohn was living in a hotel over here on this side of the Bay.

He started out living in the Klondike, obviously, he's from Alaska -- the Klondike on Third Street or whatever it was in San Francisco -- but

Jester: then they came over here with their scheme of taking him and brought him over here to this side. We were the ones who prosecuted because the money was actually paid over here, I think at the Harrison Hotel or one of those hotels. It was paid over here.

Now, as to actually reducing the amount of crime in any one of these things, no, it didn't, but it brought it down. It reduced it but it didn't stop it, I'll tell you that. It brought it down to a bare minimum.

Oh, yes, one thing it did do -- everybody that served on these so-called "squads" or whatever it was known as, would be familiar with the workings of the thing from just mere discussion with each other and it helped in the investigations.

One thing that he [Warren] was rabid on -- and I don't know, to me I think he carried it too far -- was on this Japanese espionage. God all mighty! He was dead sure before the war that the "Yellow Peril" was here and going to take over. I mean, that's his feelings on the thing. It was his commotion on the subject matter, I think, that caused most of the Japanese in California, or at least up here in the northern part, to be taken into custody for no other reason than because they were Japanese. I know that he thought like that about it.

The Mills Company Gambling Raid

MF: Were you involved in the Mills Company slot machine raids?

Jester: Yes, I've got pictures of that in here [Ruffling through papers]. Yes.

All that was, was one of those things at night, you know, you're working at nighttime, that Oscar Jahnsen roustin' around ran into the warehouse down there in west Oakland and looked in through a window there, climbed up and looked through a window, and he

Jester: saw the slot machines in there. Nothing would do but by God we'd have to go in there and we did.

MF: [Looking at clippings.] Charles Kitsmiller, I remember his name.

Jester: All that was, all in the world it was -- I've got pictures in here of Captain Helms showing that the machines were set so you couldn't win. There he is right there, old George Helms, so they couldn't win, you know.

But all this amounts to is that one night, one of these nights, see, Oscar Jahnsen is prowling around. He goes up and he looks up through the window and he sees these slot machines in this old warehouse down in west Oakland. I think he's got a damn good idea of what's in there. Somebody may have told him or something, because he went right to the place.

All right. We go in there, get in there and here's the slot machine and a whole set-up. The records are in the safe, a great big safe. So calls for our men and then the guys come down there and their lawyer and so forth come down there to the warehouse and Oscar calls for Frank Coakley. Coakley comes down. Then there's a hassle between Coakley and their lawyers as to whether we get in the safe or not.

In the meantime, Oscar gets an old battering ram [laughter] -- we still got it down there in the basement of the Courthouse! A big old battering ram! We drove through any kind of building with that damn thing, you know. You'd go to raid places and -- he had that damn thing [laughs] and was charging at this safe door with this battering ram, and Frank said, "All you're doing is making it tighter!"

Well, anyhow they finally got the goddamn thing open and got in there and got the books and the records and all that was was that.

There were some of the councilmen involved in it. The newspaper pictures and everything are in here. This is Vern Smith here. They were going

Oakland Tribune
 Saturday, May 11, 1935

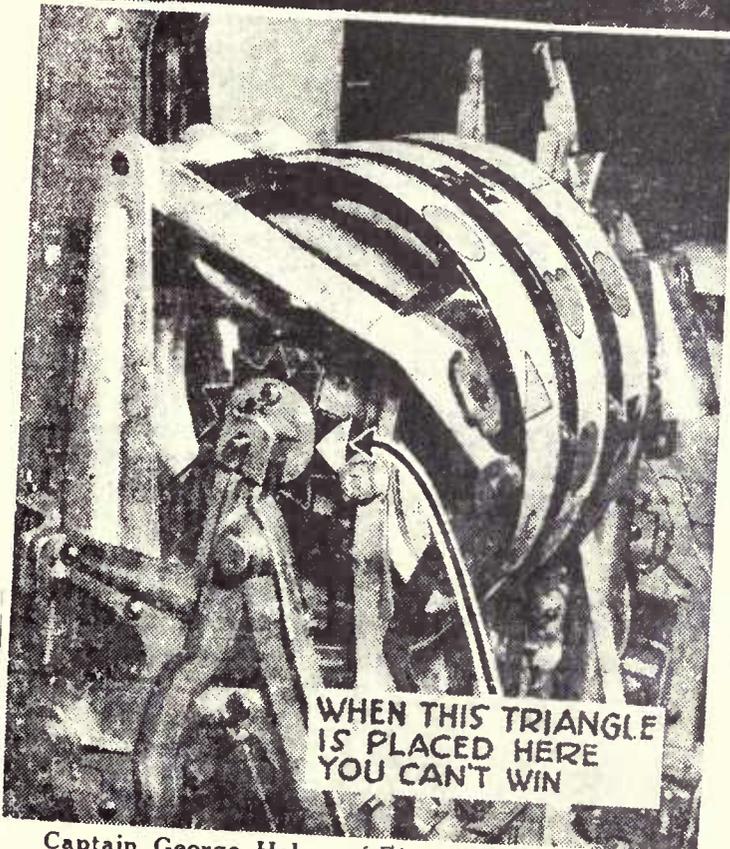
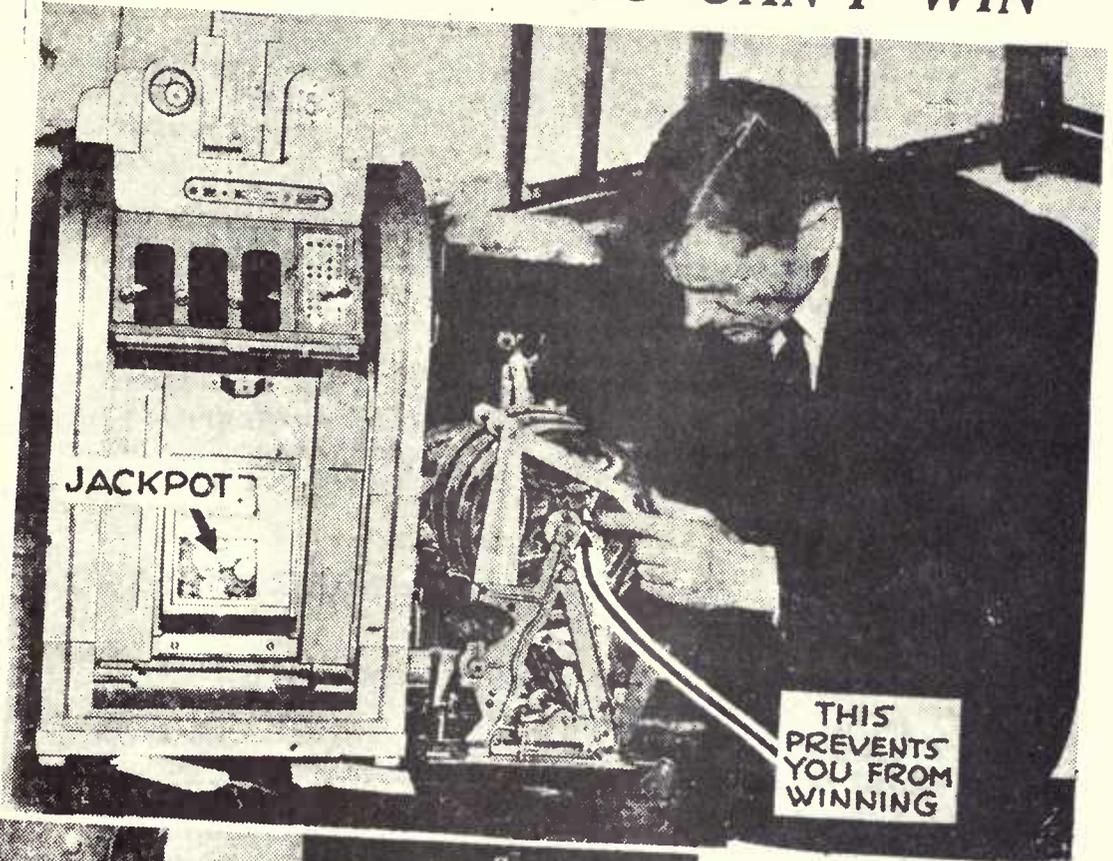
FIGURES IN SLOT MACHINE RACKET PROBE



Charles Kitzmiller, 60 (upper left), as he confessed to Chief Assistant District Attorney Ralph Hoyt (right) an asserted plot to bribe three Alameda police commissioners, Lee Cavanaugh (upper center), David C. Moses (upper right) and Harry Shed (inset at left). Lower right is Police Chief Vern Smith, of Alameda, whose removal is said to have been asked by Kitzmiller in the "deal." Lower picture shows police raiding the Mills Sale Company, 1640 Eighteenth Street, slot machine concern.

—Tribune photo.

HERE'S WHY YOU CAN'T WIN



Captain George Helms, of District Attorney Earl Warren's staff, demonstrates how slot machines are "plugged" so that the player cannot make them "pay." The lower picture is a close-up of the inner workings of a "fixed" machine. The machines used were among 200 seized here.—Tribune photos.

Jester: to try to get him out and they were going to put in somebody else as Chief of Police. It was quite a deal! Here again, what happened was that somebody talked.

I remember you went through the tube and it used to be the airport was located just the other side of the tube there in Alameda. I remember sitting out there in the car with one of these council members for a while. We'd try that until the zero hour came when we could go do something else. My memory isn't too good on these things any more. I've got the newspaper clippings here and I recall seeing them but my case reports are not here.

The Inspector's Job

Jester: Generally speaking on something like that there was one prime mover in the thing, on this thing in Alameda. Maybe it was Ralph Hoyt; possibly it was he, assisted by maybe Coakley and maybe Dick Chamberlain, Mosbacher -- maybe a team like that. The inspectors would be doing just those things, going here and there and doing what you were told. In other words, go pick this guy up, go pick that guy up, go do this, or go raid that place and seize the machines and so forth. We wouldn't be able to put the whole picture together from our little part that we were playing here and there until later on. Then the whole picture come together and everybody had a part in it.

It's like the Gosden murder case. For a long period of time everybody who'd retire from the D.A.'s office, they'd say, well, they'd played a part in the Gosden murder case. Well maybe he did, maybe he carried a book from here to there or something like that. But he wasn't the main part of the whole picture.

Same way with the ship murder case. The ship murder case was put together by Wehr and aided by some other capable lawyers, but the inspectors did

Jester: what they were told, going here there and every place else. I know that I ran down to Los Angeles twice on that ship murder case, one time to go to Wilmington and so forth.

MF: What were you looking for?

Jester: Well, one of the guys -- which one was it that we picked up in Brownsville, Texas?

MF: Wallace, George Wallace.

Jester: Wallace, yes. Well he had made a pier head jump. Do you know what that is?

MF: No.

Jester: All right. When a ship gets ready to sail, if there's somebody missing from the crew, like in the engine room -- in other words, if they need a seaman or an engine man or a wiper or an oiler or a cook or something, the skipper can hire right off of the pier. If a person wants to get out of the country, he can hang around the pier where the ship is making ready to sail and many times pick up a job right then. That's called "a pier head jump." That's what Wallace did, and I went down to Wilmington to try to get a hold of him, but he had already gone.

I think that's the way -- that's it. I found out where his ship was going. I think that we made contact with the ship at sea, found out that he was on board and they were going into Corpus Christi, Texas, wasn't it, or Brownsville?

MF: Brownsville.

Jester: Brownsville. That was the answer. We knew just about where he was going. I think -- now bear in mind that for many years now my memory isn't as good as it --

MF: You're remembering a great deal!

Jester: Well, OK. Now, where were we?

Matt Warren Murder Case

MF: Were you involved at all with the Matt Warren murder case?

Jester: No, no, no. There again the Matt Warren murder case, I was out. I was chief of police in Albany then, but I was associated with the office.

Now that thing happened, if I recall, it happened in May of '38.

MF: Right. It was just when Earl Warren was running for attorney general.

Jester: I had only been chief of police a few weeks. I went in office in April, the first week in April. I had only been in office a few weeks.

Now this chief of police in Bakersfield, what was his name?

MF: Powers, Bob --

Jester: Powers, Bob Powers. He was prematurely bald. He was a good friend of Mrs. Jester's and mine. See, we knew him.

MF: Yes, we've interviewed him for our office. He's a delightful man.

Jester: He was a very nice guy. Now I don't know what he told you folks, but he came up here for the World's Fair, to Treasure Island. He and I and Mrs. Jester were over there at the Fair together, just the three of us. Now I don't know what he told you but I opened up with him like this, I said, "What do you think about this business of Earl sending Oscar and those people down to help you out on your investigation?"

He kind of looked at me, and he said, "Well," really, he didn't mind, he said that there was so many angles to the thing, so many people that were suspects that they could use a multitude of help.

Jester: Now I gathered, maybe from something he said, that old man Warren had a bushel of enemies, a lot of enemies. I don't know whether it was from our conversation, Power's conversation or conversations I had with other people later on, but I think it was pretty well established in my mind -- and where I got it, I don't know -- is that the old man was a kind of a Shylock. He was rumored to be foreclosing during the Depression time, and that he was charging the highest rent the law would allow for renting his places, and that he had a lot of people who were his enemies. But that's about the size of it. This is hearsay, rumor and gossip you must remember, not my own knowledge.

Warren went into the attorney general's office right shortly after that, didn't he?

MF: That's right. He was elected that following November.

Jester: Yes, and he didn't go into the attorney general's office until the next year.

MF: That's right, in January, '39.

Jester: He was still down here in the district attorney's office because it seems to me that he flew Oscar Jahnsen and -- I want to say George Hard, but I think it was Henningsen. Oscar Jahnsen and at least one other person flew down to Bakersfield and then somebody drove a car down there.

MF: Yes. Nathan Harry Miller drove down there.

Jester: Yes, Nathan Harry Miller, now that's the guy we used to always take with us to fill out the return on the search warrants when we raided some gambling joint. You know, Harry was our bookkeeper. He went down, he drove down.

Well, I don't know. There's been a lot of mystery to that. Powers left me with -- when I talked to him and my wife, we felt for sure that there were just too damn many suspects, that they were never going to find anybody on that one, because you could just take any one of a number of people and they could be equally as guilty. They never did find

Jester: anybody either.

MF: No, they didn't.

Gambling Ship Raid

MF: Were there any other cases you were involved in that we haven't talked about?

Jester: Well just one. We didn't talk about the dog tracks, did we?

MF: No, we didn't. Were you involved with them?

Jester: Well, only that they did exist, and I never had anything to do with any of these raids but I have seen Oscar Jahnsen in action. After Warren became attorney general he went after those gambling ships down there off of Santa Monica, you know.

MF: Yes.

Jester: Well there was a great question as to whether he was justified in what he did, I know that as a Supreme Court Justice he would vote against the very action that he himself took on those gambling ships. But how can you very well unring a bell? Oscar raids the ship and throws the paraphernalia over the side and it goes down thirty fathoms [laughter] and it's not going to be very good after that. You don't try to retrieve it out of the bottom of the ocean. So they, the owners, could go ahead and win their case but the damage is done. You're not going to unring the bell, you see. The thing is done.

So he would do those things. Warren would do those things from time to time. He'll justify his own position in many instances. I say to you that all attorneys will justify their own positions. Good heavens! An attorney will go out and get his nose wet at some cocktail party and on his way home a policeman will stop him. The following day the attorney will justify his position. But by the

Jester: same token he would vigorously prosecute the likes of thee and me, if it were us. You see? So they justify these positions. So these are the things I find.

I don't know of any other cases that you haven't asked me about. God, I don't know -- we've had so many of them.

MF: Were you in the office when the ship Vancouver was bombed?

Jester: I knew about it, but -- what year was that?

MF: I think that was in '38.

Jester: No, I was Chief of Police then.

VI POLICE CHIEF OF ALBANY, CALIFORNIA

- MF: How did you decide to leave the D.A.'s office?
- Jester: Well, the city of Albany -- it still does, it hasn't been changed -- the chief of police is elected out there. Did you know that?
- MF: No, I didn't.
- Jester: Well John Glavinovich was city marshall in Albany, way back in the old days. His daughter, Rose Glavinovich was the Oakland Tribune reporter for Berkeley, had an office in Berkeley. She was also the right-hand bower for the Berkeley Gazette. She wielded quite a husky stick out in that way, anyway you want to look at it. She was a good woman; she was never married.

When the city of Albany was incorporated, John became the first chief of police. He was the only chief of police up to this time. Now he's going to retire and the election was in the first part of '38.

Rose Glavinovich got hold of me. The mayor and the city councilmen had a meeting -- Rose was the prime mover. They had her father and the whole thing there. They had me there, and he put it to me to run for chief of police. I didn't want it. They would back me all the way, no problem. I didn't want it.

I then found out definitely that Mr. Warren was going to go for attorney general. So I thought, well, if he's going to go for attorney general, well, everybody is looking out for themselves, by jingo, this might be the time. It won't be disloyalty to

Jester: any of them or anyone else. It might be the time to go ahead. They kept after me and finally Rose went so far, I believe -- at least she told me she did -- talked to Mr. Warren about it. Now whether she did or not I don't know, but I finally said all right. They had a meeting and I agreed to do it.

Well Jesus, to keep me in line so I wouldn't change my mind, they put this in the paper right away! Mr. Warren expressed surprise when I went in to tell him. Then after he had been told by me, to read [about it] in the paper, five minutes later -- But we parted awfully good friends and he sent me -- there's another thing in my memoirs, if I can find it around here -- he sent me a telegram, congratulations when I'd won the election.

Now. When I was running for election, I couldn't use him as a reference or anything else. He wouldn't allow that. All I could do was just say that I -- oh, I had to resign. Oh, yes. Then I could go out and file. I couldn't stay in the D.A.'s office. All I could say was that I was formerly with the district attorney's office, formerly with the Department of Justice. But that was all! I was on my own. However, with that kind of backing and the Chief of Police himself, the Tribune, the Berkeley Gazette -- August Vollmer was for me, Jack Greening was for me, so how could you lose? I had some opposition, but I won and then I was reelected. Then the war come along and I was back in the Navy and that's about that.

VII POLICE CHIEF OF FARGO, NORTH DAKOTA

MF: When you left the Navy, did you just retire from there or did you go back to Albany?

Jester: No, no. I'll tell you what. When the war was over I was overseas with the Fourth Fleet. After Germany surrendered I was in the Atlantic. The Fourth Fleet was in the Atlantic. After Germany surrendered I got back to the States. I was three years overseas when I got back to the States.

Then I got shore duty. I got a letter one day from a mayor of -- I had shore duty in Chicago, by the way -- I got a letter from the mayor of Fargo, North Dakota. He said that he asked J. Edgar Hoover for a recommendation, they wanted a new chief of police and so forth, and they said that they had gotten my name through him. How, I don't know, because he is not one to recommend anybody.

I imagine what happened, they wrote to him and his office probably sent them a form reply saying "Well, there's Jester, he's at the Chicago Ninth Naval District, the Navy address, he'll be out of the Navy soon and he was formerly chief of police of Albany, and they probably gave him two or three other names. Maybe they were shopping around for other people, I don't know. But anyhow they wanted me to come up there and look at the thing, and I did, and it appealed to me. It looked like something for a lot of changes and found it was a pretty good town.

Their police department was way back in the

Jester: horse and buggy days! So I couldn't do anything but good. In other words, whatever I did would be an improvement. So I took it. I went up there and by golly, don't you know, we got involved in the Korean thing and I got called back for Korea! Called back to the Navy for Korea. I was up there five years, I think it was as chief of police, over four, about five. Then after I finished another three years of the Korean thing, I went back up there and it would snow! [Gives a little whistle.] In February. And I'd come up from the tropics!

VIII RETURNING TO ALAMEDA COUNTY

- Jester: I sat down and I penned a letter to Mr. J. Frank Coakley, who was now the district attorney out here and I asked him if there was any police spots open out here. Besides that, a friend of mine spoke to him personally, and he sent me a letter back, air mail letter to tell me, you know, "Come on out." They'd have a spot for me. So I did. I didn't mess around. I came on out and he had a spot for me.
- MF: In the D.A.'s office?
- Jester: Yes, as an investigator again, starting back out where I'd left, as an inspector again. I went right away working on buncos, frauds, and corporate securities -- the thing that he knew best. Mr. Coakley knows those better than anybody, those things. I went to work with him on that and then when they had to form this Family Support Division -- the Supervisors said they had to have a Family Support Division to go after the welfare fraud and all that. Well wouldn't you know it, he chose me as the one to set that up. Then I was promoted to lieutenant. Then I set that thing up and I was there from '60 to '66 when I retired, and that's that.
- MF: You've had a very full career.
- Jester: Yes, I got a retirement from the Navy, too, because with all this fooling around my enlisted time -- four years -- and World War II was over four years, Korea was over three years. So you add them all together, and I stayed in the Navy Reserve component, went to

Jester: these weekly meetings, and every year I made a cruise at sea. Do you know, I got in enough time to retire with twenty-seven years, eight months and four days! Yes sir, and I have a Navy pension. The main thing with the Navy -- thank God I've got it -- is the use of Naval Hospital facilities.

MF: That is really good.

Jester: -- and the commissary, exchanges and so forth. Those fringe benefits are more important than possibly the cash outlay.

IX EARL WARREN AND J. FRANK COAKLEY COMPARED

MF: One thing I wanted to ask you about, since you mentioned that you worked in the office when Coakley was D.A., was how you would compare Earl Warren and Coakley, as district attorneys?

Jester: How would I compare them?

MF: Yes.

Jester: Well, in a lot of respects, they're the same. I think that Coakley took a leaf out of Warren's book in a lot of things; that is, in the preparation of a case. Specifically, these things: he wouldn't have his outside offices -- now what I mean by an outside office is the prosecuting attorney's office in, like, Berkeley, Oakland, Hayward, Alameda -- that point is where he controls the case that comes into the courthouse, his office.

In other words, if that case isn't a good, solid case, with the majority percent of winning, it never gets that far. That's washed out down there in the police court. Now, if it's a case where you have a choice of a multiple of charges, you see, where it is strong on a lesser charge, that's acceptable because you don't have to go on the -- you see what I mean, you follow me?

MF: Yes.

Jester: You see now, this is how you control those things. This is how you determine the entries in your win and loss column, the box score. Now I don't care who

Jester: the prosecuting attorney is. I don't care who he is, what state, county or country he's in. That box score is his life's blood, now you can just bet on that. He is in there as a prosecuting attorney and that's his box score. When he comes up for election next time, it is going to be used.

Now Warren used it to his benefit all the way along. Then when he stops being district attorney, he condemns it. And yet, he himself used it. He can't come out and tell you a better way to approach this thing for a district attorney, beside having a good box score, because the constituents, the people is going to vote for the D.A. It's not going to vote for some weak sister who doesn't do anything! Why, he'd be open to criticism for the four years prior to the election.

Now Coakley is like that. Coakley is a bulldog, tenacious. If he once gets his teeth into something, you, the devil himself isn't going to change him. He'll just shake that thing and shake it, just like a bulldog. Sometimes he'll be given wrong information or get a wrong conception of some matter, but once he's made his mind up, right or wrong, he's going to charge ahead with it, and he will.

He is loyal, to a fault. There's nothing bad in that except that he lets his loyalty sometimes run away with his feeling. His heart is about as big around as a washtub. For instance, on his promotions. He'll promote out of loyalty sometimes more than he will on who is more deserving, one or the other is more deserving.

He will listen through loyalty. He will listen to former advisers and/or friends or people who've been politically on his team for a period of time. He'll listen to them and act through loyalty to them sometimes to his own detriment. He'll stick to his guns; he's like that.

However, I never could understand why he was carrying through on Warren's program of no civil service in his office. He had ample opportunity to have civil service in the office, particularly so when he was going out of office, finally here, and Lowell Jensen was to be appointed in his stead. All

Jester: right, now, at that stage of the game all he had to do was raise the signal flag to the Board of Supervisors and it would have become civil service because it is the only holdout office in the whole county!

He says that he has a reason for that in that he feels that the deputies would not be as proficient if they're civil service, when they can sit back in security. That may be a good reason; but does that same reason apply and was it applicable to the inspectors, who is the blue-collared worker of the D.A.'s office, let's face it! The lawyers have a profession that they can practice in or out of the D.A.'s office, what's the difference?

Maybe civil service isn't so important to them but I say that the blue-collar worker, that is, the investigator and the inspector who is on a par with the deputy sheriff and so forth, he is entitled to civil service. I think it would be better for the county because in that fashion they could tie their salary program for all of the policing agencies within the county into one column and you wouldn't have disharmony and discontent in one group with the other.

Now I'd say that Coakley probably takes after Warren. I think that their activities, I think their thinking, I think their approach to these matters were very much the same, and yet in personalities they were the direct opposites. Isn't that funny?

MF: How so?

Jester: Well for instance, Warren was a social man, a mixer. But he'd never get in and drink with the boys. He stood aloof. Then, just the opposite, Frank Coakley will mix with the boys at the drop of a hat, at any time and loosen up, relax. Sometimes have drink one too many, you know. But by the same token, I think when the party is over, people feel possibly a little bit more close to Frank than they did to Warren, who held himself aloof.

Now Warren will whistle up anybody. I've had a feeling that he would take advantage of his position. Now this evidenced itself after he had left the district attorney's office, but became more prevalent after he became the Chief Justice. He

Jester: would telephone or otherwise arrange for an inspector and a vehicle to meet him and/or his wife and/or one member or all of his family at any given time, at any given place such as an airport or a depot or some place like that, and to lug their valises and their luggage all over, chauffeur them all over the place, take them to Sacramento or to where ever the heck it is -- over to San Francisco -- take his wife out to Berkeley and wait for her while she's in the dentist's and this and that.

This strikes me as a little bit ridiculous when you look at it. He's drawing a pension from the State of California, which is sizeable, besides that his salary as Chief Justice which is sizeable. Yet he has to chisel a ride and have an inspector on the county payroll drive him in a county car, and/or his wife, all over the place, pay the bridge tolls, if any to be paid, and wait for him and around and this and that. Now that's expecting a little bit too much.

Now Coakley has never whistled up that much. However, he's seen it happen because he's the one that's had to furnish this type of service to Mr. Warren and have somebody go pick up one of the Warren kids and take him down to San Francisco Airport to see him off or her off on an airplane, etcetera. Well now, Mr. Warren would be the first one to condemn that in somebody else. Yet he can justify it on his part.

MF: That's what you were talking about before, that attorneys can justify --

Jester: Attorneys can always justify. Mr. Warren can justify it; he can in that big broad smile of his and that nice shock of hair, put his hand out and grab you by the hand, his left hand up on your elbow and holding your hand in his right and looking you in the eye and smile down at you, and by golly, listen, you'll let him do and say what he wants to do and say. As a matter of fact, you'll aid and abet him in what he's about to do, what he has done.

Now that's something that Coakley never could whistle up. He's not that type. Yet he had a brother who was an orchestra leader and who was more or less that type.

MF: I didn't know about that.

Jester: His brother is a judge in Mariposa and about to retire, Tom Coakley. He was an orchestra leader.

MF: I didn't know that.

Jester: Yes, he started a band up in the University of California about the same -- well no, he was ahead, I guess, or what's this guy that plays for the Raiders? Courtney, Del Courtney.

Tom Coakley was Frank Coakley's brother. Both of them graduated from law school, had law degrees. But instead of Tom going into the practice of law right away -- this was during the Depression time and all those hard times -- he went on with this little group that he'd formed in school -- I suppose that they're the same ones that he had with him in school -- but he went on with an orchestra. He played all around here. He even played with the big bands around here, throughout the United States! Yes, Tom Coakley.

But there's a difference there you see. Here's two brothers. Now, Coakley, don't sell him short as being a good prosecutor. Don't sell him short for taking advice. Now Coakley will listen. Sometimes it holds true that the last guy to talk to him will win his confidence and/or favor, whatever it is. But in preparation of a case, Coakley will talk to the inspectors and the lawyers and this and that; and he'll listen.

On that Abbott murder case, he listened to suggestions as they come along. I was on the Abbott thing there, done a little on it, as did many others. Coakley would listen to suggestions and he'd put them into effect.

Earl Warren always was the guy who had the suggestion. Somebody else followed his suggestions, as I found it. But both of them were smart people. They're smarter than I am.

MF: Well, they've built up a very good office. Everybody said that.

Jester: Yes, they did. They had a good office and a good reputation to go with it and its reputation has carried along for a good many years, too,

X WARREN: FROM COUNTY PROSECUTOR TO CHIEF JUSTICE

MF: Right. Could you tell me again, now that the tape is on, why you think Warren had changed from the time he was D.A. to the time he was Chief Justice.

Jester: Well, I think I pretty well spelled it out. He was a vigorous prosecutor -- going back to the box score. He ran for election using that box score; he used it, that box score, to set himself up as the best candidate for the district attorney's office and subsequently, the best candidate for the attorney general's office.

He was a vicious prosecutor. I might not be choosing the right word, the word "vicious," but I think it describes what I mean by it. He let nothing stand in his way of a successful prosecution. He'd go to any end for a successful prosecution.

Now, I think that what happened is, when he put on the robes and became the Chief Justice of the United States he assumed, rightfully or wrongfully, but he just plain assumed that every other district attorney, every other prosecutor in this land of ours acted and was acting in the same manner in which he himself had acted in the past!

He had in his own mind the ship murder case. He had in his own mind the Page case. He had in his own mind these many cases that he had that were successful, in which, in my language, I would say a few shortcuts were taken or maybe a few liberties as it applies to some of the things that were done.

Jester: Particularly, I am thinking of this business of the big issue that the accused must be given an attorney, whether he asks for it or not, must be advised as to his rights, whether he asks for it or not, must be given a telephone and so forth. Well now, Mr. Warren knows what happened during his day. So if he had that assumption, if he took those robes with that assumption that these other people were doing that, then he just turned turtle, cause he was going to correct all of these ills now and put this thing on a different plane.

That's what I think happened. That's my personal, private opinion and this doesn't take from him any credit at all nor does it lessen my respect for him and my kind remembrances of my association with him. But that's what I think happened. When you're calling a spade a spade you've got to call it! That's exactly what I think. A vicious prosecutor.

I'll tell you what, let me do it this way for the purpose of explaining what I am trying to say: Deliver me from a reformed drunkard!

Now. Did I explain what I was getting at?

MF: I think so.

Jester: A reformed drunkard; deliver me from them! You know just how miserable a reformed drunkard can make it, for you and everybody else.

You have the people who were unreligious; all of a sudden they get religion. Once they've been bit by this religion bug, by golly, they feel that you have to have the same thing that they've got or you're not going to last one more day. Now maybe that's a poor thing, but I will stand on the business of the reformed drunkard. The reformed drunkard is the guy who is now out making it miserable for all the rest of the people. I think that that will explain it.

I may go on and ruin my explanation in discussing further.

MF: No, I think that's fine, that's really fine.

Jester: Well, if you've got anything else you can --

MF: You've really given me a lot. There's a lot of material here.

XI COURTROOM STYLES

Jester: I insist that if you can get to Mr. Coakley and you can get to Judge Cecil Mosbacher --

MF: Right, she's next on the list after I talk to Mr. Coakley.

Jester: Say hello to Cecil for me, because I have a lot of respect for her.

I'll tell you why I like Cecil. She carried the books for these men prosecutors for lo these many years when she was in that office. She interviewed people for them, sort of engineered the preparation of the case, not only the case in chief, but in their rebuttal and their cross-ex. Always she was the second party. She was never, in my opinion, never given the credit to which she was entitled.

MF: Was that because she is a woman?

Jester: Well, I think yes, in a sense, yes. In those days, in a sense, yes. Not because she lacked in ability; God knows that. But I think the other thing was there was a question as to whether she would be forceful enough before a jury.

You know this business of cross-examination. There was one of the greatest defense criminal lawyers, to my mind -- I've had a lot of experience in law enforcement as you know, and the one that I thought highly of, most highly of, was Leo Sullivan. He's dead now, died recently.

If you had Leonard Meltzer and Leo Sullivan

Jester: together in a case on trial, down on Fourth and Broadway, in that old courthouse, there was standing room only. The word got around, people would come down to hear it. It was like going to a show. Those two guys were good on their feet. Now I'm talking about a lawyer that was trying a case on his feet, and good cross-examination.

I'll tell you a story about Leo Sullivan and myself. Call it a fictitious story, if you will, it's the only way I can explain how good he was.

The doctor has been arrested for issuing illegal prescriptions for drugs. So let's say it's me; I walk in, lay down a warrant of arrest in front of the doctor and he's sitting at his desk. I said, "Doctor, we finally got you."

He hangs his head and he takes his forehead in his two hands, like this, closes his eyes and he says, "Yes, yes, you have."

Now the law says that an involuntary exclamation made at the time of the arrest, can be used as a confession. It is a confession, per se. So let's assume that this doctor got his second wind, and by the time I got ready to book him he wouldn't tell me the light was lit.

Now, the district attorney wants to get in a confession, and it is the only confession he has, the doctor hanging his head in his hands and saying [in a defeated tone], "Yes, yes, you have," in answer to the proposition, "I finally got you." Now. That is being testified to, the voice inflection the way I gave it. Leo Sullivan comes up and puts a finger in your face and says, "Jester, isn't it true that what the doctor said was, "Yes! You have!" [forcefully]?"

You see the difference?

MF: Yes.

Jester: Same words, isn't it? [Forcefully] "Yes! You have." See the difference? All right. That's what Leo

Jester: Sullivan was capable of. A lot of people said he didn't prepare himself before he went into court. Well, if I was good as he was, and as he proved himself, I wouldn't either. I wouldn't have to. He wouldn't have to, but he did. He was good, and Leonard Meltzer was just as good. When those two guys got in it they would have some sparks flying, in court believe me. [Laughter] Justice was always done!

One thing about Leo Sullivan was, in all Warren's time it was true, if he made you a promise he never reneged. He never went back on his promise. As long as I've know the man, if he came in the D.A.'s office and said he was going to "cop" his client out, you could bank on it, he wouldn't go back on a promise. If he said he was going to use so and so as a witness or he was going to approach the case this way, he did. He never went back on his promise. But you'd better be ready to go into court and do battle in there because he could cross-examine the hell out of your witnesses and really do a job!

Well, so much for that.

MF: Thank you very, very much.

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Beverly R. Heinrichs

REMINISCENCES OF A SECRETARY IN
THE DISTRICT ATTORNEY'S OFFICE

An Interview Conducted by

Miriam Feingold



Beverly R. McGarvie (Heinrichs)
ca. 1936

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INTERVIEW HISTORY

Mrs. Beverly R. Heinrichs was interviewed by the Earl Warren Project of the Regional Oral History Office in order to capture her reminiscences of her work as secretary in District Attorney Earl Warren's office.

Discovering Mrs. Heinrichs was a delightful coincidence. The Regional Oral History Office had from time to time sent some of its typing work, including several Warren Project interviews, to the University's Central Duplicating Service. The manuscripts were returned with a note that the typist, Mrs. Heinrichs, had at one time worked as a secretary in the district attorney's office, and many of the names and incidents she typed were familiar to her. This was indeed a stroke of luck; the Earl Warren Project had already interviewed several former deputy district attorneys and inspectors, but had not yet found a secretary willing to be interviewed.

Interviewer: Miriam Feingold

Conduct of
the Interview: A single interview was held on April 24, 1972 in a small office of the Regional Oral History Office. The interview lasted for about one hour.

Mrs. Heinrichs was somewhat nervous at first, but relaxed during the course of the interview. She had brought notes and memorabilia with her which she referred to occasionally during the interview.

Editing: Editing of the transcribed taped interview was done by the interviewer. Minor rearrangements of material were made to maintain continuity of the discussion without interrupting its informal quality. Mrs. Heinrichs very carefully reviewed the edited text. She corrected several points and made a number of additions to her comments.

Narrative
Account of the
Interview: Although only in the district attorney's office for one year, Mrs. Heinrichs gives a broad picture of the duties of the secretaries and of how the office functioned generally.

She relates that in 1936, when she took the job, the district attorney's office offered \$150 a month, when the going private rate was \$125, but the district attorney's office expected twenty-four hour service. Secretaries were called out at all hours of the day or night, she recalls, to take statements. She also relates the standards of work and behavior that Earl Warren expected from his employees.

Mrs. Heinrichs recalls how she was called out during the shipboard murder case to take a statement at the Piedmont jail where two longshoremen, one a defendant, shared a "bugged" cell. Exciting cases such as this were not rare, and she relates other tight spots secretaries found themselves in.

In addition to work for the office, Mrs. Heinrichs recalls, secretaries also did private work for the deputy district attorneys, and work for the Masons and the Republican party. She describes her impression of the influence of political parties in the office.

Mrs. Heinrichs comments on office morale, and gives her impressions of some of the attorneys in the office. She concludes the interview by noting that in 1963 she returned, for a brief period, to the district attorney's office, and she compares her work during her two periods in the office.

Miriam Feingold
Interviewer

Date of Interview: April 24, 1972

MRS. BEVERLY HEINRICHS: REMINISCENCES OF A SECRETARY IN
THE DISTRICT ATTORNEY'S OFFICE

BACKGROUND

- MF: Well, why don't we begin by your telling me a little bit about your background. Where were you born?
- BH: Well, I was born in Troy, New York, November 22, 1908, but my folks moved out here when I was too young to remember, about six months old. I've been in California most all my life.
- MF: So you grew up in the Bay Area?
- BH: Yes, Alameda, Berkeley, and Oakland.
- MF: Were your parents from New York originally?
- BH: No, my mother was Canadian and my father was Scotch-Irish. [Laughter] They met in Canada.
- MF: That's a real international blend. [Laughter]
- BH: Mostly English, Scotch, and Irish.
- MF: Then you went to school out here also.
- BH: I went to school here. I graduated from Berkeley High in 1926. My mother had died in 1923 and my father was not doing too well. My half-sister who lives in San Diego--and who worked for the San Diego Union-Tribune as national credit manager for 49 years--insisted I go to business college before attending UC. She said, "You never know what lies ahead and I'd like you to be prepared by getting a business education before you go to Cal. I would not like to see you have to earn your own living by being a waitress, working behind a counter, doing housework, or trying to be a door-to-door saleswoman! I'll pay your tuition and you can pay me back later."

My father and my aunt looked into the business college situation and decided on Gallagher-Marsh Business College, then at 530-17th Street, Oakland, rather than Heald's Business College--which was then

BH: almost next door, across the street from where the Roxie Theatre now stands--because individual instruction was available at the smaller school.

They also decided I should take Gallagher-Marsh shorthand, then the accepted shorthand taught in the San Francisco schools, instead of Gregg, which was taught in the Oakland schools, because Gallagher-Marsh, based on a Pitmanic shorthand system, was considered faster, more accurate, and was more acceptable to the legal profession at that time. This system involves shading and three different positions: above the line, on the line, and below the line, whereas Gregg is written without shading all on one line. To graduate from the Gallagher-Marsh Business College you were required to type at least sixty words per minute and take dictation at the rate of 150 words per minute for at least half an hour. I finished what was supposed to be a seven months' course in five-and-a half months and was given a scholarship cup in 1927.

I repaid my sister after I secured my first job in Oakland, working for a real estate broker at 5911 E. 14th Street, where I made \$65 a month as secretary, receptionist, bookkeeper, and girl Friday. My boss was subsequently arrested and charged by the D.A.'s office for fraud in connection with misappropriation of a client's funds; I think his name was Barrere, but this was several years after I had left his employ. I didn't stay there long.

One of the temporary jobs I took was addressing envelopes from a telephone directory, while sitting in the grandstand and typing with the machine on a sawhorse--for the man who ran the El Cerrito Dog Races. I think his name was Black Jack Jerome. I believe Earl Warren's office also closed him down when they were having the gambling troubles in Emeryville and El Cerrito. The typists were paid \$5 a day if they typed 1,000 envelopes. It was a long day. I didn't do that very long!

The next job I took was with the California Teachers' Association on Center Street in Berkeley. I didn't stay there long either. I then answered a newspaper ad for a secretary in San Francisco and secured a position at \$125 a month for the local manager of the National Tailoring Company, a mail-order tailoring concern at 525 Market Street, San Francisco. The hours were nine to five and nine to one on Saturdays. It was a one-man, one-girl office. I worked there for over two years and then decided I wanted to go to Cal.

I attended classes at Cal, an academic course, from eight until noon, five days a week. Miss Christie sent me to interview an architect, Mr. E. Geoffrey Bangs, 411-30th Street, Medical Center Building, for which he was architect, and I worked for him from one to five and on Saturdays.

MF: Who was she?

BH: Vera L. Christie was the manager of the UC Bureau of Occupations, then located in Stephen's Union. She was head of that Bureau of Occupations for years and through her I secured a number of very good positions. She called me her "bad penny" because I turned up so often wanting to change jobs.

I also did extra typing for the Southgate Typing Bureau, now located at 2419 Durant, but then on Telegraph Avenue. It was run by Mr. A. Beach Reading who was also a lawyer, but did not practice. It was a typing bureau as well as a mimeograph shop and coaching school. We typed piece-work, 10¢ for a double-spaced pica page--I still work off and on for this bureau, and we now get over \$1.00 a page on occasion!

At one time he asked me to take a deposition from an attorney and a doctor on an accident case. They paid \$10.00 an hour for the taking of the notes and then paid by the page for the transcription. It was most lucrative but extremely nerve-racking because at that time I was neither an experienced legal secretary nor a medical secretary, and the words were really a challenge.

Through the typing bureau I also met Walter T. Steilberg, consulting architect--one of the all-time greats in my books--as well as a number of other people: Eugene Burdick, for whom I typed The Ugly American, Fail-Safe, Nina's Book, etc., as well as some of his personal correspondence and his work with the Political Science Department at UC. I also typed part of Jonathan Garst's No Need for Hunger, for which Hubert Humphrey wrote the blurb on the cover.

MF: And then when you went to work full time, where was that?

BH: I took out an indefinite leave of absence--still have it!--after six months at the University and Miss Christie sent me to the superintendent of Merritt Hospital in Oakland as his secretary. I worked there for only about three weeks and decided medical work and taking dictation--in surgery!--was not for me. Miss Christie then sent me to the California Art & Engraving Company, 2163 Center Street, Berkeley, as secretary to Earl C. Warburton, president of that company. They were located upstairs from the old offices of L. S. & Z. (Lederer, Street & Zeus) and they also had an office in San Francisco.

One payday when I was working at the California Art & Engraving Company I went to the bank at the corner, cashed my paycheck, and then went down the street to pay a garage bill. I noticed one of the twenties the teller had given me was particularly dirty, and used it first. Then I returned to work. Later in the afternoon I received a

BH: phone call from the FBI. The garage man had remembered I had given him that particular bill and when he went to deposit it at the same bank which had given it to me, but with a different teller, they had said it was counterfeit--two one-dollar bills glued together and then photographed. The bill had come unglued. Since I worked for a photoengraving concern they were highly suspicious.

The teller at the bank insisted he had not given me that particular twenty. "Why, anybody could tell that was counterfeit," he said. I didn't get so many twenties that I didn't know where that one had come from! The FBI man went with me to the bank. He told the teller it was customary for the bank to make good under such circumstances. We finally went to the president of the bank who did make the twenty good. The teller was very much put out.

Having satisfied himself of my innocence and that of the California Art & Engraving Company, the FBI man gave me his card and told me if I ever got in trouble again to call him. Years later when I was in the D.A.'s office I met him again--he was a good friend of Oscar Jahnsen's and he remembered the occurrence. Fortunately, I have never had a similar emergency which would warrant my calling in the FBI!

JOINING THE DISTRICT ATTORNEY'S STAFF

BH: I got the job at the district attorney's office by answering an ad in a newspaper. I put a special delivery stamp on the envelope which I thought would make it stand out from the other applications. [Laughter] Apparently it did. [Laughter]

MF: Was this pretty soon after you left Cal?

BH: No. I left Cal in 1929 and this was in 1936. I graduated from business college in 1927. I had worked for over two years when I decided to go to Cal. That was a long, long time ago. Dates are kinda hard to remember. I did a lot of Kelly-girl-type work on various part-time jobs. If I got one job I didn't like I'd only stay until I got another one and then I'd move on.

MF: Well, that's the way to do it and then you find a place you like.

BH: Well, I finally did after all these years. The job I have now I like better than any of the rest of them as long as I am kept busy. I've never stayed so long in one full-time job in my life as I have here. I like the variety.

MF: So, then you were just looking in the newspaper and you saw this ad for the D.A.'s office?

BH: I wish I'd saved that clipping. Mr. Severin would remember it. I didn't know the D.A.'s office was the one advertising for a legal secretary until I had the initial interview.

MF: And then they hired you?

BH: Yes, and I was there about six months. They kept me very busy. I can't remember an idle moment. I had taken a civil service examination for hearing reporter and I thought it would be fun to get such a job. So I resigned from the D.A.'s office and went up to Redding for the Highway Department, and that lasted about one week. I didn't like any part of it nor the hot weather. [Laughter] It was my first job away from home.

BH: I came back. They said at the D.A.'s office that they never rehired anyone who had voluntarily quit, but they did, anyway, make an exception in my case. I was kind of tickled about that. [Laughter]

MF: I guess they needed you.

BH: So I stayed just six months longer. Then I went back to New York to get married.

I had a bit of trouble when I first applied to the district attorney's office. In 1936, when I applied for the position in the district attorney's office, I was required to produce a birth certificate and ran into difficulties. My mother had written "Ethel Gertrude McGarvie" on the original birth certificate, having decided to name me after her sister and her sister-in-law. She then changed her mind, after reading George Barr McCutcheon's Beverly of Graustark, having fallen in love with the name "Beverly" and she then renamed me Beverly Rolls--her maiden name--McGarvie, but the birth certificate was not changed. The D.A.'s office told me I would have to get affidavits from my father, my brother, my half-sister and my aunt in order to satisfy their requirements. This I did.

In 1963 when I again applied for a position in the prosecuting attorney's office I went through the same thing and had to get more affidavits. I also had trouble when I applied for my present job at UC. I was never known as Ethel Gertrude McGarvie. Recently when I applied for a passport, I ran into the same old difficulty.

WORKING CONDITIONS

Wages and Standards

MF: Well, you were telling me a little bit the other day about the wages when you were first hired in the D.A.'s office.

BH: Oh, yes. Well the newspaper ads would say, "top legal secretary \$125 a month," but the D.A.'s office paid \$150 at that time. But it meant that you were on twenty-four-hour call. That is, the girls took turns being the one that was told to stay in town over a weekend, for instance. As far as I can remember we never received any over-time, but they would try and make it up to us in time off.

I think I told you, too, that when they hired extra help for an emergency, they'd pay those girls \$1.50 an hour. Some of those girls would sit there and add up their time, how much money they were making, instead of typing as fast as we thought they should. [Laughter] We felt it was adding insult to injury because in most cases we had to retype their work the next day because they were not familiar with the proper formats! [Laughter]

MF: That would come out to more than you were making.

BH: Actually, at that time the University of California was paying fifty cents an hour for typing. And the D.A.'s office only paid seventy-five cents an hour for a part-time typist during the daytime. But for the night work on a special rush it was a dollar and a half.

They would take us to dinner or lunch if we had to take a trip, say, up to Ukiah, or down to Santa Cruz, or wherever we had to go to report. They'd send two inspectors with us and they'd always feed us. It was quite exciting, it really was.

MF: I'm sure it was. So on several occasions you were the one that was at home during weekends.

BH: That would get called out.

MF: And then would they come and pick you up?

BH: Oh, yes--two inspectors would call maybe at two o'clock in the morning!

MF: You mentioned to me there was a very strict rule about accepting prizes.

BH: Oh, yes. Even if you won a bag of groceries at the local theatre you couldn't accept it. Or if you won a radio, or if you, well, of course you wouldn't buy a sweepstake ticket--if you won you wouldn't be able to accept the prize.

MF: Why was this?

BH: Because Mr. Warren was leaning over backward to see that no employee of his could be accused of taking a bribe in any way, shape, or form. At least that was my impression.

MF: I can see why he would do that. Can you remember any other rules like that?

BH: No, none that they ever came right out and said. But I don't think they would have appreciated it at all if you'd been doing much bar-hopping or anything of that sort. They investigated everybody quite thoroughly before you ever got the job. I didn't know this until afterward, but they went way back into your background and found out your political affiliations. At least I think that was part of it. And just what your record was, and who you associated with. Oscar Jahnsen, I think, was one of the investigators who looked up the various people that were to be employed.

MF: Did they go out and interview your friends?

BH: I don't know how far it went, but I know there was an investigation. It was a security check on those who wanted to work there at that time.

MF: I can see why they'd want that.

BH: Well, there was a Communist scare, and the I.W.W. strike bit. I was asking Clarence Severin if I ever took an oath never to repeat anything I'd heard. He said he didn't think I had, but we understood we weren't to talk about office work while a case was on in any way, shape, or form. But he said after all it's forty years later now, so I wouldn't worry too much about it. [Laughter]

The Secretarial Pool

MF: Who was your immediate superior?

BH: Clarence A. Severin was the chief clerk and office manager, and he would more or less delegate the different jobs, but Rae Pollard was the head of the secretarial pool. She would be the one that would say Beverly take this call, or Veva take that call. We had big reporters' notebooks, and the one with the least work ahead of her would be the one she'd send out on a call.

We did work for all the attorneys in the office, their private work as well as the county work, the Masonic work, or the Republican work. We kept track of our time, and the individual attorneys or organizations would pay for the services at the end of the month. It all went into their bookkeeping system whatever it was then. But we did keep track of every hour we spent.

MF: I see. This would be during a normal working day.

BH: Yes. Well, the county work would come first. But then, as I say, each attorney was allowed his own private practice, and we'd write their personal correspondence, or wills or whatever it would entail. I cannot remember any really slack times when a secretary would be hard put to it to find something to do.

MF: And that you would do during a work day?

BH: During a work day. I was talking to Clarence and it seemed to me that we worked six days a week--well, we worked until one o'clock on Saturday. But I was under the impression we started at eight and he said oh no, we never started that early. He thought it was eight-thirty to five and until one on Saturday. And then you might be called out in the meantime.

MF: Yes, I remember that they worked on Saturday because I know some of the deputies mentioned that there was a staff meeting Saturday morning. As secretaries you worked on a pool system?

BH: The one that had the least work on her book would be the one that would go and take dictation from the call that came in. Sometimes there would be a little dissension over that, who had the most work. [Laughter] They thought Rae played favorites. They had a meeting about that, too. I remember being called in to Ralph Hoyt's office; he was one of Warren's chief assistant district attorneys. He was later D.A. He was questioning Rae Pollard's fairness in delegating the jobs. People can be funny when you work in a pool like that.

I had never worked in a large office before. The first job I

BH: had I was the only girl in the office and I didn't know what kind of talk went on in a larger office until I went to the D.A.'s.

MF: About how many girls were there?

BH: Well, let's see if I can tell you. [Refers to list of office personnel.] Edna Bowles was the one who made the most beautiful shorthand notes you ever saw in your life--almost like engravings--there was Edna Bowles, Rae Pollard, Florence Trombas, Veva Coates, Mabel Middleton, let's see, one, two, three, Hilda Honett, four, Ray Lewicki, Doris Bristol, Virginia, five, six, seven, eight--well, there were eight or nine or ten in our office. No, more than that, I guess. They had girls in other offices, in the City Hall, and in Berkeley, and there was one in Hayward. They had secretaries there, well, they called them secretaries and that's what it amounted to.

MF: So, there were probably about a dozen.

BH: Just about, I would think, all told.

MF: Well, that's quite a difference from today. I've been down to the D.A.'s office recently, and there are quite a few more now.

Office Morale

MF: You were mentioning also the other day about the Christmas party, and that made me wonder about the general morale in the office, if it was a close-knit office or what it was like.

BH: Well, that was the only party that I ever went to from the D.A.'s office. It was a memorable occasion. If you ever talk to Ray Lewicki about it she might tell you more. They put on what I thought was a really marvelous skit. One part I remember now after all these years was something about an index to an index to an index. It was very clever. Mrs. Warren was there and of course Earl Warren was there. There was some drinking. Mrs. Warren never touched a drop--as far as I know she never did. But one or two of the attorneys did--sort of overdid it. But it was quite a party. It was held at the Sequoia Country Club. It's the only party I ever remember during the time I was there, but as I say, I was only there about a year.

MF: Did it seem to be a fairly warm, close-knit office?

BH: It would be pretty hard for me to judge that. I know that I thought there were more politics involved than any of the reports I've typed mention. I really did think that unless you were a Republican you

BH: would never have gotten a job. I don't know whether this is what I should say or not but this was my impression. At the time I thought there was only one Democrat in that whole office, and that there was only one Catholic in that whole office, and that was J. Frank Coakley. Mr. Severin says I'm wrong--that there were others.

Nathan Harry Miller was Jewish, and he was very well liked and fair to the union people. He was quite a guy. Getting back to that Christmas party, he didn't approve of the girls wearing earrings, so he said would we please not. But everybody did, just to be ornery about it. That wasn't very nice. [Laughter]

Political and Private Work

MF: You mentioned before something about working on Republican and Masonic correspondence. Could you tell me a little more about that?

BH: Well, as far as the Masonic work was concerned we always put in a slip, how much time we had devoted to Masonic work. They kept strict track of that. But it is my recollection that the work that we did after hours and out of hours on these campaigns were never listed or accounted for in the books. It was just--we just took it for granted that we'd better donate some time, and the office staff did. There was maybe some grumbling about it now and then, but as far as I can recollect we were never paid for that or given time off for that later. It was just something that we were expected to do to show loyalty to the chief. They always called Earl Warren the chief, or at least Helen MacGregor always did.

MF: So when you would do this campaign work it was scrt of overtime, but you wouldn't get paid for it.

BH: Yes. As far as I remember we never wrote out an hourly report on it as we did for the private work for the Masons or for the attorneys. Now I could be wrong because this was forty years ago. This is my recollection.

MF: I think there was an important national election that year. Were you a Republican yourself at the time?

BH: I was at that time. And then I married a very pro-union man and became a Democrat. The only reason I became a Republican was because my father had very strong feelings about that. It didn't make any difference to me; I didn't take any issue with it one way or another. But I understood it was fortunate that when I applied for that job that I was a Republican. Now I definitely had that impression. Mr. Severin says I'm wrong.

MF: Well, I could talk to him and ask him about it.

BH: Oh, he'd be just a mine of information; he's a remarkable person.
You'd enjoy talking to him.

MF: I'm going to get in touch with him this week.

THE SHIPBOARD MURDER CASE

- MF: You mentioned that one of the cases that occurred when you were in the office was the shipboard murder case. Could you tell me how you were involved with that case?
- BH: Well, two inspectors, Clarence Severin was one of them, called and picked me up about two o'clock, two or three o'clock in the morning. Anyway, it was the wee small hours, and they drove me to the Piedmont jail with my shorthand notebook. I sat there for hours and hours and hours and took down every intelligible word that I could hear. There were two stevedores or longshoremen talking, and there were lots of unmentionable words that I didn't recognize at that time. When I'd ask Mr. Severin, "What did he say?" he'd get a little red and say, "I'm glad you didn't hear that." [Laughter] I was particularly naive at that time. I hadn't heard or dreamed they talked that kind of language. It was really pretty rough language.
- MF: So, there were lots of blanks in your transcript. [Laughter]
- BH: Oh, yes, I had blank, blank, blank. I had a horrible time trying to transcribe that particular session. It was quite a long session as I remember. I got back to the old courthouse quite a bit later, maybe just before noon. I don't know how long I sat there. I know I never went to the restroom because I was too embarrassed to ask where it was. [Laughter] Ridiculous, of course. Clarence kidded me about being a camel, later.
- MF: Can you remember who were making the statements?
- BH: I think one was Ramsay. I asked Clarence about that and he thought it was Ramsay and the other one, I've forgotten now.
- MF: Was Murphy the other one?
- BH: I'm not sure that it was Ramsay and Murphy that were in the Piedmont jail at that time. I can't remember that. I know I was quite excited about the whole thing. It seemed such a horrible thing.

MF: Yes, it must have been quite an exciting case at the time. During that whole period was there much fear of actual physical violence?

BH: You mean at the courthouse?

MF: Yes.

BH: Well, I can remember seeing some sandbags. And Clarence says that was right, that they did have sandbags around the courthouse. The county jail was just a stone's throw from the old courthouse. The prisoners behind the bars would yell nasty cracks at you as you went out at noon if you used the back entrance. But as far as any actual demonstrations or riots or anything, I never heard that it had ever got that far. They figured it would, for a while there.

MF: Did they actually go as far as having bodyguards and things like that?

BH: Not that I know of. Earl Warren, I understood, always refused to have a bodyguard. But, they, unbeknownst to him, would maybe send a car up to his home or keep it under surveillance.

MF: Well, I can imagine those were rough times.

BH: Yes, but nothing like today.

MF: They wouldn't want to risk injury to the D.A. Was that your only involvement in the case then?

BH: As far as that case went. I did some typing on it later. But that was the only statement that I can remember that I took first.

MF: Where did they have you set up in this jail, in a separate little room?

BH: Yes, where they couldn't see nor hear me.

MF: And presumably there was a microphone in the cell.

BH: I imagine. It certainly had a loudspeaker effect; it really blasted. You could hear all the sounds, too, like running water. I opened my mouth to ask Clarence what that was and then decided I'd better not. It had finally dawned on me that somebody was flushing the toilet in the cell. Oh, it was really quite an education.

TIGHT SPOTS

MF: You mentioned some other funny spots that some of the secretaries found themselves in.

BH: Oh, yes, one girl that was--I've forgotten the particular case but there was firing involved, I mean a gunshot. The door slammed in the other room and she thought it was a gunshot. She bounced out of the closet. The people she was trying to listen to didn't catch her, but it gave her quite a scare.

I had quite a turn the time I was behind the curtain and there was a phone right at my elbow. I was afraid the phone would ring and somebody would come in and find me busily trying to take down shorthand notes. But fortunately for me they didn't.

MF: Kept you on pins and needles though.

BH: That was a gold mining stock fraud case of some sort. It was in a little old tenement-sort house 'way downtown below San Pablo, I think. Two inspectors had taken me there. I think Clarence Severin was one of them.

MF: And what was your job? They put you behind this curtain?

BH: To take down everything that was said in the other room, between the man that was supposed to be a con man, and the intended victim, who was maybe going to get hooked on buying his phoney stock.

MF: Well, I gather they never caught you?

BH: No, I was really remarkably lucky. [Laughter] I went out on call as many times as the rest of the girls that year, I guess. I don't know that any of them ever got caught. They had some really narrow escapes. I remember in one of the abortion cases there was a narrow escape because the girl was pretending that she was pregnant. She wasn't--in fact, she had just started her period--things got to the point where they almost had her on an operating table before the inspectors came and arrested them. That would have been really something.

MF: You mean this was one of the girls from the office?

BH: Well, one of the undercover girls that we heard about at the time.

MF: This is interesting, I knew that they used undercover men but I didn't realize that there were any undercover women. But I could see in a case like that they would have to have an undercover woman.

BH: One of my dearest friends was one of the undercover women. She died very recently. She's on this list here. A remarkable person. Her name was Helen Jones. She did a lot of work for the D.A.'s office. They also had a girl who did stenotype too, that did outside work for them. They didn't use the stenotype in our office because they claimed the little click on the keys would make the person giving a deposition nervous, and they preferred the shorthand. But they did use the stenotype in court actions on some of the cases. Actually, I never had to testify in court but the other girls sometimes did, I know, on certain cases, take the witness stand.

A VARIETY OF SECRETARIAL FUNCTIONS

MF: You also mentioned the Oakland school board case.

BH: Well, I just said we did work for the City of Oakland. But there was a case in Alameda where there were city officials involved. It was quite a scandal at that time, but I didn't do too much work on that. I just remember that was one of the cases at that time.

MF: And you also did work for the Oakland school board?

BH: Yes, the district attorney's office did work for the county superintendent of schools, I guess, the board of education, and the board of supervisors. The attorneys that had charge of the board of education work--one's name was Agnes Polsdorfer, and Robert McCreary was the other one.

MF: Agnes Polsdorfer still lives in Berkeley.

BH: I was at her home once, on Ashby Avenue, I think it was, near the Hotel Claremont. The other lady lawyer whom we all liked so well--I thought she was a doll--she is a judge now.

MF: Cecil Mosbacher?

BH: Cecil Mosbacher, yes.

MF: I think she was in the D.A.'s office very early. She had been a welfare worker for the welfare department before that. I think she joined the office very early. Agnes Polsdorfer had too, which always interested me that there were several women attorneys.

BH: Yes. Helen MacGregor was an attorney. Always surprised me because as far as I know she didn't do any private practice at all. She just did secretarial work for Earl Warren, as far as we could figure out. But of course her legal training came in very handy.

MF: I think she did a lot of research.

MF: Well, you also mentioned an investigation of a motorcycle accident?

BH: Yes, that was rather funny because we were having a party at the house when I got called. It was a Sunday. I had had two drinks at least. I went upstairs and gargled with Listerine. When the two inspectors came and got me in the car they drove 'way out in Hayward someplace. There had been a motorcycle accident. This young deputy district attorney was an eager beaver, and he said to the fellow whom he was interrogating, "I seem to smell alcohol. Have you had a cocktail?" I was horrified, because I thought maybe he was smelling my breath. And the guy said, "Yes." [Laughter] The deputy eagerly asked "What kind of a cocktail?" And the guy said, "Crab--before dinner." The deputy's face got a little red. He said later, "That sure stopped me on the one-yard line!" I think this was about nine o'clock at night.

MF: Do you remember any of the other cases that stand out in your mind?

BH: No, I can't say that I do at the moment. The ship murder was the big one, of course. The others were just--oh, there was one about child molesting that was a little bit sordid, on the sordid side. The girls in the office got quite excited about that. Some of the dictation was a little rough. I can't really remember many of the others that stood out in my mind. The board of education work was very boring, I remember that--lots of statistics, etc.

MF: I can imagine after the ship murder case--

BH: Yes. The board of education statistics were dry typing. [Laughter] Clarence Severin used to bring in the reports for the month on those long sheets, tabulations, so many felonies, so many robberies, so many this, that, and the other. They used to be quite a chore. Nobody particularly enjoyed typing those, but we did it, of course, if we weren't doing something else more important at the time. [Laughter]

I remember the scrapbooks very vividly. They had that Allan Press Clipping Service. They had an enormous big scrapbook. Have you ever seen one of the scrapbooks?

MF: I've seen them at Warren Olney's office. There was one girl whose job it was to paste the articles in the book?

BH: More or less, yes. She was sort of a girl Friday. She did other odd jobs, too, such as filing and running errands.

They had a switchboard there. Once in a while they'd call on one of the secretaries to take over at noon, or if Hazel Yoder was absent. It was a very busy board. It used to horrify me for fear they'd call on me, because I had never been very good at a switchboard

- BH: and had never had any such training. [Laughter] That was one of the names I couldn't remember until I saw it on my list.
- MF: Hazel Yoder?
- BH: Yes. She was the switchboard operator. Sort of an information girl. Well, Clarence Severin was on the counter in the outer office. He would have been the first one you saw when you came in. This was, of course, at the old courthouse, really old. Great high ceilings. The new one was very different.
- MF: Do you remember any of the other people? As you look through the list did any of the names--
- BH: [Referring to the list of office personnel] I remember most all of them, some more, some less. I remember the name of the attorney from Hayward--I couldn't remember it at first--it was Joseph Schenone.
- MF: Oh, yes. I was talking to Mr. Coakley at the district attorney's office one day when Mr. Schenone came in to say hello.
- BH: Yes, he was the one. Some of them I had forgotten completely. I can't be sure I remember the name of the young deputy district attorney at the Christmas party but I think it was J. Kennedy Jackson. I had a guilty conscience because he had dictated something to me out of a law book. He had read it so fast that I couldn't keep up with him. So rather than stop him--my eyes were in better condition in those days--I wrote down the name of the book, page number and article number. [Laughter] Then after he got through dictating I went to the law library and copied the passage from it. Later he complimented me on the job I'd done, "My God, you're accurate--" I had just smiled and thanked him. Well, apparently my conscience was bothering me, because the night of the Christmas party after I had had a drink or two, I confessed to him what I had done and proceeded to quote the entire passage from the law book--he told me the next work day--verbatim. I've never had a photographic memory like that before or since. It was really sort of a funny incident; my chum couldn't believe her ears. She was standing right by me when I recited the passage. It had something to do with a prostitution case. [Laughter] Isn't that ridiculous, one of those funny things that you don't forget. [Laughter]
- MF: I guess you got to know pretty much which ones--
- BH: What you could do and what you couldn't do, too. Well, it seemed like such a waste of time for them to sit there and read it out of the book, when all they had to do was tell you that such and such a page, quote from this page. That would be more accurate, nine times out of ten. You could check your work. Some of them were beautiful dictators and some of them were not.

MEMBERS OF THE DISTRICT ATTORNEY'S STAFF

MF: Do you remember Charlie Wehr?

BH: Oh, yes.

MF: What was he like?

BH: A mighty big German. I heard quite a few rumors around about him--

MF: What sort of rumors?

BH: Oh, that he ate a lot. [Laughter] He was inclined to overdo and over-indulge. I don't know whether they were true or not. From what little I remember, when one person had one piece of pie he'd have two. These were just little things the girls would talk about. He died shortly after I was there, I believe. I used to take dictation from him occasionally. The secretaries rather stood in awe of him. He was supposed to be quite a brain, I understood.

MF: Was he good at giving dictation?

BH: As far as I remember. Actually I never took much dictation from him nor from Earl Warren in the year I was there. I took more from J. Frank Coakley, Ralph Hoyt, Nathan Harry Miller, Bob Hunter, Richard Chamberlain, and most all the others. As I say, it was a secretarial pool, and you didn't often get called by the chief. He wasn't in the office too much of that time, as far as I remember. He certainly wasn't there everyday by any matter of means. We'd go for a long time and never see him at all.

MF: Do you remember any of the others in the office particularly?

BH: The men? You mean the attorneys? Well, I remember Laurence Dayton, Folger Emerson--he's at UC now, isn't he? Or he was for a while?

MF: Folger Emerson is a superior court judge.

BH: Oh, he is? And there was one down here in Berkeley for a while. I

BH: remember Owen Hogle; Bill Quinn and J. Kennedy Jackson were two of the younger deputy district attorneys. Incidentally, I also remember one of the Caldecotts later was a deputy district attorney. I knew Thomas E. Caldecott, later a supervisor, when he and his brother and sister owned a drugstore in my old neighborhood, long, long ago--and I remember the two red-headed sons. I think it was Thomas E. Jr. who was on Earl Warren's staff.

Oscar Jahnsen, one of the inspectors--Robert McCreary was the board of education man--Leonard Meltzer--he was a really interesting person. He died very shortly after I was there. I had always hoped I might sometime see him in action in court because he was so dynamic, so dramatic, and I thought it would be wonderful to be a bystander when he was trying a case. Somehow or other you never seem to get around to doing things like that. I remember George Perkins but not too distinctly. Marshall Ricksen I remember, mainly I guess because his wife presented him with twins and everybody was quite excited. I think he was practicing in Berkeley later on. And Arthur Sherry-- Isn't he at UC--or was at one time?

MF: Yes. He's at the law school.

BH: Well, I can't think of anything else just now.

RETURNING TO THE DISTRICT ATTORNEY'S OFFICE

- MF: You returned to the D.A.'s office then in '62?
- BH: No, I think it was in '63--because it was just from '36 to '63--I always think of it in transposition there. I didn't like it the second time. They didn't keep me busy enough and I didn't work in the main courthouse; I worked in the prosecuting attorney's office. The work consisted of typing a name and an offense and a number, answering the counter and the switchboard. That always bothered me, too. I didn't get much heavy typing and there was little shorthand, both of which I've always liked. So then I got in touch with the University again. I only stayed at the prosecuting attorney's office for about two months, February and March. I went to work at the University the first of April, April Fools' Day, nine years ago.
- MF: And you've been with the University ever since?
- BH: For nine years, nine years this April.
- MF: Well, it's a real circle you came then. Here you are, back talking about the D.A.'s office.
- BH: Yes, actually I did temporary work at the University in 1929. If I'd stayed with them all these years I'd have been 'way ahead. [Laughter] but maybe I wouldn't have had as much experience.
- MF: Well, I can't think of any other questions. I think we've gotten some very valuable information.
- BH: Well, I hope I haven't said too much or too little. [Laughter]
- MF: No, no, you haven't at all.

Transcriber : Lavinia Limon
Final Typist: Beverly Heinrichs

APPENDIX I

*Bowles**Warren's Agency
1st hand*

GL.	8896	Bristol, Mrs. Doris E. ✓	1038 McKinley Ave., Oakland
HU.	1908	Chamberlain, R.H.	114 Manor Drive, Piedmont
TE.	2441	Coakley, J.F.	786 Culmar, Oakland
TR.	0400	Coates, Veva Elizabeth ✓	1438-79th Avenue, Oakland
AN.	4371	Dayton, Laurence E.	3567 Redwood Road, Oakland
OL.	4441	Emerson, Folger	5940 Thornhill Drive, Oakland
HU.	4765	Fletcher, Lawrence S.	445 Mountain Ave., Piedmont
AL.	2883	Flint, Chester B.	1255 St. Charles, Alameda
AS.	7378	Freeman, James H.	2427 Hilgard, Berkeley
TH.	3355	Hard, George G.	1015 Merced Street, Berkeley
SW.	1343	Holms, George J.	445 Beverly Avenue, San Leandro
HA.	1019	Henningsen, George	279 Soto Street, Hayward
TE.	4860	Honett, Miss Hilda ✓	1502 Alice Street, Oakland
HU.	6754	Hotle, Jr., Owen E.	43 Dormidera Avenue, Piedmont
TH.	3636	Hoyt, Ralph E.	1849 Tacoma Avenue, Berkeley
FR.	7384R	Hunter, R. Robert	3533-14th Avenue, Oakland
OL.	1423	Jackson, F. Kennedy	811 Highland Avenue, Piedmont
TE.	6868	Jahnsen, Oscar J.	362 Vernon, Oakland
AS.	2400	King, Miss Virginia	1528 Oxford Street, Berkeley
AL.	6220M	Lewicki, Ray	2804 Lincoln Avenue, Alameda
OL.	9757	MacGregor, Helen R.	731-60th Street, Oakland
LA.	6072	Mallon, Mildred E.	2885 Hannah Street, Oakland
TE.	2419	McCreary, Robert H.	1059 Underhills Road, Oakland
BE.	4414W	McGarvic, Beverly R.	2932 Harper Street, Berkeley
GL.	3231	Meltzer, Leonard J.	1090 Ardmore Avenue, Oakland
HA.	1021W	Middleton, Mrs. Mabel (c/o Mrs. MacKenzie)	863 Hampton Road, Hayward
GL.	8780	Miller, Nathan Harry	889 Walker Avenue, Oakland
BE.	6389R	Mosbacher, Cecil	28 Domingo Avenue, Berkeley
HI.	3587	Myers, Miss Alva	436 Oakland Avenue, Oakland
AL.	6567J	Neeland, Lewis J.	2806 Clay Street, Alameda
PI.	5134W	Oakley, James H.	242 John Street, Oakland
GL.	5298	Perkins, George C.	385 Orange Street, Oakland
FR.	9887	Petersen, Evelyn	4021 Agua Vista, Oakland
GL.	0603	Pollard, Mrs. Rae C.	1918 Lakeshore Avenue, Oakland
BE.	1748	Polsdorfer, Agnes R.	2933 Russell Street, Berkeley
PI.	5488	Quinn, William H.	1558-34th Street, Oakland
HI.	3477	Royland, Frederick	617-29th Street, Oakland
AS.	8918	Ricksen, Marshall	1594 LeRoy Avenue, Berkeley
OL.	0358	Roos, Mildred E.	393-50th Street, Oakland
HI.	3624	Schenone, Joseph	Athens Club
FR.	6325J	Severin, Clarence A.	4635 Benevides Avenue, Oakland
TH.	5534	Sherry, Arthur	3005 Benvenue Avenue, Berkeley
AS.	6800	Smallwood, Stanley C.	2001 Allston Way, Berkeley
FR.	0639W	Spencer, Glen	2438 Palmetto Street, Oakland
TE.	1730	Styles, Harry E.	3116 Lakeshore Blvd., Oakland
OL.	9528	Tupper, Howard E.	455 McAuley Street, Oakland
TR.	3786	Trombas, Miss Florence	671 Sybil Avenue, San Leandro
GL.	8131	Warren, Earl	88 Vernon Street, Oakland
TH.	3768	Wehr, Charles D.	2138 Derby Street, Berkeley
GL.	8467	Westphal, Jr., Theo.A.	5 Bowles Place, Oakland
AL.	4295W	Yoder, Mrs. Hazel	2512 Encinal Avenue, Alameda

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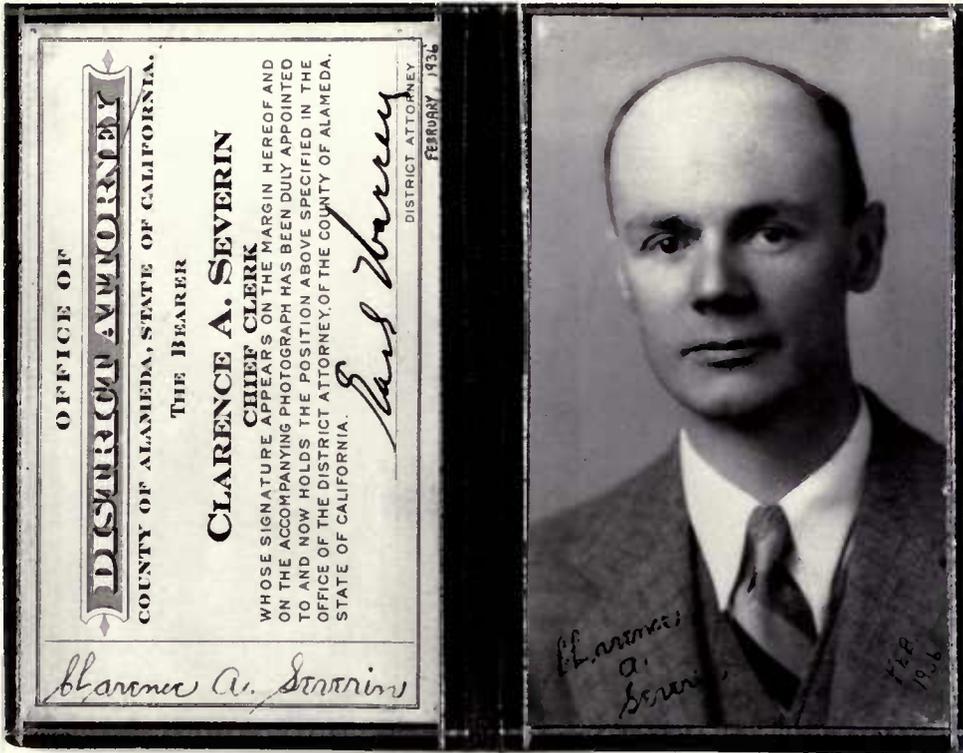
Regional Oral History Office

Earl Warren Oral History Project

Clarence Severin

CHIEF CLERK IN THE ALAMEDA COUNTY
DISTRICT ATTORNEY'S OFFICE

An Interview Conducted by
Miriam Feingold



Clarence Severin's identification badge issued by the Alameda County District Attorney's Office.

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INTERVIEW HISTORY

Clarence A. Severin was interviewed for the Earl Warren Project of the Regional Oral History Office in order to capture his reminiscences of his service in the Alameda County District Attorney's Office as chief clerk.

Interviewer: Miriam Feingold

Conduct of the Interview: A single interview of about two hours duration was held on August 30, 1972 at the Masonic Temple in Oakland, where Mr. Severin is now serving as executive secretary to the Oakland Masonic Association. Mr. Severin and the interviewer sat in a large, comfortable sitting room, one of the many spacious rooms in the functional and modern Masonic Temple building. After the interview Mr. Severin graciously provided the interviewer with milk and cake in the Temple's spotless kitchen.

Mr. Severin had refreshed his memory of dates and places with a brief chronology provided by the interviewer. In a preliminary session, a general outline of topics to be discussed was agreed upon, and the interview closely followed the outline.

Mr. Severin, a great admirer of Earl Warren, spoke in a relaxed manner. That he considered it a high honor to have served Warren was evident in the ease with which he recalled events of thirty and forty years ago.

Editing: Editing of the transcribed, taped interview was done by the interviewer. Little editing was necessary. Mr. Severin thoroughly reviewed the edited text, correcting a number of points and reworking several pages of the manuscript to make his meaning clearer without changing the general theme of the oral conversation.

Narrative Account of the Interview: Mr. Severin begins the interview by relating how he was trained for clerical work in high school. He recalls that it was through Masonic connections that he was referred to District Attorney Earl Warren, who needed a chief clerk to organize the office.

Mr. Severin describes the new filing system he helped create, and the invaluable assistance provided by the WPA in

furnishing manpower to complete the massive task of filing and reorganizing the office. This task, he adds, was complicated by the move of the district attorney's office to the new courthouse in Oakland in early 1937. Mr. Severin was also responsible for creating a new and more efficient method of handling and storing evidence.

Mr. Severin discusses in some detail the functioning of the office. He describes Warren's method of selecting and training his staff, and the office rules which assured absolute integrity. As chief clerk, he relates, he handled the complex system of billing for private work done by secretaries in the office. He also offers his perspective on the work of undercover operators, the office's files on subversives, and several of the office's more important cases.

As chief clerk, Mr. Severin was acquainted with the entire office staff, and comments in the interview on several deputies, inspectors, and secretaries. Having remained in the district attorney's office after Warren left, Mr. Severin compares Warren with his successors, Ralph Hoyt and J. Frank Coakley.

Miriam Feingold
Interviewer-Editor

Date of Interview: August 30, 1972

BACKGROUND

Family and Education

- Feingold: I'd like to start off with a little bit of background about you personally. So, could you tell me where you were born and where you grew up?
- Severin: Well, I was born in San Francisco on ~~November~~ ^{February} 12, 1898 in Children's Hospital over there. My mother and father were living in Hawaii at the time; they didn't live in the United States at that time, and my mother wanted me to be an American citizen. So, they came to San Francisco and I was born in Children's Hospital and then went back to Hawaii.
- Feingold: What were your parents doing in Hawaii?
- Severin: My father was a professional photographer and he went into business down there professionally. Then my brother was born two years and five months later. The same thing happened. My mother came back to the States and went back and shortly after that my father died down there of sunstroke. Then my mother came to the States and we've been here ever since. Her folks lived here. They were from New York and they came to the West Coast; the whole family did.
- Feingold: Oh, I see. I was going to ask how they happened to come out here. Do you know?
- Severin: When they came out, they came around the Horn by boat. It's an old family dating back to the revolutionary days. They lived in Buffalo, New York, and they just migrated out here. They liked it out here, stayed here and passed away here.
- Feingold: How about your father's family? When did they come out here?
- Severin: My father's family were German. My father's mother was born

Severin: in Germany and I don't know much about their background. My father died when I was so young that I didn't get much information concerning his family background. But they were a large family too, quite a large family, German people, lots of aunts and uncles. They lived in San Francisco, still some are around.

Feingold: What were the names of your mother and father?

Severin: My mother's maiden name was Ida Wiesel Alberger and my father's name was Frank Anton Severin. They were married in San Francisco and my father went into business as a professional photographer and shortly after that they went to Honolulu to live. When I was down there as a young child, I learned the Kanaka language.

Feingold: Can you still speak it?

Severin: No, I have completely forgotten it. I lived there until it was time to come back to San Francisco and I have been here ever since. I have never been back. I've been all over the South Pacific and the Pacific Ocean area but I've never gone back to Honolulu. It was in 1901 when my father died, so I have never been back since that year, strange as that sounds.

Feingold: Would you like to go back some time?

Severin: After what I hear about the way it is at the present time, no. It's too commercialized. I don't think so. I have no particular interest in going back. I know nobody there.

Feingold: Yes, you were very young when you left.

Severin: I was just three years old then.

Feingold: How many brothers and sisters do you have?

Severin: Just one brother. He died about three years ago. He was younger than I was. He was born just before my father died.

Feingold: So then you went to school in San Francisco?

Severin: Yes, I completed all my schooling in San Francisco. I graduated from the High School of Commerce which, as you know, is a school preparing you for commercial life. I learned stenography, shorthand, typing, Spanish, bookkeeping, accounting, et cetera.

Feingold: So that's where you learned those commercial skills.

Severin: Yes, that's right. I graduated from there and then I went to work. I did clerical work practically all my life. That's why Mr. Warren must have selected me to run his office because I had that background, you see.

Feingold: How did you become interested in going into clerical work and going to the High School of Commerce?

Severin: I just had the tendency for that kind of work somehow or other. I just wanted to do that kind of work; I had a bent for it. I was no mechanic and no professional man, so I had no particular skills. Clerical work appealed to me and I took the accounting along with it, of course. I tried electrical engineering but I wasn't made for that.

Early Work Experience

Feingold: When you graduated from high school did you go straight to work?

Severin: Yes, I went to work in a florist's shop in San Francisco. I did his bookkeeping and his billing and clerical work along with deliveries. I was only a teenager then and I was there for several years.

Then my uncle, William R. Alberger, my mother's brother, was vice president and general manager of the Key System. That was the traction company over here and he offered me a job in the Key System. That was in 1916 or 1917, I think. So, I took the job and stayed in Oakland. I met my wife there, Koneta M. Jackson. She was also working for the Key System. We were married July 1, 1920. Years later the Key System reorganized and was bought out by some other firm, so they let most of us out.

Then I went to work for an insurance company in San Francisco doing clerical work as a stenographer. When they went broke during the depression years of the 1930's, I went with the California Corrugated Culvert Company in Berkeley, doing clerical work, stenography, et cetera. They had quite a large office in Berkeley and they did all the highway construction work in the western states. I worked there until June 30, 1935. It was rather an interesting place to work. The stenographers were all males. They had no women working anywhere in the organization.

JOINING THE DISTRICT ATTORNEY'S STAFF

Severin: It was while I was there that Mr. Warren asked me to come down to see him at the courthouse and I had no idea at the time as to what he wanted. I just got word through a friend that Mr. Warren would like to talk to me. At that time, I was master of my Masonic Lodge, Live Oak Number 61, F and AM, and I thought that some member was in trouble with the district attorney's office. I went down there expecting to hear that somebody needed to be straightened out, and, to my surprise, Mr. Warren offered me a job as chief clerk in his office. I had no idea at the time as to what he had in mind. He thought that I knew about the position, but I didn't.

He told me that the county offices were moving in the near future to the new courthouse, which was under construction at that time.

Mr. Warren's offices were then located at the old courthouse at Fifth and Broadway. He wanted someone to run the office clerical staff and to concentrate on that phase of his office activities. He had had experience before with office managers--they were classified as chief clerks. They were more interested in passing the bar and becoming attorneys, and spent a lot of their time studying law, taking courses, et cetera, and the clerical work suffered. Mr. Warren didn't want that. He wanted me to concentrate on the office work and had me promise that I wouldn't study law or become an attorney while there. So, I never did study law, nor did I become an attorney.

Feingold: How did you get to know Mr. Warren?

Severin: Through Masonic circles. We were both active in Masonic work and Mr. Warren was master of his lodge a year or two before I became master of my own lodge.

Feingold: Now, his lodge was the Sequoia Lodge?

Severin: Yes, Sequoia Number 349, so naturally, we got to know each other rather well.

However, it was through a Mr. Russell Horstmann, who was the Secretary of the Masonic Board of Relief that I got the position with the DA's office. The Board of Relief handled Masonic employment problems, and if anyone needed a particular type of employee, they would call the Bureau and ask for a man for such-and-such a position.

Mr. Warren had contacted Mr. Horstmann and had said that he wanted an office manager for his office. Mr. Horstmann and I were close friends, and he called me and said he would like to have me come down and see him, which I did. He told me, "Mr. Warren would like to see you tomorrow morning"; he didn't tell me what Mr. Warren wanted to see me about. It was on a Saturday morning, late in May, 1935 that I had my appointment with Mr. Warren, and thus learned that he would like to have me work for him as chief clerk.

I started on the job on July 1, 1935, and had charge of all stenographers, typists, clerical staff, file clerk, watchmen, janitors, office boy--just the nonprofessional staff, excluding, of course, the inspectors.

FUNCTIONS OF THE CHIEF CLERK

Severin: At the time he hired me, Mr. Warren said, "I'll take care of the politics, and you take care of the job." He had three particular reasons why he wanted the job taken care of properly. He inherited the office from his predecessors, all of whom were very fine men and capable lawyers, but as Mr. Warren said, "Lawyers are the world's worst bookkeepers and office men. They don't seem to know how to maintain a file, or to keep proper records; as soon as they are finished with a case, the files are stacked in a corner and usually can't be found when they want them."

The clerical department was particularly troubled at that time with the filing system they had in use. It was so designed that unless you had the person's last name and his first name, or initials, you couldn't locate the file, which was coded by numbers, not by the alphabet. The letters A, B, C, et cetera, were represented by a certain number; thus the first name was under one number, the middle name or letter was under a second number, and the last name under a third number. So, unless you knew his first and last names, you couldn't locate the file. It was a very unsatisfactory system and Mr. Warren wanted it changed.

Feingold: Had that system evolved over a long time back?

Severin: Yes, it was supposed to be a modern system in those days, but they wanted it changed because they were having problems finding their files. So we converted it to use the case number that the county clerk used in filing their criminal cases. Every county clerk file, criminal, civil, et cetera, was given a classification number, which we used in our new filing system; we then made alphabetical index cards for all our case files, which indicated the file where they could be found. We then went back and changed the entire filing system to conform to this method.

Severin:

I recommended to Mr. Warren that he hire a Mrs. Mildred Jones who had worked with me in the Key System and who was an expert in filing methods. This he did, and she took charge of the filing department and we worked up an excellent filing system which is still in use thirty-five years later. This revision was quite an undertaking.

I have this to say about Mr. Warren. He was one of the few public officials who looked beyond his anticipated term of office. He had to face re-election every four years, but he knew what was needed. He wanted his entire office system revised, revamped and modernized, and he wanted it done now.

As I told you the last time you were here, in 1935 the government had what was known as the WPA--Works Progress Administration--who were putting people to work who were not especially qualified in any particular kind of work. In order to put them to work they would assign a group of individuals to a project or organization, so we had about thirty-five such people to work on our filing system by the WPA, all kinds of people, men and women, young and old, white, colored and handicapped. We had to find places for them to work in the old courthouse. We set them up in the hallways, in the lobbies, spare rooms--they even took over the office library, in order to find room to accommodate them.

But over a period of years, at the old courthouse and later at the new one, they did a magnificent job. They revised all our files, going back into the late 1890s; took all our legal briefs and documents, segregated and classified them; then rebound all our large volume of law books, many of which were disintegrating from age. They typed several hundred thousand index cards, a separate card for every person who ever went through the office, every defendant, witness, complainant, mental and alcoholic cases, special investigations. There were thousands of index cards in the civil files, the individual names of groups of people who would sue the county in civil proceedings. We designed the cards with different colors to represent the different types of activities involved. To the eternal credit of the WPA program, they stayed with the undertaking under our supervision and the office is still reaping the benefits of their efforts to this date.

Another of the principal objects in hiring me was that in the near future the office would be moving into the new courthouse then under construction. This was a tremendous job as the offices had been in the old building to way back in the 1880s, and the accumulation of old files, records, books, court proceedings was horrible to contemplate. Records over the years

Severin: had just been thrown into attics, the basement and storage rooms, and it was a tremendous chore to move such tonnage down to a brand new building; however it had been designed to accommodate such records.

In addition to taking care of the stenographers and the clerical staff, the bookkeeping and the payrolls, I also had charge of all the court evidence, the evidence to be used in criminal cases. Over many past years a large volume had been accumulated, and was being added to all the time. It was stored in a large closet, or in a basement room, and often when it was necessary to present a piece of evidence in court, it could only be located with difficulty. Mr. Warren had designed special evidence room facilities in the new courthouse which were tamper-proof; no one but myself had access to it, and organizing and moving it there was a big project.

Feingold: So that meant that you had to figure out what to do with the remains of Bessie Ferguson?

Severin: Yes, she was one of the objects in the evidence room. We had her in a sort of metal container with liquids and whatever else was necessary to preserve her cut-up remains. She was there all the time I was there. I think they finally got rid of her not too long ago.

Feingold: Well, it's my understanding that she is back. They put her with a storage company for a while but they found that the fees were too high and they might as well just keep her down there, so they put her back. They have a storage room in the basement of the building, I think, in the new courthouse. Mr. Charles Ryken was telling me about that.

Severin: She was there all the time I was there. You'd be surprised how people were apprehensive about something like that. They just didn't want to go in that room at any time. The thought of a dismembered human body being there was disturbing to them.

Feingold: Superstitions run pretty strong when you come to something like that.

Severin: Yes, well, Bessie was one of my responsibilities all the time I was there. I'm surprised to hear that she is back; I hadn't known that. I don't know what they are eventually going to do with her. Her death took place before I got there in 1935; that's thirty-seven years ago. Whoever's responsible is long gone, no doubt.

Feingold: I know. I suspect that they don't know what to do with her

Feingold: either. There must be some reluctance about throwing away old evidence.

Severin: Well, they could give her a decent burial--what there is left of her anyway. That's the least they could do, but they have their reasons. Maybe they have some legal problems that I don't understand.

In 1937, when we got down to the new courthouse, which was a completely modern structure, Mr. Warren wanted the office run efficiently and up-to-date, and to have the best of everything in the way of office equipment and supplies. In this, Mr. Warren backed me one hundred percent. No matter what we wanted he'd go to the board of supervisors and fight to get it. They didn't want to spend the money, but he'd insist on it. As a result, we had the first electric typewriter in the County of Alameda when they first came out, an IBM. We had the first photostatic equipment, a copier. We were practically first in everything that was new and modern in the way of equipment. We even had a teletype system in our office whereby we could send telegrams over Western Union and receive messages directly from the Western Union. We ran it ourselves for many years, but it was finally discontinued. Mr. Warren's office was acknowledged to be modern and one of the best.

Feingold: That is really wonderful. You mentioned before that he used tape recorders. How early was that?

Severin: I don't remember just when we started using them, but I am sure we were one of the first to do so. Prior to the use of recorders, and even to this day, most of our interviews and investigations were recorded by legal stenographers who would take down in shorthand everything that was said, and it was quite a burden and ordeal to them. They eventually got to using tape recorders in some instances, but we had trouble with such recordings, as something would always go wrong at a critical time. Either the tape would break or the microphone wouldn't record properly, or there would be too much static in the equipment and you couldn't understand it afterward. It was really a big headache for a long time, so we didn't use it too often.

Feingold: Well, if it's any comfort, a lot of those problems still exist.

Severin: There was always something. Something important would come up and just when you would get to the critical part, it would be garbled and you couldn't understand a word that was said. It used to be quite frustrating.

Feingold: I was talking to one of the inspectors in the office and he was

Feingold: describing a time when he was hidden up in the attic of a building and he was taking a statement. There was a microphone down below and he had the tape recorder in front of him and something went wrong and the tape just spewed out all over the place.

Severin: I remember that. That was after Mr. Warren's time, but it was quite a problem.

THE DISTRICT ATTORNEY'S OFFICE

Choosing the Staff

- Feingold: There are some things I was wondering about in regard to how Mr. Warren ran his office. I know from when we talked before that he took on some people some times without pay and I wondered if you could tell me about that again.
- Severin: Mr. Warren was, in my opinion, a sort of genius. He had the faculty of picking the right people for his office staff, and he usually picked them for specific purposes.
- Feingold: What sort of purposes?
- Severin: Well, for attorneys he picked people who were just usually out of law school, who had no legal training outside of what they had obtained in school. He would take them and train them in the ways that the office should be run. Most attorneys have their own way of doing things and it is pretty hard to get them to change to another system. By taking young law students and just training them from the ground up, he developed people who understood criminal activities and civil activities that way.
- He would pick young people like that who usually came from fairly well-to-do families. They had to because for the first year or so they received no salaries at all and then after one year, if they were satisfactory, they would get fifty dollars a month. The next year they would get one hundred dollars a month until such time as an opening developed in a higher bracket. As I told you, that was Miss Cecil Mosbacher's experience when she first came in. She worked for a whole year for nothing and when the year was over, she wanted to take her vacation but Mr. Warren said that she wasn't entitled to one and that he wouldn't give it to her even though she wasn't getting a salary.

Severin: Practically all the people he employed at that time were that kind of person. He never hired any professional attorneys that I can remember. There were several, of course, on the staff before Mr. Warren took over, who had already been there for quite some time. But when new ones came in, he would develop them to his way of operating the office. He'd take law students from Boalt Hall and from Stanford.

It's to his credit to say that of the men he selected, many of them would, after four or five years in the office, go into private practice and several of them became district attorneys in other counties. For instance, there was Kiernan Hyland in Sonoma County, and also a district attorney in Trinity County. Fred Reyland is county counsel in Merced County. Any number of them are judges. One is a U.S. Commissioner. Larry Dayton became United States district attorney after leaving the office. In fact every one of them just went up the ladder. He had the faculty of picking out capable men. Everyone was investigated before they came in to make sure that their background was right and proper.

Feingold: What did Mr. Warren look for in a person's background?

Severin: They made sure that his moral record and his ethics were correct, that his family background was all right, that he had no arrest record, and that he didn't have any bad habits or anything that would be a discredit to the office. I'll say that in all the time I was there and even up to this time there has never been a whisper of a scandal about anyone in the office, and hundreds of people have gone through the office.

Geingold: That's a very impressive record.

Severin: It certainly is. Mr. Warren developed a reputation for having the finest district attorney's office not only in Alameda County or in California, but in the United States. And I think that it still has that reputation. It has been carried on ever since. It is quite a credit to him.

Of course, he was a kind of a genius. He had a lot of intuition. He was a very dynamic and crusading district attorney and he created such a reputation for himself that when he finally ran for attorney general, even though California was predominantly Democratic and though he ran against a very prominent Democrat, he was elected. And he's been going places ever since that time. But those of us who knew Mr. Warren in the early days perceived something about him that was different and, as I think I told you, we all felt that some day he would be the president of the United States. And he did come pretty close.

Feingold: I was going to say that he almost outdid your expectations.

Severin: But he wasn't destined for that job. He was destined to stay in legal work and he became Chief Justice which is as high as anyone could aspire to.

Mr. Warren was very particular about who he hired. Practically all the people who worked for him, like myself, had known him for many years, but when you once went to work for him, he demanded and commanded respect. And he got it. No one ever called him by his first name. He was either "Mr. Warren" or, as we always called him, "Chief." If anyone had a lapse of memory and called him by his first name at any time, no matter where, they were promptly admonished that it wasn't proper. It would never be done privately, it would always be done in a group so that they all got the message. So, at no time was he ever addressed by his first name by anybody, even by his most intimate friends. I mean by those that worked for him. Outside of the office, people were at liberty to call him what they pleased. So, he was always known to us as "the Chief" and he still is. He is still "the Chief" with us.

Feingold: I know that Helen MacGregor refers to him all the time as "the Chief."

Severin: And we still call the district attorney, to this day, "Chief"—Ralph Hoyt and Frank Coakley, and the present district attorney, Lowell Jensen--they're all "Chief" to us.

Feingold: One of the things that I've heard several people say is that Mr. Warren tried to get a balance among his attorneys representing different groups in the county and I wondered if that was true.

Severin: He was very careful about that. He picked representatives of all the groups, Jewish, Protestant, Catholic, colored people, all different groups. And the reason for that was that if any particular religious person got in trouble, someone from that religion would try them in court, so they couldn't say that they were being persecuted by this group or by that group.

I remember when Frank Coakley was a young attorney, some Catholic priest got in trouble. I think that he became drunk and that he killed two people in an automobile accident. And, of course, Mr. Warren was a Mason, so he took particular pains to see that Mr. Coakley tried that case. Mr. Coakley was a Catholic, so that the Catholics couldn't complain, and he convicted him too. When a Mason got in trouble, some Masonic attorney tried him. If a Jewish person got in trouble, then a

- Severin: Jewish deputy tried him. Otherwise, he kept himself clear of any prejudicial matters, no racism or anything like that at any time. He was very careful about that. And he hired both Republicans and Democrats. It made no difference. His value of a person was not just his personality, but it was his integrity and his ability. That's what counted.
- Feingold: Mrs. Heinrichs couldn't remember any Democrats in the office except Mr. Coakley.
- Severin: Mr. Coakley wasn't a Democrat. He never was, as far as I know.
- Feingold: I think that he was at one time, when he first came into the office.
- Severin: He might have been.
- Feingold: He had been, I think. There is a story that Mr. Warren himself likes to tell that when Mr. Coakley first came into the office, he was the county campaign manager for Al Smith and, of course, Mr. Warren was very active in Republican politics. Mr. Coakley came in to tell him this and he said, "Well, if you want me to leave the office, if it is going to be an embarrassment to you, I will." Or he said something to that effect. And Mr. Warren said, "Oh no. In politics you go your way and I go my way." But Mr. Coakley told me that very shortly after that election he became a Republican.
- Severin: Oh, is that right? I didn't know that. Well, when Mr. Warren inherited the office, of course, his predecessors were mostly Republicans. So, naturally, the office was practically filled with Republicans, but as far as I was concerned, he never asked me what my politics was. It had nothing to do with it. He just told me to leave the politics to him. He'd say, "I'll take care of the politics and you take care of your job." And that was without any qualification.

Staff Relations

- Severin: Mr. Warren had an office that was run as far as possible on a definite schedule. He had, on Mondays, a meeting of the criminal deputies every morning at 8:30. On Tuesdays, he'd meet with the civil deputies. On Wednesdays, he'd discuss problems with the investigative groups, the inspectors. And, on Thursdays and Fridays, he'd have the whole staff, as a rule. And, believe me, you'd have to be there at 8:30. I mean, attorneys

Severin: are sort of aristocratic people. You know, they keep their own hours. But not in Mr. Warren's office. If you weren't there at 8:30 that morning, you heard about it. So, they got there at 8:30. As a matter of fact, they often came quite a bit earlier. And, so, they were all there at one time.

When they'd have a job to do, they did their job. Some of them would take private practice on the side but most of them didn't so they had to devote themselves to their respective assignments and they had to be on the ball. So, through his genius, his administrative ability and his integrity, Mr. Warren built that office up to the stature it now has. And I am really proud to have been a part of it. In fact, I'm greatly honored to have become a part of the organization.

Feingold: Yes, that was quite an honor.

Severin: It certainly was. I didn't realize it at the time, but when I first went down there, he told me, "Now, when you work here, you're dedicating yourself to public service. You are going to have to sacrifice a lot of your social life and your family life and your leisure life. All of that is going to have to take second place. If there is any leisure time left over, you can enjoy it." And that is just about the way it worked out. The office came first. We understood and we accepted it that way. There were times when we would be away from home several days, maybe a week at a time or even longer. And if we had any leisure time, that was sort of a bonus. We accepted that and it was necessary and we realized it.

Mr. Warren was that way himself. He was always available. He has the faculty of remembering people's names, always their first name. Even to this day, he'll call people by their first names. If you happened to drop by his office and he'd be in there, he'd say, "Come on in, Clarence, come on in," even if you had no thought of going in there.

He knew exactly what everybody in his office was doing all the time, because when he met with the civil and criminal deputies, and the investigators, he'd ask them what their problems were, what they didn't like, what was wrong with the office, what were they doing. If a civil deputy didn't like what the investigators were doing, he straightened it out with the investigators. If the investigators didn't like the way the attorneys were preparing their cases, he would straighten that out also. He knew exactly all the time what everyone was doing.

- Severin: Of course, the office wasn't too large in those days. I think that we had a total of about sixty or sixty-five on the staff. But even so, that was quite an accomplishment. He knew exactly what was going on, all the time.
- Feingold: It sounds like he ran a tight ship.
- Severin: He ran a tight ship and we knew it. As I told you before, if he knew anything that you did that was improper or wrong, he didn't call you into his office and talk to you with the door shut. He waited until your group met and then he'd bring it up. You heard about it there. And you watched your step to see that it didn't happen again. But, then, after he once got through with what he had to say, he would drop it. That was the end of it. And that, in my mind, is the mark of a genius.

Office Rules

- Feingold: Mrs. Heinrichs mentioned that one of the rules she remembered was that no one in the office could accept any kind of a prize.
- Severin: Oh yes. I meant to tell you. I thought about that too. In an office like that, you deal with an awful lot of people who come around and ask questions, and you meet witnesses. Particularly around Christmas time, they would send in gifts--a tie or a shirt or flowers or candy or something like that. Any time that ever happened, two men would have to take it back to the person who sent it in. Not one man, not the man who received it, but two other men brought it back and said, "We're sorry. He can't take it." We were never allowed to take anything, not even one piece of candy, or a free meal or anything else.
- Feingold: Someone couldn't even take you out for dinner?
- Severin: No, we couldn't do anything like that. And I know that many a time we'd take a box of candy back to somebody who had sent it in good faith and appreciation. They were really hurt when we did that, but that was one of the rules. No one was obligated to anybody else, and the word got around that this office can't be bought. That was one of our strictest rules. That's another indication, then, of a public office attitude that you don't see nowadays.
- Feingold: That's very impressive because that certainly is a practice in any public office like that.
- Severin: It is. A lot of times, you receive gifts and you say, "I don't

Severin: want to take it back because I think it will hurt their feelings." But not in that office. Everything went back right now, as soon as it came in. If they were still there, when they brought it in, they took it away with them. If it was sent in, it was brought back no matter where it was. That's the type of office he ran. Everything was above board.

Private Practice and Outside Work

Feingold: One of the other things that Mrs. Heinrichs mentioned is that the secretaries, if they did have any time left over, did several different kinds of outside work, for some of the deputies that had outside private practices, work for the Masonic groups and also work for the Republican party and for the campaigns. I wondered if you could explain how they got paid for that, if they got paid.

Severin: Yes. Now, some of our attorneys had private practice and when they had a private case and when they had the spare time, they'd call in a stenographer to make up their legal documents, wherever they were. The secretary would keep track of the time, would keep a memorandum of it, and a memo of such time would come in to me every month and I'd bill the attorney for the amount of time that the stenographer had put in on it plus the cost of the paper and so forth. They were billed for that service and the fees came back to reimburse the county.

I'd forgotten about that. That was quite a chore. Some of them had quite extensive practices, particularly one of our deputies, Nathan Harry Miller, a little Jewish gentleman. He had a lot of outside private practice and so did some of our other deputies. But they knew that such work took second place in Mr. Warren's office. There was no personal work ever done that anyone got personal benefit of.

Feingold: Was that also true of the Masonic work and the Republican party work?

Severin: Yes. That was mostly all Mr. Warren's work though. I was active, too, in Masonic work but it was done outside of regular office hours.

Feingold: I was wondering because I know that every couple of years, at least, there were big campaigns, and I wondered if the office staff helped on any of those campaigns.

Severin: Yes, they helped. They would help for several reasons. Their jobs depended on it, for one thing. If the district attorney wasn't re-elected and a new DA came in they would be replaced by the new DA's appointees.

You see, the district attorney's office was unique in Alameda County and in political circles. It was the only office that didn't have civil service and everyone was hired at the pleasure of the district attorney. He could hire whom he pleased and he could let them go whenever he wanted to. The result was that he could pick the men he wanted to staff his office. That was because a lot of our work was secret and confidential, and included investigating public offices and personnel.

In fact, I think you know that Mr. Warren sent the sheriff of Alameda County to jail, several mayors to jail, city councilmen to jail, all of whom were prominent people in the community. And those you are investigating, you can't afford to have that leak out. You have to have people you can trust. And that's the type of people Mr. Warren hired--people that he could trust.

All the work of the staff on political campaigns was done after regular office hours, on Saturdays or Sundays or on holidays or at night, never in the office, usually at home or at some campaign headquarters. That was quite a chore too.

Feingold: Was the office staff expected to participate in the campaigns?

Severin: No, they weren't required to, but they did. They weren't expected to. They never had to make any financial contributions, just to contribute your time. And if they didn't have time to do it, their wives did it, their sons or daughters or their relatives. That was principally how it was taken care of.

Feingold: I can see that people would want to do it.

Severin: They couldn't do it in the office during working hours because political opponents would make a big issue out of it. Naturally, they would. It just couldn't ever be done and it never was done. Mr. Warren could do it because he was running for office. He could go out and make talks and things like that, but none of the rest of us could. It was as he told me: "I'll take care of the politics and you take care of the job."

Feingold: Speaking of politics, one thing I've always wondered about and you might be able to answer because you've been very active in Masonic circles, is what role the Masons played in Warren's political career.

Severin: Well, I'll say, judging from my experience, that those who knew him supported him one hundred percent. They recognized him for the man that he was and, naturally, being that type of man, no matter what his fraternal or religious background may be, he obviously was the man for the office. And they supported him. Of course, there were a lot of Democratic Masons as well as Republican Masons that probably supported their respective party out of loyalty to the party, but by and large, I'd say that they, even on that score, backed the man rather than the party, which is the way that it should be.

Undercover Operators

Feingold: One of the other things that we were talking about last time were undercover operators in the office. Were they part of the regular staff or were they hired for particular jobs?

Severin: Undercover operators as such were never members of the staff. They were always people on the outside who were interested in doing that kind of work. Sometimes they were called informers and sometimes they were called operators, but they were never members of the staff and they were not on the regular payroll. They were paid separately out of what was called an investigative fund. They would be paid through that particular fund and that fund, of course, was audited by the County of Alameda. Receipts were obtained for services rendered but the names of the people were never revealed. We'd send in the reports without ever naming the people. If word ever got out that so-and-so was an operator or an undercover man or an informer, they were through. They were dead. So, we just put them on and Mr. Warren, who was always informed of such activities, would approve it.

We'd pay them in cash, away from the courthouse, never in the office. They were told never to come into the office and they never did. Their assignments were always handled on the outside. We'd meet them in some out-of-the-way place and get their reports and pay them their money and give them their instructions. There was a lot of that going on then and still is now.

Feingold: What sort of work would they do? Were they placed in particular organizations or were they sort of free-floating or how did they work?

Severin: Well, they were people who belonged to certain groups like

Severin: subversive groups or who hung out at bars; people who were active in narcotics; people who were associated with what we called "suede shoe" operations, also who were involved in frauds and embezzlements. Our operators were people who had access to those kind of groups. In fact, I had one lady who worked particularly on abortion set-ups. She'd be the victim on many occasions. She'd make the contacts and set the thing up for us. Then, we'd go in and knock them over.

Some of them were very fine people. Some were, you might say, just the bums on the street. But their information was very helpful because they could mix with such other people whereas we couldn't.

Feingold: Right. One thing I was wondering is--especially the type who you say were the bums on street--if you could trust the information they gave you or if you wouldn't worry that they would give you information just so that they could get money.

Severin: We always checked them out beforehand. We never went on their word alone. You couldn't. After they had been in this type of operation for a long time we got to rely on them and they came to be what you'd call a substantial informer or a well-known informer, then you could have confidence in their reports. But, until that time, we always checked out everything told us. All we wanted to know was what was going on around the county. We couldn't use them to develop a case for us because they may have to testify in court and we couldn't allow them to do that. But they would give us information we needed and then we would use our own resources, our own efforts, to develop a criminal case if decided upon.

If you know what's going on, criminally, you can usually keep it under observation. So, operators always were very important, just to watch what such people do, to follow them, to see where they go. One of the most important ways of obtaining evidence is through surveillance. If somebody tips you off that somebody in a certain house is fencing stolen goods, and you watch it to see who comes and who goes and see what happens there and the way they operate, that's how you start to develop a case. Somebody has to get the information for you, otherwise you don't know what's going on. It's helpful when an informer either phones or calls in and tells you that something suspicious is going on. That leads to a possible criminal activity. That's what you use informers for, to check and find out whether their information is true or not, to check out the license numbers and things of that sort, to follow them around.

The Shipboard Murder Case

Feingold: I'm particularly interested in the shipboard murder case and I was wondering if operatives were used in that case.

Severin: Well, I'm not too familiar with the details of that case because that happened just after I started to work. I hadn't been there more than a month or so when the case broke, and of course, everything broke loose then. So, that was my first baptism into a major criminal case, at that particular time. But actually, I was a clerk at the time. I wasn't an investigator. I'd hear what was going on, but I wouldn't know the intricacies of its development.

Feingold: Well, I was wondering, since you handled the payroll, if you had been aware of where the money in the investigator fund was going at that time?

Severin: No, I just got the reports from the investigators, or a request: make out a check or an order for so-and-so, or requests for the assignment of stenographers for statements and interviews.

Feingold: I see. So, you never really knew the identity at that time of any of the operators.

Severin: No. I did after the case got going because during that case, they took some of the principals and put them all over the state, hiding them out so that they couldn't be found.

Feingold: Now, who were these that they were hiding out?

Severin: That case involved six or more defendants and it got to be pretty much of a labor dispute. The people who were involved as material witnesses, had their whereabouts been known, would have been disposed of too. At that time we didn't want the opposition to get in touch with them. In those days, important witnesses were hidden out so that they couldn't be located. They never stayed anywhere long, here a few days and then somewhere else a few days, back and forth until the case came to trial. That's what the inspectors did. They spent a great deal of time moving around all over with these particular people.

One of those defendants, to this day, has never been found. They still have a whole whooping file on him. Sakovitz is his name, Ben Sakovitz.

Feingold: Ben Sakovitz, yes. Mr. Ryken was telling me that the FBI calls

Feingold: in every year and says, "We still have Sakovitz on the wanted list."

Severin: Ben Sakovitz, yes. They never found him.

Feingold: Some of the names I've come across in the shipboard murder case --I was wondering if they were the people who had been hidden out. Let's see--Albert Murphy. Does that name ring a bell? Was he one of the people they were protecting?

Severin: I don't want to misinform you or make any statements that aren't true because I really don't know. I mean, I don't recall. I could refresh my memory if I looked at the records, but I don't recall at this moment the names of any of those particular people. As I say, I was new in the office at that time, and this was all a mystery to me. It was something I had never had any experience with before. I remember the names, but just exactly where they fit into the picture, I don't recall. That was thirty-seven years ago.

Feingold: Yes, that's a long time. One of the things that Mrs. Heinrichs mentioned was being taken to the Piedmont jail during the investigation of that case to copy down in shorthand the conversation of two people who were in a jail cell there. The conversation was coming over some kind of microphone system. She thought that you had been there also. Do you remember that?

Severin: No, I don't think I recall that. I remember being up in the jail, but I don't remember what case it was. The only case I remember was one that involved a minister here in town who got in trouble and the two defendants were put in the Piedmont jail. But I'm not sure that was the case that Beverly was referring to.

Feingold: She was referring specifically to the shipboard murder case.

Severin: No, I don't recall that.

Feingold: It was Ernest Ramsay and Albert Murphy who were in a cell together.

Severin: Ramsay--yes, I remember Ramsay was a defendant. And Murphy probably was too. I don't recall that.

Feingold: Frank Conner was one of the defendants. He was arrested in Seattle and when he was brought back from Seattle, he was taken to the Whitecotton Hotel in Berkeley and questioned there by a number of the inspectors from the office and I

Feingold: was wondering if this was common practice at the time to use hotel rooms rather than the jail, or wherever, for questioning?

Severin: Oh, yes. We questioned defendants or witnesses wherever it was convenient. We questioned them at the place where they were arrested or any place where we found them. Sometimes in the office itself, any place. There was no particular technique as to that practice. We questioned them anywhere, any time, any place, usually right after they were arrested, wherever that may be.

We took what we call a statement from them right then. We committed them to a story, in other words. Maybe it wasn't the true story, but at least we had them tied down to what they said was the case, and then they had a hard time changing it. That was a common practice, get them right away and ask them what happened, what they did. They'd make up something to go along, to excuse themselves. Nine times out of ten it wasn't the true story, and later on they couldn't change what they had said for the record. They had any number of reasons for so doing. But that practice was one of the first principles of good criminal investigative techniques, in that we'd take a statement right away. You can't do that now any more. You now have to warn them to be careful what they say ahead of time. In those days, we didn't have to. We just put it right up to them at the time and we'd get all sorts of weird stories.

Feingold: I can imagine. Mrs. Heinrichs also mentioned that during that shipboard murder case there was a lot of tension in the community because it was such a big case and involved the labor unions. She remembered that there were sandbags around the courthouse.

Severin: Yes, well, they picketed the courthouse. They marched around, four or five abreast, over the whole square block, for days on end. As a matter of fact, it was the labor unions who did that, because the defendants were all labor leaders or labor men. Hundreds of them just marched around continuously, not in a single line, but four abreast. I remember that distinctly, trying to get through that line. They'd shove and push you around.

Feingold: Did the jury have to come through that line also?

Severin: Well, that was a little different. The jury was always protected by deputy sheriffs who would open a path for them. So, there was no problem there. But for us employees, or anybody else, had no chance. You could get through, but it was rather rough. In fact, sometimes we wouldn't even leave the courthouse. We'd just stay there.

Feingold: I'm sure that the picketers didn't have very kind words for you either.

Severin: Oh, boy. They were insulting!

Feingold: Was it during this time that Chester Flint drove Mr. Warren's children to school? I know you mentioned that he did that at some time.

Severin: You see, Mr. Flint was there long before I came, so I don't know just when he started doing that. I imagine that when I first came, Mr. Warren didn't have many children. I think that he only had two. The others came later. So, I don't know just when Mr. Flint started that practice. But they needed protection because Mr. Warren was a crusading district attorney and he had a lot of enemies.

Feingold: There was another story that I wanted to check out. I managed to find Nathan Harry Miller's widow who is now living in Rossmoor. She's remarried, and she seemed to remember--of course, she wasn't sure; she was just a housewife at the time, busy raising children--but she thought that she remembered that there had been bombs planted in the motors of cars, or that there had been threats of planting bombs in the cars of the deputy district attorneys, or something like that.

Severin: That could be. I don't particularly recall that. But it is quite a frequent form of intimidation. It's quite a common practice in criminal investigations. You'd be threatened if you did this or if you didn't do that. But it very seldom happened. It would work most effectively on witnesses. They would be frightened and we had a hard time reassuring them that it wouldn't happen. It had a lot of adverse effect on our witnesses.

Feingold: I can imagine it would if you're not used to it.

Severin: There were telephone calls at night, letters and contacts on the street and things of that sort. It was quite a devastating experience to a witness. That's why to this day people don't want to be involved by seeing what happens on the street because they realize that they will be called upon to testify, and they don't want to be involved.

The Methias Warren Murder Case

Feingold: Yes. Do you remember any other cases that were during Mr. Warren's time?

Severin: Of course, one of the biggest ones was when his father was murdered in Bakersfield. You heard about that, didn't you?

Feingold: We've heard some, yes. Could you tell us your part of the story?

Severin: Well, I was still in the clerical department at that time and I think that you can get the best information, complete in every detail, from Oscar Jahnsen or from Lloyd Jester. Oscar Jahnsen handled the case.

We were at a Masonic breakfast that morning. It was on a Sunday morning that the word came through. So, all of us took off from the breakfast at the Claremont Hotel and went down to the office. Two of our inspectors drove stenographers Hilda Honett and Doris Bristol down to Bakersfield by car. The way down was cleared for them by, and at each county line they were met by, deputy sheriffs who escorted them through each particular county. Oscar Jahnsen and another group chartered a plane and flew down to Bakersfield. You won't believe this, but the car with the two stenographers got down there just a half an hour after the plane arrived.

So, when the plane had landed, and they were on their way to the city hall in Bakersfield they got the word that the district attorney's car had also arrived. I'll never forget Hilda Honett's story of that ride--bouncing around in that car, back and forth, and going well over the speed limit all the way down. That was quite a case. They never did find the murderer of Mr. Warren's father. But that's a case in itself and I think that Oscar Jahnsen could help you there. He handled it entirely, completely. I wouldn't try to add anything to it because no one beats Oscar on story telling.

Feingold: We've had very delightful interviews with Mr. Jahnsen.

Severin: You can't beat Oscar. He's a character in himself.

Feingold: Yes, he is. We've also gotten part of that story from Bob Powers, who was the police chief at Bakersfield at the time.

Severin: Yes, I remember the name. Oscar can tell you every detail. He engineered the whole thing. He sent the car down and hired the plane and took charge of the investigation. So, he knows every

Severin: detail about it. If you want that story, he's the one to give it to you. What I heard is just hearsay, but he was there. He lived through it.

Chester Flint and the Subversive Files

Feingold: You were telling me a bit last time--speaking of inspectors--about Chester Flint and his files on subversives. Could you tell me a little bit about that?

Severin: Well, that was very sensitive and secretive--details known only by Mr. Flint. He developed a complete file of all criminal characters, racketeers, and subversive activities going on in the area, principally in Alameda County, but also throughout the entire area. Mr. Flint was a specialist in such activities and he knew everyone involved in them and he maintained voluminous files of great value, but I imagine that to this day he is very reluctant to talk about it. Have you talked to Mr. Flint?

Feingold: No, I haven't. He's up in Trinity County, and we don't get up that way very often.

Severin: Well, even if you did, I don't think that he would ever talk to you about it. He never wanted any of that information to get out. It was pretty hot stuff in those days.

Feingold: I can imagine. Well, did he have trouble then with groups like the La Follette Committee?

Severin: He had a lot of experience with the La Follette Committee. They were quite a handicap and a problem to law enforcement agencies. They caused him a lot of problems.

Feingold: What sort of problems?

Severin: Well, I wouldn't know how to detail it. I say once again, his duties are only my impression and may not be right. I wouldn't want to tell you about it because maybe I am entirely wrong. I just know that he had a lot of trouble with that La Follette Committee, but just what the trouble was, I don't know because Mr. Flint was very close-mouthed. He wouldn't take anyone into his confidence, nobody. Even if you saw him today, he probably wouldn't tell you much, if anything.

But you should meet him. He's a wonderful person, one of the finest you'd ever want to meet. He was the kind of person

Severin: who, if he made an arrest, would say, "I'm sorry, old man, to have to do this. It hurts me to do it." And he meant it, too. They'd become his friends. When they'd get out, they'd turn informers and would be important sources of information to him. He treated them so graciously and so humanly, they never forgot him. He was sort of a god in his own right. I know that people would come and would pass on information to him, simply because of the way that he handled people. That's why I think that you should know him. He's a wonderful person.

Feingold: I'd like to meet him.

Severin: He is a wonderful fellow. Can't you take time off to go over there? It's nice country up there.

Feingold. I'd love to.

Severin: It's beautiful country up there. You should do that. That's a part of your job.

Feingold: I know. I'm sure that the weather is nice there, too.

Severin: Yes, it's hot up there. One of my friends just came back from that area and he said that it was real hot up there this weekend. This time of the year, it really is. But you should meet Mr. Flint. You could never meet a finer person than Chet Flint. Everybody loves Chet Flint. I don't think that he has an enemy in the world. He's very gracious, soft-spoken, kindly. There isn't anything that he wouldn't do for you. Thoroughly reliable, conscientious; he's got everything.

Feingold: Well, it sounds like he fit right in that office, with those characteristics.

Severin: Yes, definitely. So, if I were you, I'd certainly try to promote a trip up there and see him or find out if he ever comes down this way. I don't think that he would talk about that subversive file of his. That was very hush-hush.

Feingold: Mr. Olney is one of the advisors for our project and he visits Mr. Flint every once in a while and we hope that perhaps sometime he'll be able to take a tape recorder up and do an interview for us.

Crime Commissions

Severin: I worked with Mr. Olney too. I told you that, didn't I?

Feingold: No.

Severin: Yes, I worked for him twice when I was in the district attorney's office. He headed the crime commission for the state of California, he and Alan Lindsay, who is now superior court judge, Beverly and myself, Helen Jones and a few others [worked with them]. They assigned me to work with him for a couple of months on the two crime commissions he handled. That was statewide, not necessarily Alameda County alone, but for the state of California. So, I'm very fond of Warren Olney. He's a very fine gentleman and is very capable.

Feingold: Tell me a bit about the work that you did on the crime commission.

Severin: Well, just investigating various criminal activities throughout the state of California. Remember, I was doing investigative work for them. They'd send me out to interview this person or to interview that person or to take a statement from this one or obtain records. It was mostly getting records because that was my specialty, photostats and things of that sort, just general investigative work.

Feingold: Was it around any particular problem or question?

Severin: I don't recall now just what phase of the activity he was engaged in at that time exactly. I was only there for about a month. I took some time off of my vacation. You were allowed three weeks vacation in those days, so I worked for them during my vacation and probably a week over that. So, I didn't get into it too deeply. He headed two of those commissions. I worked with him both times. Of course, the commissions had been activated long before I worked for them and long after I left. He was one of our deputy DA's a long time. Mr. Lindsay could tell you about that. Have you talked to Judge Lindsay yet?

Feingold: No.

Severin: Why don't you talk to him?

Feingold: Now, was he in the office also or was he just on the crime commission?

Severin: No, he was in the office. He was one of our deputies, Alan

Severin: Lindsay. He is a judge now, a superior court judge.

Feingold: Was he there when Warren was there?

Comments on Staff Members

Severin: I think so. But there's one person you must talk to. That's Cecil Mosbacher.

Feingold: Do you speak to her much?

Severin: Well, I so seldom get down to the courthouse. When I do, though, she's in court. She's one of those conscientious persons. As soon as she gets off the bench, she goes to her room and shuts the door to study evidence and to get ready for tomorrow and you hate to intrude upon her. So, we very seldom ever talk. You feel like you're taking time away from her. I know how she is, because I worked with Cecil for years and years. Boy, she worked twenty-four hours a day, going full blast. So, when she concentrates on a case, it's a shame to interrupt her. But, you mean to say that you haven't talked to Cecil Mosbacher?

Feingold: No, because I've had the same problem. Every time I call her, she is either in court, or she is in the midst of preparing for a case and we haven't been able to find the time.

Severin: Well, you've got to talk to her. You haven't got this story worked up properly without talking to Cecil Mosbacher. She could tell you more about Mr. Warren and his family, about how she got hired, what she had to put up with. She's a wonderful person. She was a far better investigator than most of our investigators were, although she was an attorney.

Feingold: How so?

Severin: I worked on lots of cases with her. She was terrific. She would run you ragged. Now that's a must. You have to talk to Cecil Mosbacher. And talk to Alan Lindsay, particularly in regards to the crime commission. You've talked to Mr. Jester too, haven't you?

Feingold: Yes.

Severin: He was there long before I was. Howard Tupper is down south now. I guess you haven't had a chance to talk to him.

Feingold: No, I haven't.

Severin: Of the inspectors, there's Oscar Jahnsen and Chet Flint, Lloyd Jester and Howard Tupper. They are the only ones left from the original group. Just those four of them. I'll bet that they've got a wealth of background. When Mr. Warren came in, he formed the inspectors' division. They didn't have such a division before that. And these were the first ones he picked--Captain Helms and Oscar Jahnsen. They formed the department. They can tell you a tremendous amount about what went on when Mr. Warren became district attorney. And that's the important part of his career. There was no doubt in my mind that he was a man of destiny. He had to be. You could see it.

Feingold: You could, even when you worked for him?

Severin: Oh, yes. You could see it. You could tell. And it certainly turned out that way.

Feingold: When did you become aware that he was going to run for attorney general?

Severin: The attorney general before Mr. Warren took over that office was a man by the name of Mr. Webb. He'd been attorney general for about twenty-eight years and Mr. Warren always said, "I'll never run against Mr. Webb." He was a close friend of Mr. Warren's, so when Mr. Webb announced his retirement at the end of his last term, Mr. Warren decided that he would go after the job, only because Mr. Webb was relinquishing it. And that's how he got into it.

He had already made a reputation for himself in Alameda County and his great abilities were limited to a small county, whereas his characteristics, of course, covered the whole state. He belonged there. Just as he made his way into the governor's office. I mean, his horizons were expanding all the time. He could never confine his talents to a little county like Alameda. So, when Mr. Webb decided to retire, he decided that he would run for the job. And he did. He carried California despite the Democratic majority and he got the endorsement of the Democratic party, too. In fact, he got endorsed by both parties. That was incredible in those days.

Feingold: He frequently cross-filed when he was running.

Severin: Yes, he did.

Feingold: Well, then, when he went on to become attorney general, did you

Feingold: stay on in the district attorney's office?

Severin: Oh, yes. I stayed right on.

Feingold: As chief clerk?

Severin: Yes, I stayed on as chief clerk until the war broke out and then I went into the service. When I came back, they had another man in my position. So, they asked me if I wanted to be an investigator, which I wanted to do, naturally. So, I grabbed the chance and said, "Why, sure. I'm tired of office work and I'm tired of bookkeeping and I'm tired of rustling papers around." So, I took the job as an investigator and I'm glad that I did.

Feingold: And who was DA at this point?

Severin: Ralph Hoyt, a very fine person, a wonderful person.

Feingold: How did he compare as a district attorney to Earl Warren?

Severin: A man of integrity, just about the same. He didn't have the outgoing personality that Mr. Warren had, but he was a solid citizen, conscientious, dedicated, devoted. Everyone--Mr. Warren, Mr. Hoyt, Mr. Coakley--all come from the same stock, just terrific people. You can't find people like them nowadays. Mr. Jensen will, I'm confident, follow in their footsteps too.

Feingold: That office has had a very fine record of succession.

Severin: Yes, right straight through.

Feingold: So, did you stay on then as an inspector through Mr. Hoyt's term?

Severin: Yes, and then Mr. Coakley came in. He kept me on and made me a lieutenant shortly after he became district attorney. And then when Mr. Tupper retired, they made me captain of inspectors. And there's another great guy. You've talked to him, haven't you?

Feingold: Mr. Coakley? Yes.

Severin: He's a terrific guy, dynamic. He's terrific. One of the best prosecutors in the USA. Mr. Warren wasn't much of a prosecutor. He very seldom prosecuted a case. The only case that he tried that I remember was the ship murder case. The other cases were tried by deputies he assigned to them. Mr. Coakley tried all

Severin: of the major cases before he got to be district attorney. Then he tried the Burton Abbott case himself.

Feingold: Was that the kidnap-murder case?

Severin: Yes. He tried that himself. Boy, what a job he did. What a job he did! He was just a terrific guy--he still is. I hated to see him leave as district attorney because when they made Mr. Coakley, they threw the mold away. He's just a terrific guy. He's wonderful.

Feingold: He's still down there a lot, I think. He's district attorney emeritus.

Severin: Yes, he's a great guy, a great character. I'm sorry that we lost Mr. Hoyt. He's another wonderful gentleman, a very fine person, very fine. All officers of high caliber, above the average by far, simply because they didn't have civil service. The way it is now, if they have civil service, you could get three people to choose from and none of the three may be worth a darn. And you have to take one of the three. Now, then, if you don't have civil service, you can go out and pick the best man you can find. That's the way it should be. I'd never want to be under civil service. You just lose all your interest. You're secure and you just sort of let down and have nothing to worry about. But when you didn't have civil service status you had to do the job assigned to you and you were on the ball. It makes a difference. And the department head gets the right type of person needed on the job.

Feingold: As you say, you can really choose them.

Severin: Yes, you can really choose them.

A Gambling Raid

Feingold: Do you remember any particular cases you worked on as an inspector?

Severin: Yes, but that was long after Mr. Warren's time. You see, I was chief clerk all the time that he was there. It wasn't until after World War II when he was already governor that I got into the investigative work.

So, it wasn't my job to investigate, although I went out with the inspectors when Mr. Warren was district attorney. I

- Severin: went out with them lots of times on their cases to assemble the evidence, keep their records and take charge of the money when money was seized as evidence, or whatever it happened to be. I went out with them lots of times, thanks to Oscar Jahnsen. Oscar pushed me into that. He was my best friend. He took me along with him and Captain Helms wouldn't like it. He thought that I was an office man and that I had no business being with a professional investigator, but Oscar took me along any way. So, I owe a lot to Oscar Jahnsen.
- Feingold: He was your mentor in a way. He trained you in the ways of investigating.
- Severin: Yes, he certainly did. We worked on lots of cases together. I did no investigative work while Mr. Warren was there, except on the sidelines. I'd go out with them when it was the night of the raids. We did a lot of raiding in those days.
- Feingold: What would you have been raiding? This was after Prohibition.
- Severin: Gambling, mostly. They had a lot of gambling establishments in Emeryville, big ones. The first one that I went out on just after I'd been there a short time was when the Alemo Club in Emeryville was raided. I think that we arrested over three hundred people in that one night. We took them all to jail too.
- Feingold: Where did you put them all?
- Severin: Some to Berkeley, some to Oakland, some to Piedmont, some to San Francisco. We took them all over. I'll never forget that first time I went out. Oscar planned the thing. It [the gambling place] was run by a Chinaman, Chen H'ing. They took me along because they wanted to get their records, the money and all that. However, the captain [Helms] didn't want me to go because I might get hurt. He didn't care for me particularly anyway. So, anyway, Oscar took me and he said, "Now, listen. We may have to batter down the doors, but when you get in there, you go right to the office and stay right at the office. And after things are clear, I'll come out and then take charge of the office and be sure all the evidence is in."
- Well, when we got there, there was an outer door there, another door there, and an inner door. We got in the outer door all right, but when we got to the inner door, we couldn't get in and the word got around inside they were being raided. But they [the gamblers] bolted the inside door. So we had to use what was called a battering ram to batter the door down. All the time that was going on, why, confusion reigned. So, Oscar climbed up on the roof and chopped a hole in the roof

Severin: to come down inside because they had trouble getting through the door. Those doors are huge and heavy.

Here I was. I was standing there waiting for them to get in. Lloyd Jester was down by the Southern Pacific railroad tracks. There was a rear getaway entrance that nobody knew about, and people were pouring out of it. So, Jester called me, "Come on down here. We need help." So, I ran down where he was and we rushed in. We walked all through that whole place with men scurrying around carrying trays of money. I asked one of them where the office was and he said, "Over there; over there." [pointing]

I was in the office when Oscar came down through the roof. He was surprised to see me and said, "How did you get here?" I'll never forget that. Here I was already there when he arrived, and me, a complete novice. To me, it was all Greek. I didn't know what it was all about. That night, I had my picture taken while I was collecting the evidence in the office and I've still got that newspaper clipping, counting the money out there inside this Chen H'ing's place.

Feingold: Oh, this was Chen H'ing. I've heard that name.

Severin: Chen H'ing lived right next door to Oscar Jahnsen, on Vernon Street in Oakland. Boy, a lot of sparks were flying around that neighborhood. Yes, they both lived right next door to each other.

Feingold: Was he arrested, Chen H'ing?

Severin: Oh, yes. He was a wealthy man. But it didn't make much difference. Gambling wasn't too serious a crime in those days. The courts would just fine them, that's all they'd do. They would confiscate the money and fine them. It represented a lot of money for the county, and they kept it all. That was my first experience on an outside job.

Comments on Staff Members, Continued

Severin: There are several things you ought to do. You've got to talk to Mr. Lindsay. You ought to talk to Cecil Mosbacher and you must talk, if you can, to Chet Flint. If you ever can, don't miss that opportunity.

There are a lot of other people, too, who you could talk

Severin: to. There's Glenn Spencer, an attorney in town here, who Mr. Warren hired as a law clerk at the new courthouse office. He studied to pass the bar, passed the bar and then he quit the office. And then, there's Mildred Jones, now living in Danville, who was the file clerk I was telling you about. We started to develop the new file system here, and completely revised them. She can give you a tremendous amount of information about those early days when we moved from the old courthouse. She had worked at the old courthouse and came up to the new courthouse. She left the staff because she got married and had a child. She lives in Danville; her name is Mildred Jones.

Feingold: And Glenn Spencer, you said?

Severin: Glenn Spencer, he's an attorney in town, in Oakland. He can tell you a lot about his experiences in the office. Did you ever talk to any of the old stenographers? To Hilda Honett and Doris Bristol?

Feingold: No, the only one I've spoken to is Beverly Heinrichs. I think that I couldn't find some of them. I didn't know who they were. No one I've spoken to has kept up with them. Do you know where they are?

Severin: No, I've lost track of them too, but I can find out. Hilda Honett would be a terrific one to talk to because she is the one who had that wild ride to Bakersfield.

Feingold: If you could find that out, that would be very helpful to us.

Severin: She's a lovely person. You'd like her too. Doris Bristol--I don't know what happened to her, but she's around some place. There's two more--Rae Pollard, who was in charge of the stenographers when I took over at the old courthouse. She lives in San Leandro. And you certainly ought to talk to Florence Trombas. She was in the stenographic pool at the old courthouse. She was there long before I came. She knows everything about everybody. She'll talk an arm off of you. You'd better take four or five tapes when you go up to talk to her! Be sure and talk to those two. They're here locally.

Feingold: Florence Trombas lives in San Leandro?

Severin: Yes, she belonged to an old family there. Rae Pollard also lives in San Leandro. They're all in the phone book. If you haven't got one, I'll get you their phone numbers. But Florence Trombas and Rae Pollard are available. I don't know about Hilda Honett, but I think that she's around. They can

Severin: tell you an awful lot about the early days in the office. You'll hear the other side of it. You will hear about the investigative work and the legal work.

Feingold: The behind-the-scenes work that nobody ever realizes.

Severin: Yes, they'll tell you who and what each individual staff member was. They had to work for them, so they knew the person, just like they were part of the family. You must talk to them, particularly to Florence Trombas. Don't miss her. She's a character. She's tiny like you are, but she'd talk up to those deputies and how she would bawl them out! In fact, we called her the "Tiger." Her nickname was "Tiger Trombas." She wouldn't hesitate to tell Mr. Warren off too.

Feingold: Well, that's right. She couldn't let them walk all over her.

Severin: She wouldn't, but she'll talk. They can tell you more about Earl Warren because they were there before I was there and they would handle a lot of his cases, a lot of his investigations. And they could tell you a tremendous amount of details, particularly the ship murder case. They were both there. Florence Trombas, Rae Pollard and Hilda Honett were all in there at the time of the ship murder case. Beverly was kind of new at that time. She hadn't been there very long. Then she left shortly after that. She finally came back later, just before I left, and stayed a little while and then left again.

Feingold: Yes, she's at the University now. That's how we found her, in fact. She works for one of the central stenographic offices and she had typed some of the manuscripts from our office and I think that she mentioned to someone that she recognized a lot of the names that she was typing because she had worked in the district attorney's office.

Severin: Well, Beverly's knowledge is very tiny compared to what the others can give you.

Feingold: Well, good. I'll get in touch with them.

Severin: Yes, Beverly's experience was very small because she wasn't there very long at any time. These other people all retired from their jobs and they were there for twenty, twenty-five, thirty years. I think Florence was there for thirty-five or thirty-seven years. So, you shouldn't miss her, of all people. She's perfectly frank; she'll tell you what she thinks, good, bad, or indifferent.

Feingold: Good, that's what we like.

Severin: She'll tell you just exactly what she thinks. She won't try to flower it up or to pull back the punches or to be diplomatic. She'll tell you just right to your face what she thinks. Before you go, I'll get you Florence Trombas' address. We'll look up Rae Pollard's address.

Feingold: I'd appreciate that.

Severin: And Hilda Honett. I'll have to see where she is. I know that she married late in life. She may not be here any more. I haven't seen her for quite a while. There's a girl that could tell you a lot too, a very nice person. I'll get you Mildred Jones' phone number. If you can't go out to see her, I'm pretty sure that she will come in and talk to you down here, or any place.

Feingold: Danville, that's easy to get to. Yes, I've spoken to several of the attorneys and inspectors, but we hadn't spoken to anyone in the clerical department before Mrs. Heinrichs and you.

Severin: You should do that because there you get the facts about the individuals. These girls spent days and hours--They may have been gone for three or four days with a deputy, all over the state, and under trying conditions, hard conditions. You must talk to them.

Feingold: Oscar Jahnsen described--I can't remember which of the stenographers it was--but, in one of the raids that they made on the gambling ships in Los Angeles, one of the stenographers came along with them and Mr. Jahnsen was so impressed that she was taking shorthand notes the whole way out. He said that this boat was bobbing up and down on the waves, and there she was, unperturbed, taking shorthand notes.

Severin: There was another stenographer we had. I think she's still around. Her name was Edna Bowles. There was a woman! She could take your conversation as fast as you could talk. And when you got through, you'd think that it was printed. I never saw anything like it! Edna Bowles--work was beautiful! When I take shorthand, I can't hardly read it afterward. It looks like a mess. But her work was beautifully done. And she'd just sit there, unconcerned. Other stenographers would say, "Slow down," "Go quiet," or "What did you say?", but not Mrs. Bowles. You'd never know that she was doing anything.

Feingold: I think that Mrs. Heinrichs mentioned her beautiful shorthand.

Severin: Beautiful. It was just like it was printed, beautiful.

Feingold: Do you have any recollections of any of the other deputies that you'd want to mention?

Severin: Most of them, the ones that were really colorful, are all dead now. Leonard Meltzer and Charlie Wehr. Charlie Wehr was one who worked with Mr. Warren on the ship murder case. And then, they're gone. But there's Cameron Fox. He's a U.S. commissioner right now. And Lawrence Fletcher--I mean, there's a list. Have you got a list there? [Interviewer hands him a list of office personnel.]

Feingold: This isn't complete, by any means. These are mostly the deputies who were there when Warren was DA.

Severin: [Refers to list.] Sam Berry is still alive. Maurice Bleuel is still alive. Chester Caldecott is still alive. Dick Chamberlain. Have you talked to Laurence Dayton?

Feingold: No, I haven't talked to him.

Severin: You ought to talk to Laurence Dayton. He's right up here in Montclair. After he left our office he became U.S. district attorney for northern California. I took Mr. Dayton's place. He was running the clerical staff and he became an attorney. I took over the job.

Feingold: Oh, he was the one who was studying law at night?

Severin: Yes, and I took his place when he moved up. Folger Emerson--he's still alive. Lawrence Fletcher.

Feingold: Who was the office boy?

Severin: Albert Hederman.

Feingold: That was Albert Hederman?

Severin: You ought to talk to Albert Hederman too. Haven't you talked to Albert?

Feingold: No, he's on my list--I'm about to.

Severin: You're terrible! You're terrible! He's right down in the office down there. He came right from the Oakland high school. Mr. Warren took him right from school, and he's been there ever since he graduated. That was way back in 1937 or 1938. In fact, he was assistant district attorney, chief assistant

Severin: district attorney. Here's Lynn Gillard. Lynn Gillard is also a United States district attorney. He's still here. Marc Hardin is still here. Mr. Hunter--have you talked to Mr. Hunter?

Feingold: Yes.

Severin: Kennedy Jackson. Bob McCreary--have you talked to Bob McCreary?

Feingold: No.

Severin: He's a wonderful fellow too. Jim Oakley just died. Agnes Polsdorfer--have you talked to her?

Feingold: No. I've talked to her, but she didn't want to tape record.

Severin: Oh. Arthur Sherry--have you talked to him?

Feingold: Oh, yes. He's right in my neck of the woods, at Boalt Hall.

Severin: Boy, you've got a lot of work to do. You could be busy for a year or two if you talked to all these people. You've got a long list to talk to.

You have Cameron Wolfe down here. Doris [Bristol] and Hilda Honett. You have the three names down there. You have all the names that I told you about. I hadn't even seen your list.

Geingold: One question that I wanted to ask you about Charlie Wehr in connection with the shipboard murder case is--I don't know if you remember, but several years after the case itself, there was a habeas corpus petition filed to get George Wallace out of jail. One of the facts that was brought up then was an alleged connection between Charlie Wehr and Julia Vickerson, one of the jurors, and I wondered if you knew anything about that.

Severin: No, that was pretty much hush-hush. I remember the incident. It was in the papers quite extensively. If you look at the papers from around that time, it will be all in the papers. But she was supposed to have been one of his clients in private practice. She wasn't supposed to be on the jury. But then, as I say, I wouldn't even comment on that. But that did happen. It did happen.

Feingold: From what you knew about Charlie Wehr, would you think that it would be true?

Severin: Yes, yes. He was quite a wheeler and dealer, Mr. Wehr was,

Severin: quite a character in himself.

Feingold: Was he a ladies' man?

Severin: Yes, quite so, but a very powerful, strong, dynamic type of person, something like Mr. Warren, but he didn't have Mr. Warren's finesse, his ability or his integrity. He didn't have those qualities, but he was of the similar type, a dynamic, hard-driving, sort of unscrupulous sort of a person. But very able, a very able person. Quite a character Charlie was.

Feingold: There is a nickname I've heard a couple of people use referring to him--it sounded pretty terrible--"Old Bucket of Blood."

Severin: I haven't heard that, but it would apply all right.

Feingold: I think that that was referring more to his abilities as an attorney in getting convictions, in that he'd go for broke.

Severin: Yes. As I say, he's very aggressive, very dynamic. He'd go right to the limit. Very successful too.

Feingold: Do you have anything more that you want to add?

Severin: No, I don't think so.

Feingold: I've exhausted all the questions I can think of. You've given us a great deal of information.

Severin: Well, you can get a lot more from the people who were in there before I was.

Transcriber: Marilyn White
Final Typist: Beverly Heinrichs

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Homer R. Spence

ATTORNEY, LEGISLATOR, AND JUDGE

An Interview Conducted by
Miriam Feingold



Homer R. Spence in the state assembly, 1923.

STATE LEGISLATURE
1923



Homer R. Spence, Associate Justice of the California Supreme Court, 1950.

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Legislator, and Judge

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INTERVIEW HISTORY

The Honorable Justice Homer R. Spence was interviewed for the Earl Warren Project of the Regional Oral History Office in order to record his reminiscences of his career in public service as an attorney, legislator, and judge, and to capture his impressions of his life-long friend, Earl Warren.

Interviewer: Miriam Feingold

Conduct of the Interview:

Two interviews were held with Justice Spence, on January 5 and January 10, 1972. Both sessions were conducted in the small office he maintains in San Francisco's financial district. The interviews each lasted about an hour and a half, with a short break half way through each session, and the first session concluded over lunch at a nearby restaurant.

In the early stages of setting up the Earl Warren Project, Justice Spence was called on for his advice and assistance, and he helped in obtaining funds for the Project. At the time of the interview, therefore, he was already aware of the purposes and progress of the Project.

A written outline had been submitted to Justice Spence before the interview, and he used this as a base from which to reminisce about his long career in public service. He had also gathered together notes and memorabilia which he used to refresh his excellent memory during the interview.

Editing:

Editing of the transcribed taped interview was done by the interviewer. Minor rearrangements of material were made to maintain continuity of the discussion without interrupting its informal quality. Justice Spence very carefully reviewed the edited text, correcting several minor points, and adding a few written statements to amplify or clarify his original comments.

Narrative
Account of
the Interview:

Justice Spence's career spans the years "from the horse and buggy days into the space age," and he begins the interview with a succinct description of life in the early 1900's.

Born in San Francisco and reared in the Bay Area, Homer R. Spence received his law degree from Stanford Law School in 1915. It was as a struggling young attorney, he relates, that he first met Earl Warren, then also in private practice, at the Young Lawyers Club.

After describing his military service in World War I, Justice Spence relates how he was persuaded to run for the state legislature in 1920 as a progressive Republican. He comments briefly on the state of California politics in the 1920's. In the three terms that Mr. Spence served on the legislature he backed several important bills, including the East Bay Municipal Utility District Act, the state bar act, and measures reforming civil legal procedures, all of which he discusses in detail during the interview. Justice Spence also describes his work in 1926 in support of a legislative reapportionment plan, a plan then supported by Earl Warren.

Shortly after leaving the legislature in 1927 Mr. Spence was appointed to the superior court of Alameda County, where he had several opportunities to observe District Attorney Earl Warren in action. Justice Spence comments on Warren's courtroom style and also on the standards of criminal justice of the day.

Only three years after being appointed to the superior court, Judge Spence was appointed to the California District Court of Appeal, where he served for fifteen years. One of his more interesting cases concerned the settlement of the Dargie estate in which the Knowland family gained controlling interest in the Oakland Tribune.

In 1945 Judge Spence was appointed to the California Supreme Court, where he served until

his retirement in 1960. He notes that during his entire career he "never had a claim of disqualification made in court" against him.

Justice Spence concludes his interview by commenting that today's turmoil and uprisings are not new and seem "to be repetitive of time gone by."

Appended to the interview is an interview with Justice Spence conducted by Kenneth Johnson of the San Francisco Bar Association as part of their study of the history of the San Francisco Bar.

Miriam Feingold,
Interviewer

24 March 1972
486 The Bancroft Library
University of California at Berkeley

BACKGROUND

Comments on an Era

Feingold: Just a moment ago you were commenting on the times that you and the Chief Justice have lived through. Could you say a bit more about that?

Spence: Well, I am very happy to have lived to the age that Chief Justice Warren and I have lived. We were born the same year, 1891, the Chief having been born on March 19, and I having been born four days before that.

In this era that we've lived, I think we've had a tremendously intriguing train of progress in many, many ways. It's been particularly evident in transportation and communication, perhaps.

We have lived from the horse and buggy days into the space age, and we're both fortunate to be in pretty good health, even though we've passed the eighty mark. You must remember in orienting ourselves, that in 1891 California had only been a state for forty-one years. The transcontinental railroad, the first to arrive out here, had only arrived in 1869, twenty-two years before we were born. It was truly the horse and buggy age, because even the bicycle--the "safety", as it was then called, that replaced the old, big, high-wheeler, or main-wheeler--was in its infancy, you might say. Of course, the automobile was in its early infancy. You saw very few of them, if any, on the streets in the nineties. They came along more after the turn of the century, when they came into a little more general use.

Spence:

Of course there was no such thing as a heavier-than-air machine in flight in the nineties. There were attempts to put up dirigibles and balloons of one kind or another, for various purposes. But they were relatively amateurish, as we look back at them today. Out by Golden Gate Park in San Francisco, along the Panhandle, along Fell Street, where the Southern Pacific Hospital was later built and existed for many years, was a great big frame of a dirigible, that was under construction. It stood there for many years, but the dirigible was never completed so far as I know.

For public transportation, there were cable cars and there were many horsecars, on both sides of the Bay. As a matter of fact, the electric power development was just in its infancy. A horsecar ran between Oakland and Alameda, for instance. It belonged to a man by the name of Theodore Meetz, an Alamedan, who sold it to the Traction Company in 1894. The Traction Company put a little Toonerville trolley, with turnouts across the marsh and up through Alameda, and also up into Oakland on the other side of the estuary after crossing the bridge.

So far as communication was concerned, they had had the telegraph at a fairly early date, but the telephone was quite new, and there weren't too many of them in the nineties. It was very unsatisfactory service one would get, with a lot of interference on the lines. The telephone, however, came along rather rapidly from that time on. Of course there was no radio or radar in those days.

The popular invention of the day, which amused us very much, was the old, so-called gramophone, that had been invented by Thomas Edison, not too long before, and which, in a very squawky way, with a round tube arrangement, rather than a disk, played through a horn. It was considered a very great treat to have one of those in your home to entertain the family and friends.

Toward the time of the First World War, things had picked up considerably. The telephone was in general use, radio had come in to some extent. In the field forces over in France we used a ground telegraph, which intrigued most of us because it seemed so uncanny to be able to set up the simple

Spence: set-up we did, and telegraph by ground from one spot to the other, provided the spots weren't too distant.

Of course, the motion picture, as a means of communication, was in its very infancy. We had the nickelodeons about the turn of the century, which were little places with very odd little short films, and a pianist who played to try to entertain the crowd while the films were running as well as when they failed to run. It developed into a real industry, after the turn of the century. Soon they had the startling invention of the means for combining the voice with the picture. That came in the twenties, and it was considerably later that they achieved any success in putting color into the motion picture field. Today we just take it as a matter of course, seeing beautiful colored pictures, with very true voice, with practically no interference. We can remember the days when we didn't even have the nickelodeons, and didn't know the motion picture show in any form. What a difference today with a color television in almost every home.

Returning to transportation, I didn't mention the fact that it wasn't until after the turn of the century that the Wright brothers first got up in the air with a heavier-than-air machine, at Kitty Hawk for a short flight. That event was hailed all over the world as one of the greatest steps forward that there had been made.

In the First World War, we had pretty good flying machines, as they went in those days. But it was a crime, the number of those that went down during the war solely because of their own defects, and not because they had been hit by the enemy.

Well, I could talk like this all day. You opened up a broad subject, and you asked me to say something, and I've tried to respond briefly.

Family History

Feingold: Yes. I gather you were born in Alameda County.

Spence: No, I was born in San Francisco. I was born here at 1710 Eddy Street, and interestingly, the little home I think still exists. Not too far back, a year or two ago, some very tough crooks were finally located and arrested in that nice, little cottage where I was born, out in the Western Addition, which was a nicely developing little residence district in 1891.

Feingold: That little neighborhood probably was not very much built up then, was it?

Spence: Well, it was. It had been developing. My grandfather lived a couple of blocks above, between Divisadero and Broderick. I was born on Eddy Street between Scott and Pierce. Yes, there were quite a number of homes; it was quite well built up. They were flats mostly, I think. I was born in a cottage, which unlike most flats, was not jammed into a twenty-five foot lot with no ventilation or air from either side. There were several food stores and other commercial establishments along Divisadero Street, even at that time.

I didn't remain in San Francisco long. My family moved to Alameda in 1893, but we were only there a year or so before my father was made manager of the Western Meat Company in San Jose. We moved to San Jose, where we remained for six years, before returning to San Francisco. Then after being in San Francisco from 1900 to 1902, we moved to Alameda, which became quite a permanent home. I lived there for fifty-eight years, until 1960, just before I retired from the Supreme Court. Since then, I've lived in Oakland.

Feingold: Were your parents native Californians?

Spence: My mother was a native Californian, yes.

Feingold: What was her name?

Spence: My mother's name was Grace Roberts, and in collateral relationships some way, I'm related to Earl Roberts,

Spence: Lord Roberts he is called. They called him "Bobs," but he was a great general. He distinguished himself both in India, where he was born, I believe, and also down in Africa, in the Boer War.

My grandfather, George G. Roberts, came here in 1851. He had been a headmaster of a school in a town called Carnew down in southwest Ireland, and my grandmother had been a teacher. Even after they came here, and he was in the contracting business, they had occasion to teach English at night to many of the big merchants of this city, because many of these people had come from Europe with insufficient education in English.

Feingold: Then they came here straight from Ireland?

Spence: Practically, although there was a stopover, probably of a year or two, in St. Louis before they came out. My grandfather first came west alone, and subsequently went back to St. Louis and brought the rest of the family out. In his family, there were thirteen children. My mother was the thirteenth child of that couple. Two of them were born in Ireland. One was born on the high seas, coming to America. One was born in St. Louis, and the rest were born here. I knew eight of them well as adults. In those days, you know, there were many children lost in childbirth, as well as shortly thereafter.

Feingold: Where did your father's family come from?

Spence: My father's family lived in Ohio, and my father didn't arrive here till 1882. He had an uncle and a brother out here, who preceded him by a short time. The uncle, who had his home up on top of Belvedere, in Marin County, had quite a clothing establishment. I think it was called the Chicago Trading Company, on Kearny Street. I knew him and his wife quite well, before their passing. My father's father died just a couple of months before my father was born. My father was raised by an uncle, James Clark, and my father's name was Clark Spence, named after that uncle.

Feingold: And then your father went into the meat business?

Spence: He was with the Western Meat Company here, but afterwards, when he came back from San Jose, he went

Spence: into the wholesale jewelry business; he was in the firm of Phelps and Adams, at 120 Sutter Street, where Roos-Atkins is now located. Incidentally, that property belonged then, and may still belong, to the University of California. It belonged to the University, I know, at the time of the fire. It burned to the ground, as much of the rest of downtown San Francisco did.

Education

Feingold: Getting back to your childhood, did you start school here, or did you go to school mostly in Alameda?

Spence: No, I started school in the Grant School in San Jose, and I had just about a year there. We moved our home then, and I went to Longfellow School in San Jose for about one year. Then after we returned to San Francisco in 1900, I was one year in the Golden Gate School, out on Golden Gate Avenue near Scott. Then, because of the fact that I'd completed the highest grade they taught there, I transferred over to the Hamilton Grammar School, which was next to what was then the Girls' High School on the southeast corner of Geary and Scott. It was to the east of the Girls' High School, and facing north toward what now is that large playground and park between Geary and Post Streets.

We moved to Alameda, because we had been temporarily living in the old family home, at 1915 Eddy Street, and we were about to have another member in our family. I had one sister older, and one sister younger, who had been born in San Jose. We were about to have another member of the family, and my dad purchased a home on Weber Street in Alameda. We were still living there at the time I went in the service in 1917. No, I take that back. We had just moved from there, and leased the old Whittell home, which was a very wonderful old place, right on the Bay shore, and completely surrounded by magnificent trees. It had a swimming pool, tennis courts, and its own windmill. You may remember hearing of the son, George Whittell, who passed away recently. He used to like to keep lions in his apartment in San Francisco. Quite a character.

Feingold: Then, continuing with your education, where did you go to high school?

Spence: When we went to Alameda, I was in the high sixth, I believe. In Alameda I went to Mastick School, then to the Alameda High School, and thereafter to Stanford University, where I spent six years, having received an A.B. in 1913, and a J.D. in 1915.

Feingold: What did you major in at Stanford?

Spence: Oh, pre-legal, as they called it, and then I took the law course.

Feingold: How did you decide to go into law?

Spence: I decided after my first year at Stanford. I didn't know what I was going to go into at the start. I was just taking a course leading to business preparation, economics and so forth. I finally decided I wanted to be a lawyer in the second year I was down there. I had gone to Stanford with the idea that I would like to go to college for a short time, and at least be able to say I had gone to college--I thought I might be there six months and I ended up being there six years. It was a very pleasant experience.

Thinking of the money standards, and changes of money standards -- You know, we had a terrible time getting away from the effects of the big depressions of 1893. In 1907 here in San Francisco, we had quite a depression, you might call it. They had to issue clearinghouse certificates, which were used in place of money. You didn't see any money whatever, other than perhaps small coins.

Feingold: Isn't that interesting! I've never heard of that.

Spence: Everybody accepted it. I think the university used those for a couple of years or more, trying to get over that critical time. I always say that California didn't get out of the doldrums until perhaps the time of the First World War. It was a very unsettled time. Business was rather depressed. It picked up a little bit at the time of the 1915 Panama Pacific Exposition, which was located out here on the marina lands, but it was a very, very slow process.

Spence:

I know of only two men, out of all those who came out of Stanford Law School about the time I did, who got jobs which paid a salary. One was Courtney Moore, who went with Garrett McEnerney here, at a hundred dollars a month; and the other was Maurice T. Dooling, Jr., whose father was a federal judge, and who went into the city attorney's office here.

It was hard even to get desk space in an office where one could try to get a little business for himself. It was very difficult. I started to mention these things because of the difference in money value. I got out of high school in December of 1908, and I wanted to get a little money to go to college. I did everything I could to get a job to bring in some money, but you just practically could not get a job, period. I ended up by going to work for my father, in his wholesale jewelry business, in the packing room at nine dollars a week. I commuted from Alameda, and paid my communte fare and lunch and so forth. I soon found out that it wasn't going to bring me much money toward going to college at that rate.

So I took off with some other fellows in May of 1909. We went up north, and we sold a book called the Davis' Commercial Encyclopedia of the Northwest. Incidentally, that was put out by a fellow by the name of Ellis Davis, who was a University of California man. I went up there with a man in the University of California Law School then, Lynn Laney. His brother afterwards ran the Inter-City Express over in Oakland for many years. I think the family probably still runs it. Lynn Laney was later district attorney in Phoenix, Arizona, and quite a prominent attorney there. Finally I visited him in Phoenix. We hadn't seen each other in fifty-three years. We had a very nice day together. I'm not too sure whether Lynn Laney is still living, but he was quite a man, even though very small in stature.

Feingold: So you earned the money that put you through school?

Spence: Well, I earned a few hundred dollars up there, which was pretty good. Came home with it in gold in a money belt, such as we used to use. I took a look at the 1909 exposition at Seattle on my way back.

Spence:

Thereafter I worked every summer, and every Christmas vacation, and also did some newspaper work for the dailies. Wrote some feature pages for Sunday papers. Wrote local stuff for the Alameda paper, concerning local people at Stanford. Got a little money out of that.

I had to invent many ways of trying to make money to get through college, because the first business hit in a depression is the jewelry business, as you can imagine. While my father's jewelry business had some very satisfactory years later, it was in the doldrums at the time. You see, 1907 was the time of the depression and the clearinghouse certificates, and it was in the fall of 1909 that I was starting to college. I worked two summers in the oil fields. Whenever we couldn't get a job elsewhere, we'd go to the oil fields, because all of the regulars got out of the oil fields, it was so hot in the summer, and came back later, after they'd had their vacation down at the seashore or in the mountains. So you could always go to the oil fields and get a job in the heat of summer.

I worked for the Associated Pipeline in 1910, and I worked on a rotary drill for General Petroleum in 1913. I worked in jewelry stores up here every Christmas. I think we got two dollars and a half a day in the jewelry stores. I think we ended up about 10:00 each night after an early start in the morning. Money was worth a great deal. Well, just to give you an idea, when I was in college, with board and room and fraternity dues in the whole six years I was there, the bill was never over \$34 a month. So you can see how different it is today.

Early Work Experience

Feingold: Yes. Well, what happened when you graduated from law school?

Spence: I started down here within a hundred yards of where we are, down in the Kohl Building at California and Montgomery.

Feingold: For pay?

Spence: No. Well, I hate to tell you what the amount was. It was supposed to cover my commute fare I think. But anyhow I had the right to take my own business and so forth. But, you know, it's surprising how well the world seems to get along without the services of a young new attorney who has just come into a big city and put his name on a door. They don't seem to recognize the fact that he's around!

What saved me at the start was, I got a temporary position with Percy Long, city attorney of San Francisco, helping Jesse Steinhart who was an ex-member of the city attorney's office. He was then doing some special work for them on the fight by the Municipal Railroad with the United Railroads to parallel and use the same tracks down Market Street. You see, there were four sets of tracks on Market Street then. It was the Municipal Railroad's right to use the outer set of United Railroad's tracks that they were battling. It was long drawn-out litigation, and I went in mainly to do a special piece of work. However, I accompanied Jesse Steinhart into court with regularity, and did most of the research work for him, on that job.

Feingold: So you were able to earn enough to keep yourself going while at Stanford and thereafter?

Spence: I was. I had practically no help from the family during my college days. If I got in a real pinch the family would somehow find maybe \$25 or \$50 to get me over it. Among other things, I had a laundry concession. You may recall that Herbert Hoover had the same thing in his college days, collecting the bills from students for the laundry people. I had one of those jobs. I assure you that my efforts were quite varied in my endeavor to earn the money to go through college.

Feingold: How long were you with the firm here?

Spence: Well, of course I started to practice in 1915, and the World War started in '17. So I was with it until then.

Feingold: You mentioned when we spoke last time that you became active in the Young Lawyers Club?

Spence: The Young Lawyers? Yes, that was a club formed in

Spence: Oakland before the war. Of course I was living in Alameda County, and was associated quite closely with the young lawyers in Alameda County. As a matter of fact, I dug up a little business in Alameda County to keep the wolf from the door, probate matters and other types of work.

The Young Lawyers Club started probably in 1916, maybe '15. It started largely because the young lawyers were full of pep and had an idea that the Alameda County Bar Association was a little bit moribund at the time. A very fine gentleman, and a great lawyer, Melvin C. Chapman, had been president of the Bar Association in Alameda County for almost twenty years, and he tried to get out of it, but they'd all put him back in each year. When any man has been in office a long time, he doesn't seem to have the ingenuity and the initiative that he had when in his first years in office. So it was with M.C. Chapman. It got to be rather routine with him. He'd probably have only one meeting a year, and that was a pretty formal affair, with a fixed routine. In fact, it cost so much, the young lawyer could hardly afford it. They'd put on annual dinners at the best places.

The Young Lawyers formed their organization because they wanted to have a group of their own which would be an active, going concern. We weren't able to do much, and didn't get to the point of developing programs which might have been beneficial to us before the war started. We were practically only a social organization. We did have a very closely knit organization in a sense, with most of the young lawyers of Alameda County in it. Earl Warren was one of them. I was one. Gilbert Jones, Dave Clark --

Feingold: Was Oliver Hamlin, Ollie Hamlin, in it?

Spence: I'm not sure whether Ollie was in there or not, to tell you the truth, but I think he was.

There were quite a number. Tom Ledwich, who was afterwards a superior court judge was in it. Chris Fox, who was afterwards a superior court judge was in there. We had a live group. We met at the old Peerless Cafe, with a high degree of regularity, at least once a month. We had a rollicking good time and enjoyed ourselves for all that period.

- Spence: But when the war came along, practically every man in it was eligible, and we soon drifted into uniforms.
- Feingold: Was this the first time that you met Earl Warren?
- Spence: I don't think I ever met Earl before 1915, when I started to practice law. I'm not sure. Earl was with Robinson and Robinson for a time, I think --
- Feingold: Right. About a year.
- Spence: I'm not sure just where Earl was located. He was also assistant city attorney before he went into the district attorney's office. I don't think he went into the district attorney's office before about 1921.
- Feingold: That's right.
- Spence: But I had known him quite well prior to that time, and probably largely through this Young Lawyers Club. We didn't have the Athens Club till a little later, of which Earl was a very active member. He played handball there every afternoon, keeping himself in fine physical shape.
- Feingold: Yes. That's a great way to do it.
- Spence: That club was not in existence at the time we started. It came into existence, I guess, in the early twenties. I belonged to it when I was over there as a judge.

World War I

- Feingold: So you went into the service then. Did you enlist?
- Spence: I did enlist. I was down south at the time the applications were closed for the first officers' training camp. War was declared in April. I think the first training camp started in April or May. The second training camp, that I got into--and that was a three-month camp--started in August of 1917. Well, I had enlisted in the meantime in the Tenth Company, Coast Artillery of the National Guard, in order to get started on learning a little military, and also

Spence: with the idea of applying for the next training camp. I was a sergeant when I entered the service.

We worked quite hard, some of us, who did enlist. I got to be a second-class gunner, and then a first-class gunner. Then I took the tests for the important post of plotter. A plotter gets the information from stations along the coast, and then plots on the plotting board the course of the ship to be fired upon. He gets that information every thirty seconds and can thereby plot the course of the ship. Then he can calculate how fast it is going, and the range, and what lead should be taken ahead of that ship to offset the flight time of the projectile to be fired at it.

Feingold: Now where was this?

Spence: Where? Well, it was in the National Guard training until August 5. Most of our early training was had out at the old armory at 14th and Mission. You know that area?

Feingold: Yes. I don't live very far from there.

Spence: Well, Colonel Mathewson who was secretary of the railroad commission was the colonel of that regiment. Then we were called into active federal service on August 5 of 1917. We were an odd-looking bunch of soldiers, poorly uniformed, as we marched out Market Street and over to Fort Scott. We went into service there in tents, with the good old cold fog around us. But fortunately for me, my application to the second officers' training camp was accepted, and in the latter part of August--that is, I'd only been at Fort Scott two or three weeks, I left and went down to the training camp at the Presidio.

I was commissioned there on November 27 of 1917, as a First Lieutenant of Field Artillery. I was ordered immediately to report in France as a casual officer, that is, one temporarily unconnected with troops. I was given ample time to get there. It worked out very nicely. I didn't have to report at Hoboken until the 15th of January. Transportation hadn't caught up with things, and they couldn't push ships any faster. It had the effect of giving me Christmas at home. I left home the day after Christmas of '17, and I got back home in late June of '19.

Feingold: And then what did you do?

Spence: After I came back? I started practicing law in Alameda. One of the firm, a man by the name of L.R. Weinmann, who was then police judge in Alameda, had become attorney for the Citizens' National Bank over there. In those days such attorneys did more for the banks than they do now, because most banks now have attorneys in their trust departments and what not, who are so-called house attorneys. But we were upstairs over the bank, and did quite a lot of work for the bank, while still practicing independently. I was there until I went to the legislature in '21.

I left there and formed a partnership with Daniel W. Burbank, and we had offices in the Alexander Building, at 155 Montgomery, in San Francisco. We got into the Alexander Building in 1922, just about the time they started to knock down the old Russ Building. Then they started to put up the new Russ Building, and those were the days when they did a lot of riveting, and by all odds I had the noisiest law office in San Francisco for the first years that I was back over here!

Feingold: Well, backing up a bit to your law practice in Alameda, by that time had the economic picture picked up enough so that you had a salary?

Spence: Yes, and a partnership interest.

THE STATE LEGISLATURE, 1921-1925

Getting Into Politics

Feingold: Well, now, where did you get the idea to run for the state legislature?

Spence: It was the furthest thing from my mind, but it was brought quickly to mind because a man by the name of William J. Locke, who had been assemblyman from our district, had become city attorney and deemed it incompatible to hold both offices. He came to me and suggested I run.

Feingold: Why did he come to you? Do you know?

Spence: I just happened to know him quite well. They were looking for somebody to take his place, and I think my name was suggested to him by some of those who had previously backed him. You see, the Republican party at that time was the dominant party by far here. The Democratic party was practically dormant. They would usually put up a candidate for governor, and perhaps a few other offices, but for most of the legislative posts, they'd put up no candidate at all.

In the Republican party, there were definite factions. The split in the Republican party back in those days had come about by reason of the fact that, unhappily, there was some substantial corruption in politics, much more so, I believe, than one will find today. If one read the book Abe Ruef's San Francisco, or Franklin Hitchborn's book, The System, he will learn of the deplorable situation here in San Francisco in those days, and probably also learn of Abe Ruef's picture being taken at the Republican

Spence: convention about that time down at Santa Cruz, with his arms around some of the prominent political figures of the state.

It was the Hiram Johnson regime that came in battling statewide the corruption that was pretty widespread in this state. As a matter of fact, it may be recalled that that corruption hadn't ceased, because in the early twenties, which was the time I spent in the legislature, we had the Teapot Dome scandal and the prosecution of Secretary Albert Fall, Secretary of the Interior, who was convicted of accepting bribes, I believe.

In any event, the well-entrenched group in the Republican party, the ultra-conservative group at that time, had been challenged to a large extent by Hiram Johnson, about 1910, and following. In the aftermath of the Hiram Johnson movement there was in this state a very definite so-called progressive group in the Republican party, as opposed to the stand-patters, or the conservatives, or the so-called radical right in the party.

Well, when I went up to the legislature, I became part of the progressive group within the party, and we had battles up there for the speakership twice, once in 1923 and once in 1925, in which Frank Merriam, the choice of Governor Richardson, won each time by one vote, and became speaker of the assembly in both the '23 session and the '25 session.

I've gotten ahead of the story on the question you asked me, and that was how I came to get into politics. Now, I had told you that Mr. Locke had suggested it. Mr. Locke was among the progressive group in the Republican party at that time. Of course when you have a division within a party, usually each side is looking to get people into office who are sympathetic toward their side of the picture.

Mr. Locke suggested it to me, and several others did. I definitely decided that I was going to settle down in my law practice and not be disturbed in it, but I finally yielded to the suggestions made by several friends, and I ran. I was elected in 1920. I got the Republican nomination, in a battle. Nobody had filed for the Democratic nomination, and I got enough Democratic write-ins so that I was given

Spence: the Democratic nomination as well. I think I had the Democratic nomination the other two times I ran, on which occasions I happily had no opposition for the Republican, because in those days we got only \$1000 for serving as a legislator for two years. We got no expense money, like the thirty dollars a day the gentlemen get up there now.

We went up to Sacramento and we paid our own board and keep out of our \$1000. Let me say that the money was rationed out in such manner as the legislature dictated, that is, the salary money. They elected to ration it out on the basis of ten dollars per day. So it was eaten up in a hundred days of legislative work, and you'll find that very few sessions lasted more than a hundred days in those days, because this thousand dollars just ran out. But in those days you could get a room quite inexpensively. You didn't have trouble living on the money, but you must remember we had to go through perhaps a primary and a general election campaign and meet the expenses on those. Then we had to carry the overhead of our private offices, as we left and went to Sacramento for three months time.

Feingold: I have a couple of questions about the Republican party then. Did you get the support of Joe Knowland?

Spence: I can't answer that question definitely, as to my first legislative election. I did have the backing of Mike Kelly. Kelly was quite a respectable so-called political boss, and so was Tom Finn, over here in San Francisco, although lots of people used to cast aspersions at both these men. They were pretty decent fellows to find interesting themselves in politics.

My opponent in the first campaign was a man by the name of Ed Allen, who was city editor of the paper, the Alameda Times-Star, which was run then by Sherman McDowell. I think on that first campaign-- I barely knew the Knowlands in those days. I'm pretty sure they took no position. But I do remember that afterwards in the other legislative campaigns when I had no opposition I got their endorsement which was published with others in their paper before the elections. I am quite sure that when I had a contested campaign for the District Court of Appeal in 1930, the Knowlands did support me.

Feingold: In those early years, could you figure out what part of the population voted for you?

Spence: I think we had better ideas on that subject then than some of them have now. Here in San Francisco, as you may know--jumping over here as an example--there was a very strong Catholic representation in public office, and a very strong group, politically minded, were of the Irish descent and Catholics. In my 1930 campaign, Frank Deasy was my opponent. He had run two years before against Justice Joseph Koford who then held the position. I looked into the record of voting before my campaign, and I found that in some of the precincts down here in the Mission district, for instance, Frank Deasy had beaten Justice Koford as much as eleven to one, which is almost unbelievable.

Well, when you get situations like that, it's not hard to tell who's backing you and who isn't. I will say that in my first legislative campaign, I carried all the Alameda precincts in the primary except my opponent's, which he won by a small margin, and in one precinct next to his there was a tie vote. I can't tell you how close it was in the rest of the Alameda precincts, but in some it was quite lopsided in my favor. On the other hand, he prevailed in some of the Oakland precincts.

Feingold: I see. What sort of precincts were they where it was very lopsided in your favor?

Spence: Well, they were the precincts that knew me best, and where there were very strong veterans' groups that backed me up. I had been very active in forming the American Legion post, and also at the first state convention held here in San Francisco of the American Legion. So I had lots of friends in the veteran groups. While the Legion didn't itself get into politics, a large number of the Legion members, the Veterans of Foreign Wars and other veterans' groups individually got together and formed a very large committee, and they worked. They worked very hard, and they put out mailing propaganda and so forth and so on.

Now, you asked me which precincts. Part of my district was in Oakland, and I can say that I didn't do quite as well in Oakland as I did in Alameda. I wasn't known particularly in the Oakland precincts,

Spence: and in the second place, there was an old constable out there, Bill Allen, who was very popular in that district. The name Allen had its appeal to a lot of these people, many of whom were foreigners. The assembly district included the strip south of East 14th Street down to the estuary, in which there was a tremendous group of people of foreign birth, who had become naturalized. The name was very easily mistaken for somebody else's name, and the popularity of Bill Allen, the constable, was reflected into the vote, I think, of Ed Allen, my opponent over in those precincts. But in Alameda it was pretty well known which was which, because both of us had been there you might say for most of our lives.

Politics is a very funny thing, as you know!

Feingold: Yes. Were you active in the Republican party after that?

Spence: I was active up until the time I went on the bench. But a judge is not supposed to be active in partisan politics, so I was not active in partisan politics after I went on the bench in 1927.

The Municipal Utility District Act

Feingold: I see. Well, I've done a bit of reading about some of the measures that you said you helped through the legislature.

Spence: Oh, did you?

Feingold: Yes. I got very interested in the Municipal Utility District Act, and I want to ask you about that. You said you had something to do with that.

Spence: Well, that was very interesting. It was not my brain child in the first place, although I encouraged it along. I will give credit to my predecessor and others in Alameda County. They were great public ownership people. I believe in public ownership where it can't be done by private capital. And there was nobody who stood ready to put up the money that was necessary to get a water supply out of the Sierras for the East Bay. Nobody in private life. It was

Spence: one of those cases where it was perfectly natural for a public body to do it, having the bonding capacity and taxing capacity in order to sustain it if necessary. BART* and East Bay Utility District, and other districts, are still found on Alameda County tax bills.

Well, in any event, we needed the water supply very badly because Alameda County was growing, like the rest of the state, very fast. Our water supply was being depleted by this increased population. We only had the local supply, the lakes that we had there, Lake Chabot and a few others. So we put through this bill. I introduced the bill which was Assembly Bill No. 755. The original bill was largely drawn by a group other than myself.

Feingold: Who was in this group that drew up the bill?

Spence: Well, I'm not sure of all of them by any means, but I know that Mayor Davie of Oakland was very much interested, that the city engineer of Oakland--I can't think of his name now--was interested. Mayor Bartlett of Berkeley was very much interested. Mayor Bartlett was looked upon as a little bit extreme by some of the people on the other side of the picture. But Mr. Locke, then city attorney of Alameda, was most active in the group that drew the original bill.

Then during the thirty-day recess, which was provided for in the constitution--I think it's still there--the legislators go home and the printing office gets a chance to catch up with its printing up in Sacramento, and the bills get a chance to get circulated. During that thirty-day recess, I think we had three or four meetings in Mayor Davie's office in Oakland, of all the city attorneys, mayors, city engineers and city managers, if any, of the cities of the East Bay that it was proposed to bring into this new district. And we got the best views of all of them.

That was what resulted in my putting together the amendments to the bill, which I did twice before the bill was ultimately passed. And so we had pretty unanimous agreement by all the officials of the East

*Bay Area Rapid Transit

Spence: Bay cities; and the chambers of commerce were in favor of this bill because they didn't know of any private agency ready to put up the money required.

Well, anyhow the bill passed both houses, and I had very little difficulty with it. The governor signed it and it became Chapter 218 of the Statutes of 1921. Very promptly an election was called to form the district, the district was formed, and the bond issue was approved. The district really made more rapid progress than any development of that kind I've ever known. I don't know whether I mentioned it to you, but when I was a small boy they used to show lantern slides at illustrated lectures relating to the great Hetch Hetchy water supply that San Francisco was planning to develop. Well, that started when I was very young, and many years later I got into the legislature, put through this bill, the East Bay district was organized, and it had water down in Alameda County from the mountains and enough to sell to San Francisco, before San Francisco ever got a single drop of Hetch Hetchy water for its use. So it shows how differently those things can go.

That water supplied by the district to the East Bay, as you may know, is a very nice, soft water. We all threw away our water softeners after we got in that new supply. It's been a very pleasant experience, because the district has been very well handled. They've had fine men in there as directors, and the professional staff has been very well selected. I think I mentioned to you, when we talked of it before, that this bill was put in such shape that the directors would not be the ones who were spending all their time furnishing the professional skill and judgment, but that these directors would hire a highly competent man to act for the district, somewhat in the capacity that a city manager acts for a city. It's worked out very well.

I would feel remiss in saying as much as I have about the district, without mentioning the name of Theodore Wittschen, who was attorney for the district for some years. I think he did fine work in settling the water rights of the numerous people as well as cities, including Lodi, who claimed their water rights were interfered with by the new district, drawing water from their source of supply. He did an excellent job in minimizing the amount of litigation that was

Spence: filed against the district and in settling out quite satisfactorily and expeditiously most of the suits that were filed. Incidentally, Mr. Wittschen was married to the sister of Dr. Robert G. Sproul, the former president of the University of California.

Feingold: One of the interesting things I discovered is that my office in Berkeley interviewed Mr. Bartlett, and he spoke about the work that he did on the Municipal Utility District. He mentions a Mrs. Frank Saylor, who was in the legislature.

Spence: Oh yes. She was a marvelous woman.

Feingold: He says that she introduced the legislation.

Spence: Mr. Bartlett was mistaken in that. He worked with us on drawing the bill and Mrs. Saylor supported it, but I was the one that introduced it. My name appears as the sole author, but I don't claim total responsibility or credit for it. I had the help of Mrs. Saylor and others in the legislature in passing the bill.

Mrs. Saylor was a very high class lady. She was the wife of Frank Saylor, who was a druggist, in Berkeley. Mrs. Saylor and Mrs. Hughes, of Oroville, another very fine lady, sat right in front of me in the legislature, and we communicated back and forth quite freely. I tried to be helpful to them on complex legal matters and they were very gracious about acknowledging it.

Feingold: It seemed from what I read that the whole idea of a municipal utility district was rather new, because it cut across county lines.

Spence: I think probably it's fair to say that, although I can't help but think that irrigation districts had been formed crossing city lines, and --

Feingold: Yes, that's right. I read that one of the reasons this was new was that it provided for more than just water, that it had provisions for ultimately developing everything from transportation to recreation.

Spence: You are quite correct about that. I don't know how I ever got the bill passed. When I look back at that bill and see the broad powers that nobody questioned

- Spence: at the time--I think power to operate telephone companies and many other types of utilities! Of course it exercised its broad powers to great advantage when it undertook the work of sewage disposal.
- Feingold: Oh, that's interesting.
- Spence: Yes, the East Bay Utility District handles sewage disposal. There was nobody else to do it but some public agency, and it had to be a public agency that included other public agencies, like cities.
- Feingold: Did it develop any of the other things besides sewage?
- Spence: I don't think anything of great importance.
- Feingold: Light, water, power, heat, transportation, telephone, garbage and sewage facilities were all authorized in here.
- Spence: Yes, it was very, very broad.
- Feingold: What sort of arguments were there against it?
- Spence: Well, strangely enough, I had very little trouble in getting that bill passed, and there was very little opposition to getting the district formed. The need was so obvious. The lack of private money to bring needed water from a great distance made it almost imperative that we do something of this kind. We had no organized opposition against the bill in the legislature and I don't remember any organized opposition against the forming of the district. Of course there was some of the usual opposition against the bond issue phase. Any bond issue gets some opposition, some organized as well as some silent opposition.
- Feingold: I would suppose there would be some opposition to public ownership, also, the creeping socialism argument.
- Spence: Well, you must remember you live in a different age from that at the start of this century. One of the reasons that there was so much opposition to public ownership generally in those days was because of the corruption which was believed to be rampant in public

Spence: office. People would argue that any publicly owned utility would be just another place for political patronage; and that political patronage meant sustained political power, through the many people put on jobs.

Today we have our big state water project on; the city of Los Angeles has developed its vast water and power department; Hetch Hetchy water has been brought down to San Francisco under municipal control; and the East Bay operates its municipal utility district. I don't believe people today hear great opposition to all public ownership. Look at the railroads. Both the railroads and the people appeared happy to have Amtrack formed. Things had gotten to the point that it was rather hopeless for the railroads to try to work out anything in the way of maintaining a passenger service, particularly when there was so much competition among themselves and with other types of transportation. Perhaps there will always be some who are opposed to all public ownership; but when the need for some service is very great and when private capital is not ready, willing and able to fill that great need, then the opposition to public ownership becomes minimal.

Feingold: When the Municipal Utility District Act was first thought about, was there any discussion about where the water was going to come from? Or was it already decided that it would come from the Sierras?

Spence: It was pretty well determined, I think, that this was the most logical source up there on the Mokelumne. It's proved to have been a wise decision to have gone to the Mokelumne for the water.

It's interesting that although I've been up past that area time and again, but I've never visited Pardee Dam! I've been asked by the directors to go up. I have been up to the Hetch Hetchy. Over here in San Francisco, the supervisors have their automobiles and their chauffeurs, you know, and they invite people to come up to stay for a weekend. I spent a weekend up at Hetch Hetchy, and it was very enjoyable and illuminating. But if the East Bay district directors invite someone up to Mokelumne, I think they have to dig into their own pockets to take a guest up there. The directors over there still only get \$40 a month, I believe. It's ridiculously

- Spence: low, but it carries out in an extreme way the idea that a director's job should not be a political plum. It should be something that men would do gratuitously as a public service. However they ought to make that compensation measure up at least to the wear and tear on telephones, tires and shoe leather that a man endures in public office.
- Feingold: Yes. I think you mentioned when I was here the last time, that this act was also used to form some other water districts?
- Spence: I think it's been used to form many others. The most notable in this vicinity is the Marin Municipal Utility District. That district was formed under this act.
- Feingold: Was that fairly soon afterwards?
- Spence: I think they came in quite soon after the legislation was enacted, yes.
- Feingold: Your mentioning the state water plan reminds me of a question that one of the women in my office wanted me to ask you, which is, if you were sitting on the State Supreme Court when the Ivanhoe decision was handed down. It had to do with contracts for the Central Valley Project, I think. It had to do with the development of the state water system.
- Spence: I haven't any definite recollection of having participated on the court in any cases involving that state water plan. Oh, wait a minute. Wait a minute, now. Are you talking about the case involving the validity of the 160 acre limitation?
- Feingold: Yes, that's right. It had to do with the 160 acre limitation.
- Spence: That case caused quite a battle on the court, resulting in a four to three decision. That was a case in which the majority of the court went one way, and the United States Supreme Court went the other.
- Feingold: That's right. Where were you on that decision?
- Spence: I followed Judge Sherk in his majority opinion.
- Feingold: In the majority opinion? I see.

Spence: When you talk about a 160 acre ranch today, you're not talking about anything very realistic. That's old time stuff, farming on 160 acres.

Feingold: That's what you objected to?

Spence: That has always been in the reclamation acts. Those acts were acts under which the federal government was carving out homesteads on federal lands and was anxious to limit them to 160 acres to get as many people as possible on family farms. It was in the days when 160 acres of any kind of land that was worth while at all made a very good acreage for a single family operation.

Today, there are very few places of consequence in our agricultural setup where you have many 160 acre operations. They just can't exist. They can't meet the competition. Perhaps a good agricultural setup, which can sufficiently diversify its products, lends itself to a family raising all its own needs in the way of food. It also lends itself to an operation by the family alone, where they're not involved with labor troubles or labor shortages. I've always liked the idea of getting the people back on 160 acre family farms, or at least a fair percentage of them. But most 160 acre tracts cannot sustain that type of operation. Only the most fertile land in the best locations can.

You see, we went from eighty percent agrarian in the early days to the present eighty percent metropolitan living, in the big centers of population. Eighty percent of the population of the whole country is cramped up in these populous areas.

Feingold: Wasn't the argument made though that without the limitation you'd get very large ranchers who would accumulate very large acreage and sort of get too much of the advantage of the state water plan?

Spence: Well, yes. That was the argument made. But the query is, under our system of free enterprise, if you believe in it at all, if a man has large land holdings, why should he be deprived of the rights to this water, which is really something of common interest to all the people and to all the land of the state? It's a very delicate question. It's not a one-sided question, by any means. The name Ivanhoe, when you

- Spence: mentioned it, didn't strike me, but when I got to thinking about it, that may have been the title of one of the cases, or of the main case.
- Feingold: Yes. That was the case that went up to the Supreme Court that was reversed. I was interested, because I knew that you had been interested in water earlier.
- Spence: Well, this is merely the apportionment of water, this 160 acre phase. Of course I've always been interested in seeing this state develop its water potential. We're finding now that maybe some of the things we've done are not too good, you know.
- Feingold: Well, you never know in the beginning.
- Spence: Well, take the case of the delta here. We're just pulling the salinity of the sea up the delta by reducing the amount of water in the delta. Some of the water rights cases are very interesting. A case I sat on in the Supreme Court had to do with the lands down around San Diego. As they lowered the water table, somehow or other the sea water seemed to come in to replace the fresh. It's a very odd situation. The percolating water law and the percolating water situation in this state is very intriguing.
- Feingold: You mentioned when we were discussing the Municipal Utility District Act, that as you look back on it now, you're surprised that you got away with adding all those other facilities under it. I wondered what gave you the idea to put all those other things in there in the first place.
- Spence: I didn't personally put them in. They were put in there no doubt by William Locke, and maybe the Berkeley mayor, Louis Bartlett, and others. They were very strong public ownership men. While I had no objection to them being in there, I was surprised they didn't get opposition from some of the utilities.

The State Bar Bill

- Feingold: Yes. Well, moving on to some of the other things that you did in the legislature, you mentioned the State Bar Bill.

Spence: Well, the State Bar Bill was something that was worked for over many years by the members of the bar. It had been promoted by the old unofficial organization known as the California Bar Association, which was not too big a group, but a group that met every year, and took their work very seriously. They had a legislative committee, and they proposed quite a bit of legislation in the way of reform legislation even before there was any State Bar or Judicial Council. But it was done in a not too orderly or comprehensive way. It was done just because someone's experience led him to believe that some situation should be remedied. I added some of my own, more particularly where I was endeavoring to cut down on the time in various respects of judicial proceedings.

The judicial proceedings, and the timing in our statutes was geared to the old horse and buggy days, and geared to the days when they didn't have typewriters, and when it took a tremendously long time to put together a transcript on appeal and copies, because it all had to be done by an amanuensis, who wrote out in beautiful Spencerian handwriting the oral proceedings and copied all the documents that were on file. You'll find all the old documents in the recorder's office and the county clerk's office were done with pen and ink.

Well, it took a long time to prepare things; it took a long time to travel between points in the state of California to the various county seats, and the result was, for instance, you had six months to appeal. Well, that was ridiculous after we got into the modern age. On my own, I put in a bill that cut that down to sixty days. Then I also cut down the time for hearing and determining a motion for a new trial.

Feingold: Was this for both criminal and civil procedure?

Spence: I'm talking mainly of civil now, because there were different rules concerning time in criminal cases.

But getting back to this question you asked me about the State Bar. This voluntary association which had done this work, and the legislative programs of which I'd assisted in handling was the one who was driving for this so-called integrated bar, or State Bar Act. A man in San Francisco by the

Spence: name of Joseph J. Webb, who was quite prominent in the bar here, has been called the father of the State Bar Act, but if I were really attributing the grandfathership to anybody, I think I'd attribute it to Jeremiah F. Sullivan, who was president of the bar association here in San Francisco for a time, and also president of the old California Bar Association.

Abortive attempts had been made in times gone by to introduce some kind of a bill, but there was never enough unanimity behind it, enough force developed beforehand to get anywhere with any bill until the 1925 session. The bill then introduced was developed largely through the committee appointed by Jeremiah F. Sullivan in the prior year in the old California Bar Association, of which committee Joseph Webb was chairman. It was promoted by a speech made by Jeremiah F. Sullivan in the California Bar Association convention at Catalina in 1924.

Joseph Webb and his committee then went to work in earnest. They had some outstanding men in Southern California: Kemper Campbell, Leonard Slosson, Thomas Ridgway, and others. Up here they had O. K. Cushing, Joseph Webb, Al Rosenshine, of the San Francisco bar, all very enthusiastic about this bill.

We succeeded in having the legislature pass the bill in 1925. I can't tell you who introduced the bill. I think you'll probably find twenty to twenty-five names on it, if I remember correctly. While we had some opposition, it wasn't formidable. There are a number of attorneys who like to feel quite independent, and don't want to be under threat of disciplinary action by fellow attorneys. That was one of the difficulties prior to the State Bar Act. What was everybody's business was nobody's business. There were a great many men practicing law who should not have been practicing law, because of having committed improper acts, but no group was specifically charged with the duty of filing disciplinary proceedings against them.

So the State Bar was formed under this act. But I'm getting ahead. The '25 act went through the legislature and it was vetoed by Governor Richardson. He insisted that he wouldn't sign the bill unless he was given the right to appoint the members of the Board of Governors of the State Bar. Well, that would

Spence: have defeated the whole purpose of creating a self-governing bar. His veto came after the session had closed. It was so arranged by his friends in the legislature that the bill didn't get to him until the last ten days of the session, in which event a governor has thirty days in which to pass on it. At that time there was no provision for veto sessions with respect to such bills.

The same bill was again introduced in 1927. That was after I had left the legislature, but while I was secretary to Governor Young. It was passed in that session without much difficulty. We'd gone through most of the difficulty in the legislature at the prior session, and the bill had plenty of favorable votes. So it passed the legislature and Governor Young signed it. It went into effect in about September of 1927. I have in my file someplace my first certificate as a member of the new State Bar covering the time between September, 1927, when the act went into effect, and the time of the first meeting of the State Bar thereafter which I believe that year was held in November. In the interim a commission named in the act issued certificates to all attorneys. The Chief Justice of the Supreme Court was chairman of the commission, and Andrew Y. Wood of the Recorder, the legal publication, was secretary of the commission. They signed the certificates.

Then, after the State Bar met in November, it set up its own procedures and went forward. After that time, the certificates of the members of the bar were signed by the president and the secretary of the State Bar. The State Bar made many reforms that are probably worthy of note, but I've taken an awful lot of time talking about the State Bar.

Tax Reform

Feingold: What other measures did you support in the legislature? You mentioned the King tax bill.

Spence: The King tax bill. Well, at that time, all state money was raised through taxation of public utilities on a gross receipts basis. That was the provision in the constitution. Those public utilities were relieved

Spence: of local taxation on their operative properties. There was some sense to it because, for instance, how are you going to assess railroad cars locally when they're moving around all the while?

The King tax bill was a bill to substantially raise the tax rates on the utilities because even then the state needed more money. It took a two-thirds vote, under the constitution, to raise them. That tax bill meant an increase in taxes for the big utilities like the Southern Pacific and the Pacific Gas and Electric, for instance, of about a million or two per year, so they were very much interested in defeating it. It was with great difficulty that it wound up with a two-thirds vote of all the legislators. It was very strongly backed by Governor Stephens and Clyde Seavey, his director of finance. It was an administration bill. Most of us were in favor of it, mainly because the state had to get some more money; and it was shown that the utilities were paying a smaller percentage--a smaller in lien tax on their properties as a result of this gross receipts tax, in place of an ad valorem tax than common property was.

Well, that bill was passed, and of course the taxation story of this state is a very long one. I'll only say that the whole scheme of taxation was changed in about 1934 by what was known as the Reilly-Stewart amendment, that put all the utilities back on the local rolls, where they still are, and brought in the sales tax for state revenue. The sales tax has been a tremendous provider of revenue, and it's the main source of the revenue that the state raises to support education, both higher education and the common school education in the state.

Feingold: What was your role with the King tax bill?

Spence: What was my part of it? My part in it was I went up there as a green, young legislator, and didn't know anything about it. I didn't know it was coming up. I went to every committee meeting, and studied very assiduously, and finally came to the conclusion that the administration was right on it. Then I helped defeat any further delaying tactics on it and pressed along with the rest of the group for the bill's passage. I had no part in introducing the bill, or being the prime handler of it.

Legal Reforms

Feingold: Are there any other measures that you had something to do with in the legislature that you want to mention?

Spence: Well, I had a district, fortunately, that didn't make many demands on its legislator with respect to local needs or local wants. The bills I championed in the legislature--if you want to use that word--were largely bills that did not draw any widespread interest or attention. I think we did a lot of improving of judicial procedures by some of these bills, largely by cutting down on the time permitted for taking various steps.

Divorce cases, however, presented a rather unique situation. It was my idea that if the hearings on divorces had to be delayed until the parties had a little cooling time, so-called, that there would be a better chance for reconciliation than if they were permitted to go to trial right away and then had to wait a year after an interlocutory decree before a final decree could be entered. I think I put in a bill to that effect, but it was a very touchy subject in those days!

We had quite some battles on the community property bills up there around that time. I was not in the forefront of that particularly, except to try to keep things straight as best I could in the wild efforts of some people to do things with the community property laws. For instance, for tax purposes they wanted to get a wife to be said to have a half-interest in community property, and yet they didn't want to give her any control over it. The question was, how to handle it without disrupting a husband's business if a wife died and tried to will away her so-called half of the community property.

Those questions were thrashed out. Oh, we got along reasonably well, and did a fairly satisfactory job, I guess, but the community property law is inherited from the civil law, not the common law of England. It came along with the Spanish and the French influence here. The Spanish mainly. It has its very definite merits. I believe it will be adopted, or something comparable to it, throughout

Spence: the states as time goes on.

Feingold: Does that mean that the California community property law is rather unique?

Spence: Well. Most states don't have a community property law. Most states give the wife dower rights, as provided in the common law but the wife really has no interest in the property other than a limited interest following the death of the husband.

LEGISLATIVE REAPPORTIONMENT, 1926

Feingold: After you served your three terms in the legislature, then what did you do?

Spence: Well, I decided not to seek public office any more, and to go back to devoting full time to practicing law. During 1926, which is the year I did not run for office, I took up during the last month and a half before election, the handling of the state wide campaign for the so-called federal plan of reapportionment. We had stumbled through three legislative sessions without any reapportionment under the census of 1920. We were having in California an experience similar to that in Illinois, where Cook County had the dominant number of legislators and even though the rest of the state grew more rapidly, Cook County simply blocked any reapportionment for many years.

This was an initiative measure. We hadn't been able to settle upon any proposed constitutional amendment in the legislature. This initiative measure provided for the so-called federal plan of reapportionment. In the Senate, it provided for representation on a basis other than that of population, somewhat like the United States Senate where each state has two senators no matter how populous the state is. Nevada with a very small population has two senators, just the same as New York or California has.

Well, we were not going that far. We realized it was somewhat different, but we provided that no senatorial district would have more than three counties in it. Interestingly enough, we're talking about Earl Warren in spots here. Earl Warren was a very active, helpful advocate of the federal plan of reapportionment.

Feingold: He certainly stuck by that interest, didn't he?

Spence: Oh, no. That's the interesting part of it. He was a very strong advocate of this so-called federal plan in California in 1926, but one of his decisions in the United States Supreme Court that probably caused as much flurry as any decision he wrote, was his decision which was called the "one man - one vote" decision, which meant that the states must apportion representation in both their legislative houses on the basis of population. In other words, every man should have an equal voting power with every other man, as represented in both houses of the legislature. So rather than staying by his feeling then, after he was on the United States Supreme Court, and after he'd surveyed the situation from a legal standpoint, it was his determination that that should be the decision. I don't agree with that decision, but I highly respect many judges, even though I may not agree with all their decisions.

Feingold: But back in those days Warren was supporting this federal plan, then?

Spence: Earl Warren was a great help to me. I was running the campaign, and he was a great help. We carried every county of the state except Los Angeles, and we got almost an even vote in Los Angeles. Los Angeles then had over forty percent of the population of the state in that one county, and there was over sixty percent of the population of the state in the counties south of the Tehachapi.

What that situation had previously meant was that on all appropriations for highways, for example, the south, which had a much smaller area and much less need for roads than the north, could outvote the north and take most of the highway appropriations. There are practical phases in this situation that made a lot of sense in that federal reapportionment plan. The measure that we carried by initiative in '26 provided for a reapportionment commission to act in the event the legislature failed to act. The validity of such a provision is being tested in the Supreme Court of the State at the present time.

Feingold: I see. So what happened after this 1926 election?

Spence: There was a very well-considered reapportionment of the state by the legislature in 1927. Governor Young asked me to be as helpful with the committees

Spence: as I could in trying to carry out the principles of the federal plan, and everybody accepted it at that time. They had comparatively little difficulty in drawing a reapportionment bill. Again, the legislators probably figured that this reapportionment commission would take over and do the job anyhow, and that the legislators might as well work it out themselves.

Feingold: Could you describe briefly again the plan?

Spence: Under the old plan, both houses of the legislature were elected on a population basis. There were eighty members of the assembly and forty members of the senate, so there was one senator in our state legislature for every two assemblymen. That was the old plan. All being elected on a population basis, there was a concentration of legislative power in the big populous areas, such as San Francisco and Los Angeles, although actually the southern part of the state alone had drawn such a tremendous growth in population that it could have commanded anything it wanted in the way of legislation. It could have just outvoted the north completely, if we had stayed on that old plan.

Feingold: What was the new plan? You just described the old plan.

Spence: Well, the new plan, instead of having the senate on a strictly apportioned population basis, recognized we might say, the fact that agriculture, mining, forestry, and other varying interests in the great wide open areas of the state were entitled to more representation than they would get by apportionment of both houses on a strictly population basis. Therefore, the senate, under the new federal plan was apportioned so that no county had more than one senator, and no senator had a district comprising more than three counties. Between those two extremes it was worked out in a fairly equitable manner in the 1927 reapportionment bill. That was substantially the difference. I don't know whether that makes it clear or not.

Feingold: That's pretty clear.

SUPERIOR COURT OF ALAMEDA COUNTY, 1927-1930

Feingold: After this election was over, did you return to your private law practice?

Spence: I was in my law practice all the while. Of course I handled my practice from my own office, although I had a separate office here in San Francisco that I rented for the campaign. Established a separate staff, had quite a staff there. After the campaign I did endeavor to return to my private law practice.

But Governor Young had no sooner been elected, in 1926 than he asked me if I would come up as his secretary. He wanted someone who had had close contacts with the legislature, someone in whom he had faith and confidence. Well, I thanked him for the very fine compliment, but I told him I just couldn't think of it. Well, anyhow, the upshot of the thing was, he pressed pretty hard on it, and I finally told him that I would come up there, but stay only through the legislative session, and the bill-signing period, and I was coming back definitely right afterwards.

I did go up there. After the bill-signing period was over--and it was one of the busiest times of my life--I was out at his home having dinner with him one night, and I said, "Well, Governor, you remember our understanding. I'm due to leave now." He said, "Well, if you're going to leave me, I want you to go back as a judge," which was his way of saying he was ready to appoint me to fill a vacancy on the superior court of Alameda County. Well, I was thirty-six years of age, and flattered by his confidence, and had always had leanings toward being a judge sometime in my life. You have to go along when opportunity knocks, so I accepted it. After I accepted it, he said, "Well now, I'll want you to stay with me a little longer. I've got a few matters

Spence: I'd like to have your help on." So I stayed a few weeks longer.

I went down and was sworn in on October 3rd of 1927 as a superior court judge in Alameda County.

Feingold: So that put you back in Alameda County when Earl Warren was a district attorney.

Spence: That's right. Earl had become district attorney in '25.

Feingold: I'm sure that he tried cases in your court.

Spence: He did. Earl was a very active district attorney, not only in administering his office, but also in trying some of the more difficult cases.

Yachting Bandits Case

Feingold: What were some of the cases he tried in your court?

Spence: Well, one of the more spectacular was the Sampsell and McNabb case, the so-called yachting bandit case, where these fellows sailed out of Seattle in the yacht Sovereign. They came down with credentials they'd gotten somehow, made their way to the St. Francis Yacht Club, obtained guest cards and kept their yacht there. They apparently led a very respectable life aboard the yacht, but they also took an apartment up town. Sampsell and McNabb operated out of the apartment in robbing banks. The particular offense for which they were convicted before me, with Earl trying the case, was the robbery of--I think it was the First National of Berkeley. It was a Berkeley bank, anyhow.

These fellows had terrible criminal records behind them. Sampsell was an interesting fellow. Both of them were interesting. Sampsell was one of the most convincing liars on the stand that I had ever seen. He did more to bring sympathy from a jury than any crook I have ever known. Very smooth, and very sweet dispositioned, apparently, as he put on his charm. But McNabb was just the opposite. He was mean and ill-tempered. Finally on devastating cross-

Spence: examination he said, "I don't want to answer any more questions." Earl said, "That's all," and let him go.

But afterwards, I think I mentioned to you, McNabb fashioned a gun while in San Quentin and shot it out trying to make an escape out of San Quentin. Prior to that time, both he and Sampsell had disappeared I think for twenty-six days inside the prison walls. They found them under the floor in the kitchen. Somebody had been passing food down to them. Sampsell was then transferred to Folsom. Oh, I might say that in that later shoot-out, which I mentioned, when McNabb tried to escape, he was killed.

Sampsell, contrary to my recommendation, and despite the terrible record he had, was paroled finally. He got down to San Diego, and he killed somebody in a bank robbery down there. He was charged with murder and convicted of murder. I was on the Supreme Court at the time. I got a letter from him while he was at San Quentin saying that he thought because I had tried the original cases in Alameda County, I was probably disqualified on his appeal. Of course I was not technically disqualified but I never wanted any man whose life was at stake to feel any doubt about the qualification of the men judging him. I just suggested to the Chief Justice that he put somebody in my place on the day that the Sampsell case was to be heard. Justice Maurice T. Dooling went in my place. I fortunately never had a formal claim of disqualification made against me in any case during my entire judicial service.

Feingold: That's a very impressive record.

Spence: Well, it would be more impressive if it happened today than it was then, because the challenges for disqualification were not so frequent then.

The Miller Forgery Case

Feingold: You also mentioned another case involving a forgery with a defendant named Miller.

Spence: Well, the Miller case to me evidenced the fine, high principles under which Earl Warren worked. Miller was convicted in my court by a jury of forgery. Two witnesses identified him as the person who had cashed the check. When he was arrested, he had confessed. So with those identifications and the confession, the jury didn't take long to convict him. I might say that he explained his confession on the ground that he only made a confession because he wanted to get some specific charge made against him so the bail could be fixed and he could get out on bail, which was an explanation which didn't appeal very much to the jury.

Anyhow, Earl got suspicious of this through some means and had an idea that another man who was then in custody was the man who had committed that offense. Well, he engaged Heinrich, a handwriting expert, to examine the handwriting. There was no doubt in Heinrich's mind that this was not Miller's handwriting. On the motion for a new trial, Earl revealed these facts to the defendant's attorney, and told him he could use Heinrich. Heinrich went on the stand and testified. Earl made no objection to the granting of a new trial. As a matter of fact, I think he joined in the motion, in the request that it be granted.

He and the counsel for Miller then agreed that I could retry the case forthwith without a jury. Earl simply said, "We'll offer no testimony on this retrial." Counsel for Miller then said, "We rest." Whereupon I stated, "I find the defendant not guilty." This was a most unusual situation. It's almost unheard of for a district attorney to look for evidence favorable to a defendant who had just been convicted. I thought it showed very convincing evidence of the high principles on which Earl conducted the office of district attorney.

Impressions of District Attorney Earl Warren

Feingold: What were your general impressions of the way Warren operated in court?

Spence: Well, he was a very able man in court, in my opinion. He was a man who showed deference to the court, deference to counsel on the opposite side, deference to the jury, and conducted himself according to the highest traditions of the legal profession, while doing an excellent job. I've always thought, and I always went on the principle, when I tried jury cases myself as an attorney, that nothing would impress more than sincerity on the part of an attorney. I think I won many cases because of demonstrated sincerity in the presentation. Earl made a very fine impression in that regard. He appeared to be entirely sincere in everything he did. It was pretty hard for a jury to ever feel that Earl was misrepresenting anything or was urging the correctness of testimony that he felt in his heart was not true.

Feingold: One of the things that interested me in your saying that in the legislature you had brought some bills that had to do with reforms of procedure, is that that's one of the things that Warren is noted for as district attorney. He speeded up procedure, mostly criminal trials.

Spence: Well, let me say that just before I went into the criminal department, I think it was 1928--I didn't go into the criminal department until January of 1929--in 1928, a constitutional amendment had been passed permitting defendants to waive a jury. I think it's been noted--I saw it noted somewhere--that Earl and the public defender over there,* had agreed that they would waive a jury in any case in which they were opposing counsel. I think after I was on the bench there, I tried at least twenty-five percent of the cases without a jury, because it was not only the public defender, but others also waived, knowing the district attorney would waive. Of course, it was also necessary for the accused to personally consent.

*Willard Shea. See Willard Shea: Recollections of Alameda County's First Public Defender, an interview conducted by the Regional Oral History Office.

Criminal Procedure

Feingold: I have some general questions about criminal procedure in those years. I'm very interested in what the rules were at the time governing admissibility of evidence.

Spence: My dear lady, there are volumes written on that! Let me say, I think from the questions I saw that you had jotted down that what you're interested in is the difference, if any, between the rules then protecting the defendant, as against the rules more recently established while Earl was on the Supreme Court of the United States, in the protection of the defendant.

Well, let me say that the United States Supreme Court under Earl Warren, went very far, probably farther than most members of the bar would be inclined to go, in protecting the defendant. Overly protective, perhaps, in the eyes of most people. But don't think that at the time that Earl was district attorney the law didn't have concern for the protection of the defendants. No word about a confession could ever come in evidence unless it was first shown--and the questions asked directly, and the defendant given a chance to cross-examine as to whether the confession was given under circumstances which made it entirely voluntary. If there was any dispute about it, evidence was taken on the subject before the confession was admitted.

The rules were sufficiently protective at that time in the eyes of most people, and I think probably a majority of the members of the bar feel that the Supreme Court of the United States under Earl Warren was a little overly protective, that they leaned over backward a little further than they should have.

Feingold: What about the question of the defendant's right to counsel? I know in that period the Legal Aid Society was first established.

Spence: Well, of course you must keep two things in mind. First, most of the large counties, including Alameda County, had then, and still have, public defenders. Such large counties, as well as several others, also have had Legal Aid Societies for many years. And second, even in counties having neither public

Spence: defenders or Legal Aid Societies, no defendant was ever required to stand trial, at least in a felony case, without counsel, if he desired counsel. The court would appoint counsel for defendant, whose duty it was to represent the defendant without compensation. It was only about twenty years ago that the statutes of this state were amended to allow such appointed counsel reasonable compensation to be paid from public funds.

Bail, Probation, and Parole

Feingold: Well, what were the rules in the twenties about setting bail? And let me say that I'm interested in this because Warren was involved in breaking up a scandal that involved bail bonds very early in his career.

Spence: That's right. It was before I was on the court that he was involved in that. Well, let me say that the rules for setting bail were more a matter of concern with the justice's court than with the superior court, because the only cases, the criminal cases, that came directly to the superior court were the ones that were brought in by the grand jury by indictment. The ordinary case was brought into the justice's court by way of a complaint, and a preliminary hearing was held at which the justice decided whether the man should be held to answer. If he decided he should be held to answer, an information was filed--it was called an information rather than an indictment--an information was filed by the district attorney.

Now, at the start, when a person was arrested, in the average case which was handled through the justice's court, the bail was fixed in the justice's court. From time immemorial, the bail has been furnished for these people who haven't good standing in the community, by bail bond brokers. They charge ten percent, or did charge ten percent or more of the amount of the bail. Well, when you consider the risk they took, and the amount of time they put in trying to find these fellows--and incidentally they were very helpful in finding them when they jumped bail. I don't think there was too much abuse of the bail situation.

Spence: If a person's dangerous to society, you might say, bail's a pretty good thing. And sometimes bail's fixed very high, if it's believed a person is a menace to society and should not be at large. Now, in the Angela Davis case now pending, there's no bail figure there now. In the Angela Davis case, they denied bail, because in a criminal case, you're ordinarily entitled to bail except in a death penalty case. I don't recall the wording of the statute, but where the evidence is very great as to the guilt, or quite convincing. It was felt in the Angela Davis case that because of certain facts which are practically admitted that the evidence against her is great in connection with her complicity in those murders.

But I don't know whether I've answered what you're after on this bail matter.

Feingold: Perhaps you didn't know this, since you didn't serve in the municipal courts yourself, but how would a judge know, when a bank robber was brought in or something, how would he know what kind of bail to set?

Spence: Well, usually, in the ordinary case, other than murder cases, it was more or less a matter of fixing a schedule for various offenses. Of course those justices fixed the amounts more often for misdemeanor cases than they did the felony cases, because misdemeanors were the main things they handled. But they fixed them in felony cases too. But they were fixed pretty generally, and unless there were a lot of counts, and a man had a bad record, and was somebody who they felt would probably run out if he could, the ordinary bail fixed was quite easy to determine. The courts used to more or less agree on a schedule. The judges informally would do it. Of course they could raise the bail in any particular case, or they could reduce the bail in any case, if they found good reason.

I had a fellow--one of the most successful probation cases I ever handled. I haven't run into the fellow the last few years, but I used to run into him quite often. After he was convicted of forgery, I didn't even commit him immediately to await sentence or probation. I gave him probation when the time came. I let him stay out without bail. He had a family of half a dozen children, and he was a steady worker. His was one of the most successful bail

Spence: situations I ever dealt with, in that I treated him differently and more leniently than most people are ever treated, and he was allowed to be loose after conviction by the jury after the verdict was in. I put him on probation, and I had known pretty well that I was going to put him on probation, from the reports I'd had previously.

Now, speaking of Warren, and speaking of criminal procedures, I'll tell you a most interesting situation. I won't mention the names of these men, because they're reputable citizens now, but when Earl was district attorney, these two men, two boys, you might say--one was just over twenty-one and one was just under twenty-one--were charged with burglary. They were students at the University of Redlands. They had come up here for Christmas. They had in the back of their car firearms and things that they presumably had brought with the idea of committing an offense. They wanted money, and they were going to burglarize the floral shop of the father of a Japanese who was a fellow student of theirs at Redlands. There were three of them to start with, and they were caught in the act. There was a chase and a shoot-out over the rooftops, in which the third young man was killed.

Well, these two other young men came before me and were convicted. I couldn't send the older one to Preston because he was over twenty-one. As a matter of fact, the younger one was more of the ringleader than the other. Having been armed, there was no option in it. Anyhow, I sentenced them to San Quentin. Well, after they'd been over there about a year, it bothered me somewhat, and Earl too, because we thought they were pretty good young subjects for rehabilitation. Earl and I went out and worked for their early release. We got them released on parole. When I later was about to go around the Panama Canal, in 1933, I received just before my departure invitations from both of them to attend their graduation at the University of Southern California. It was very heart-warming to know that these two young men had made good. One of them is a petroleum engineer and the other is a dentist. They're both quite prosperous in Southern California. But it does show that if you wisely use probation or parole, there is a real possibility of rehabilitation.

Spence: As a matter of fact, we don't conceive of most felony offenders being put away for life. We feel that they, most of them, are going to come back into society, and about eighty percent or more do come back into society. Well, the question is, what's best for those people and for society, if you're going to try to rehabilitate them, and bring them back into society? Isn't it best to get them out in a reasonable time, provided they appear to be reasonable risks for probation or parole?

I was supposed to be the soft one on probation in the court in Alameda County, because the man sitting opposite me, Judge Fred Wood, was very tough. He liked to be known as the tough judge in his criminal department. Just for my own information I checked up for the year 1929, and I had sent ninety-six men to state prison. I also checked up on the San Francisco record, where they had three criminal departments, and I, the soft man in our county, had sent more men to state prison in 1929 than all three departments in San Francisco had sent in that year.

Feingold: That's very interesting. Were they using probation and parole more over here?

Spence: Oh yes. Much more in San Francisco than in Alameda County. In those days nobody seemed to complain about a judge who was over-lenient. One certainly had to draw the line some place, and I think I had it pretty logically drawn when I was on the criminal court. At least I like to think I did.

Feingold: What were your opinions about the indeterminate sentence law?

Spence: Well, I think the indeterminate sentence law is the only kind of a law that's defensible at all. It gives a board much more time to find out a man's past record, and to learn how he reacts in prison, which is also important, before they set the term. And furthermore, one of the bad parts of having the old system, other than the indeterminate sentence law, was that there is a terrific difference in the attitude of judges. You would get greatly differing sentences, which caused very hard feeling among people who perhaps deserved about the same sentence. One would get fifty years, and one would get one year.

Spence: Well, there was a lot of feeling about a situation of that kind! I'm very strong for the indeterminate sentence law.

The California Judicial Council

Feingold: Were you familiar with the work of the Judicial Council during those years when you were on the court?

Spence: Yes, I was fairly familiar with it. That was a constitutional amendment put through largely through the work of the old California Bar Association, the voluntary association. After I was on the District Court of Appeal over here--or I may have been still on the superior court--the Judicial Council faced a proposed constitutional amendment in the legislature to abolish it before it had hardly gotten underway with its work. One gentleman who was an ardent advocate of several innovations had taken it upon himself to become the working force that traveled about the state, trying to get the Judicial Council innovations into operation. He evidently made himself quite obnoxious to a great many people, including judges, county clerks, and members of the bar. His overzealous efforts had created considerable adverse reaction to the Judicial Council.

Chief Justice Waste asked me to go up to the legislature with him. The Judicial Council had asked him to go up and appear before the committee against this proposed amendment. I went up to keep him company more than anything else and to give him a little backing as we knew of the strong adverse feeling. Of course he was chairman of the Judicial Council, as Chief Justice. I must say that the way the legislative committee treated the Chief Justice was shameful. No matter what they might have thought of the Judicial Council, or of his work as chairman of the Judicial Council, a certain amount of deference should have been shown to his office. He was a very mild-mannered, likeable man, and incidentally, quite an active man in the life of the University of California as a loyal alumnus. He lived in Berkeley. He didn't deserve what they did to him up there.

- Spence: There was nothing I could do about it, except to try to throw a little oil on troubled waters. But of course I was a target too, naturally, as I was defending the idea of retaining the Judicial Council.
- Feingold: What were the major things that the Council was working on then?
- Spence: Well, one of the things that the Judicial Council did at the start was to get statistics, set up a system for getting statistics in a uniform fashion from all the courts of the state. It made a lot of work for the county clerks and the judges, some of whom didn't like to work very much, and didn't care to see statistics on how much work had, or had not been, done.
- Feingold: Is that why the legislative committee wanted this constitutional amendment abolishing the Judicial Council?
- Spence: It's why the people who proposed the amendment did propose it, and why a number of the members of the legislature favored the amendment. The amendment did not succeed in the legislature. Of course it takes a two thirds vote on a constitutional amendment. The dissatisfaction with the Judicial Council was largely caused by the officiousness of this representative of the Judicial Council whose conduct was resented by many public officials and members of the bar as well.

DISTRICT COURT OF APPEAL, 1930-1945

Feingold: Well, then, let's move on to your appointment to the District Court of Appeal.

Spence: Well, I was appointed by Governor Young to the District Court of Appeal. He was, incidentally, a great man in the life of the University of California, as you probably know, and a Berkeley resident for many years. He had been a teacher at Lowell High School for some time. I don't know whether you're familiar with Galey and Young's English Poetry--Its Principles and Progress? Well, he's the Young of Galey and Young's English Poetry--Its Principles and Progress, first published in 1904. He was afterwards with Mason McDuffie and with the Berkeley Building and Loan Association. He was very active at getting the Building and Loan Association going.

He was in the legislature, and had been speaker of the assembly. Then he was elected lieutenant governor.

Feingold: And so he appointed you to the court in 1930?

Spence: March, 1930. If I'd been planning my judicial career, I would have liked a little more time on the trial court, but you can't plan those things. When opportunity knocks, you have to move.

Feingold: Was it while you were on the District Court of Appeal that Max Radin was suggested for the vacant seat on the State Supreme Court?

Spence: Yes.

Feingold: And I believe Warren at that point was attorney general, and he was therefore on the Qualifications Commission.

Spence: Let's see. Earl became attorney general in 1938.

- Spence: It was one of the first problems that faced Earl, I think, after he became attorney general.
- Feingold: Did you discuss that problem with him much, about Max Radin?
- Spence: I didn't discuss it much with him because he knew Max Radin better than I did. But I was very close to Earl at that time, and we discussed all kinds of problems, such as how his office should be run as attorney general and the qualifications of judges up for confirmation. We had a very close relationship and saw each other quite often. The Radin matter came up, and Earl Warren and Presiding Justice Nourse of my division of the District Court of Appeal were both against Max Radin's confirmation. Chief Justice Gibson was the third member of the then so-called Qualification Commission and he alone favored confirmation. Of course he had served as director of finance under Governor Olson, and Governor Olson appointed Max Radin, or named him, but the majority of the commission opposed his confirmation. That's the time that Justice Traynor was appointed to fill the vacancy that Max Radin would have filled if confirmed. I've forgotten how the vacancy came about.

Oakland Tribune Case

- Feingold: You mentioned the other day when we were at lunch that while you were on the District Court of Appeal you had a little something to do with the Oakland Tribune and the settlement of some estate.
- Spence: Well, that's a long story, and I have a large file on it. We had a character in Oakland by the name of Phil Riley who used to love to pick on Earl Warren, as well as everybody else in public office.
- Feingold: Well, he picked on you too, didn't he?
- Spence: Oh yes. Well, he certainly did. Let me say, this was in the depression time. In the Dargie estate, they had to raise money. Two Dargies had been the original owners of the Tribune. When the second of these Dargies passed away, his widow was his main heir and beneficiary. The Dargies then only owned

Spence: 49 percent of the stock of the Oakland Tribune Publishing Company, which company was encumbered with mortgages and other obligations. They had the big building, with a mortgage on it, I guess.

At any rate, in the depression time, and particularly this being a minority stock interest, it was very hard to get any bids on it. A man by the name of Sheldon Sackett, who'd been in the publishing business up in Oregon, came down here and he wanted to get himself established in the newspaper business in this area. He thought this was a good opportunity to get in and try to get control of the Oakland Tribune.

When this stock was put up for sale by the executors of the Dargie estate, the Knowlands bid \$300,000 odd for this 49 percent interest of the stock. I've forgotten the exact figure. It compared very favorably with the value at which it was appraised in the estate. There was nobody else in sight to pay any more, except there was a suggestion by this fellow Sackett, through his attorney, and a Captain Martin.

Now, Captain Martin was a very dapper, Spanish gentleman. I believe he'd been in the Spanish army. He was a very great favorite to Mrs. Dargie. Captain Martin was objecting to this sale to the Knowlands, because he was trying to get all the money he could into the Dargie till, and thought they might get more. Sackett and Martin suggested that there was some bidder someplace who would pay a million dollars. But upon questioning, it was found that the condition of this so-called bidder would be that he'd get control of the Tribune, which would mean that he would have to get 51 percent of the stock, and the executors had no way of getting 51 percent, because the Knowlands weren't willing to sacrifice control just for the convenience of Captain Martin and Sheldon Sackett.

Well, anyhow, Judge Allen continued the matter several times to give them the chance to obtain a firm bid exceeding the amount the Knowlands had bid. They never produced such a bid. Judge Allen finally affirmed this sale of the stock to the Knowlands. The case came before us in the District Court of Appeal, and I wrote the opinion affirming Judge Allen,

Spence: confirming the sale. They asked for a hearing in the Supreme Court. I was from time to time serving pro tem on the Supreme Court by assignment, because of sickness or death or disqualification. When their petition for hearing came before the Supreme Court, I just said, "Well, gentlemen, this case comes out of my division of the District Court of Appeal. I therefore bow out and I'll see you tomorrow." The Supreme Court denied a hearing.

Phil Riley attacked in his Free Press paper, Judge Allen, myself as the writer of the opinion, and the Supreme Court for denying hearing, and further said that I had sat on the Supreme Court, and voted to sustain my own opinion on the District Court of Appeal, by voting against a hearing by the Supreme Court. Well, of course that was entirely untrue, but what should a judge do in such situations? Nobody paid much attention to Phil Riley, but Time magazine somehow picked this up, and it published an article substantially using Phil Riley's words. Then Harold Ickes, who was against anybody who'd ever been a Republican and who was a very staunch Democrat himself--he called himself "the old curmudgeon" which he was, no doubt--wrote a book called America's House of Lords, in which he listed the Gannet chain, the Hearst chain, and Knowland's paper and others, as the "House of Lords" of America. It was his thesis that this "House of Lords" ran everything and controlled all legislative bodies and all the courts and everything else. It's really an amazing book. I don't know anybody who's ever read it. I never dignified it by buying a copy, but before publication I had a copy of what had been written about the Dargie case. I had exhibited it to the members of the Supreme Court.

Justice Carter, of the Supreme Court, went over the Dargie case very carefully. He was an outstanding Democrat here who had participated in the Supreme Court decision. I'd gotten an advance copy through somebody. Justice Carter wired Ickes and told him that he thought the story was erroneous; that I certainly had not participated in that matter while I was sitting pro tem on the Supreme Court, and that at any rate, he'd gone over the case including my opinion, and he didn't see how any other result could have been reached.

- Spence: Well, Ickes responded by putting a footnote in the book and simply said that he understood that Justice Spence denied that he'd participated in the matter in the Supreme Court. I wished he'd left that out!
- Feingold: That's right. That makes you look worse than ever.
- Spence: It looks like that's all I denied! But anyhow, you asked me about it, I have tried to tell you about it.
- Feingold: I thought that was a very interesting story, because we've gotten pieces of it. Our office has interviewed Joe Knowland.
- Spence: Oh, it has?
- Feingold: Yes.

CALIFORNIA SUPREME COURT, 1945-1960

Feingold: Now, getting back to the District Court, how long were you on the court?

Spence: I was on there fifteen years.

Feingold: Fifteen years? So that was 1945 that you were appointed to the Supreme Court. By that time Warren was governor. Were you fairly close to Warren through those years on the Court of Appeal?

Spence: Yes. Of course he became governor in '42. He was elected in '42. The vacancy I filled came through the retirement of Justice Jesse W. Curtis. He retired and went back to San Bernardino, which was his old stomping ground. Earl appointed me in his place, and I think I told you it was the only appointment to the Supreme Court that Earl had a chance to make in the eleven years he was governor.

Feingold: Yes. He went to the United States Supreme Court in '53. So that was about ten years.

Spence: About eleven years. It was the only chance he had to make a single appointment on the California Supreme Court. I feel very fortunate having gotten it. I will say that I never talked to him about it

- Spence: in any way, and I never talked to Governor Young about any judicial appointment for myself. I never let anybody write any letters if I could prevent it.
- Feingold: We were talking before about the correctional system, and I know that Warren as governor made quite a few reforms in the prison system, the Board of Prison Terms and Paroles, and I wondered what you thought of his reforms.
- Spence: Well, I don't know just what you refer to there. There is a certain limit to the governor's powers, at least there were then, of doing anything about the correctional system except through legislation. I can't offhand tell you what legislation he may have put through --
- Feingold: Yes. Unfortunately, I can't tell you either, because it's out of my range.
- Spence: Well, let me say this. I think that most anything that he had done, he had done while district attorney and while attorney general. I don't recall much correctional legislation that he fostered as governor. I do know he put Walter Gordon on as, I think he was the chairman of the Board of Prison Terms and Paroles, wasn't he? And Walter did a good job there. An excellent job. I guess you remember he was a football coach out at California.
- Feingold: Yes. One of my colleagues is interviewing him.
- Spence: Well, he knows the governor very, very well. He was very close to him because he served in his executive work, you know. Earl was always seeking to do what he could in reforms. Earl was always very strong for increasing the rehabilitation emphasis in connection with prisoners, which is very fine. But his powers with respect to just what he could do as governor, except through the legislature or by making good appointments, was relatively limited.
- Governor Young put Charlie Neumiller back in as chairman of the Board of Prison Directors back in 1927, when he'd been dropped by Governor Richardson. Charlie Neumiller was quite an interesting and able fellow, a Stockton attorney.
- Feingold: Well, I've come to the end of what I wanted to ask

- Feingold: you, except if you have anything more to say about any cases that you handled --
- Spence: Well, there were lots of interesting cases. Every case, to me, was an interesting case. Some were more in the public eye than others. For instance, the Chessman case was probably in the public eye than any other case.
- Feingold: Oh, you sat on that case?
- Spence: Yes. The very vital part of it was when he was applying for clemency to Governor Brown, and Governor Brown was inclined to give it, but you see, Chessman having had prior convictions had to have the recommendation of a majority of the members of the Supreme Court, under the constitution, before the governor could act. Three of them favored recommending clemency for Chessman, but four were required. In the Chessman case I said to my colleagues, "If Chessman is granted clemency, no other man should ever suffer the death penalty in California." I'm not too sure that the death penalty is right or correctly handled at the present time, but I will say that up to now I haven't seen any way of getting away from it. I took upon it as a sort of a necessary evil, that we must tolerate, because what are you going to do with a man who is jailed for life and then kills a guard in the penitentiary? He had nothing to lose by trying anything he can, killing anybody he can, and trying to make his way out. So the death penalty would almost have to be retained for certain cases, I think.
- Feingold: I guess that's a question the California Supreme Court is deciding right now.
- Spence: The United States Supreme Court is now deciding the question of whether under the modern view of the courts the extreme penalty constitutes cruel and unusual punishment under the federal constitution. They haven't come down with a decision, but the same or a somewhat similar question is before the California Supreme Court.

I understand our Supreme Court is going ahead with decision of the question, not awaiting the decision of the United States Supreme Court. The courts were full of very interesting cases while I

Spence: was on there. Of course every murder case presents a tragic situation, which commands public attention. I think one of the most interesting experiences any judge ever has is when some poor devil comes up before him and pleads guilty to murder. He thereby says, in effect, "Here, judge, I leave it to you to hear what evidence may be presented and then you fix the degree and tell me whether I live or die." I want to tell you, it gives a judge a little emotional pull, when some poor fellow stands before you and practically says, "I leave it entirely to you."

Feingold: I put my life in your hands!

Spence: That's right. That's just what he says. And practically all the drama and all the human interest that a judge encounters is on the trial court. Up above we get many terrifically interesting cases. For instance, I wrote a series of oases on the welfare amendment which had to do with interpreting what was exempt from taxation under the welfare constitutional amendment passed about 1944. The legislation, I think, went through in '45 implementing it, purporting to exempt all religious, hospital, and charitable organizations from taxation on property used exclusively for religious, hospital or charitable purposes. There were some terrifically interesting questions presented by a line of cases. One of the lead-off cases was that of the Cedars of Lebanon hospital in Los Angeles. Others involved were the Serra Retreat, a religious activity, and also the Frederica Home, which was an old people's home. The YMCA was in there too.

The questions involved were questions like: how about tennis courts used by the staff and perhaps patients of a hospital? Are they used exclusively for hospital purposes? How about nurses' homes in connection with hospitals? And as to the YMCA's, if they have a cafeteria and let the public come in, is that part of the building exempt from taxation? Well, there were six cases, with about six counts in each of them. I want to tell you, writing those six cases took a lot out of me, just before I left for my summer vacation. But they were very interesting cases.

- Spence: One of the late cases I wrote, was one involving sales taxes, where there was a state sales tax, county sales tax, and city sales tax. This shopping area came in and planted itself right down on the dividing line between two counties, and two cities, and the line, the boundary line, went right through some of the departments of the department store!
- Feingold: Oh, and you had to decide what county --
- Spence: Who got the sales tax, you see. It was really very interesting.
- Feingold: We're running out of tape, and I wondered, just as a summing up thing, if you wanted to make a sort of general evaluation of Earl Warren's career?
- Spence: Are we at the end of this?
- Feingold: Yes, just about. We have about a minute and a half.
- Spence: I wanted to say something--when we started the tape the other day, you asked me some general questions about this great era in which we live. Well, as I said, it was one of the most interesting and intriguing eras that anyone ever lived in. Of course there was more excitement, perhaps, in the pioneering days. Life had settled down a bit in this century. What we're having today in the way of uprisings and shouts of revolution, and a bombing now and then, often seems to be repetitive of times gone by. For instance, the Times bombing. The Los Angeles Times bombing, way back in the early part of the century --
- Feingold: McNamara brothers.
- Spence: Yes. That prosecution--People against Schmidt is one of the prosecutions in that case that got up in the high courts. But the point is that we had the IWW's, the so-called Wobblies during that time. We had many wild radical ideas brought forth during the depression time. Well, again in the depression time we had the waterfront strike here in 1934. So this matter of ups and downs, revolutions, and revolutionary tendencies is not new. It all goes back to the fact, in my mind, that every excess one way or the other invites its reaction. We're retreating now, for instance, on the campus disturbances, perhaps. Well, we still have trouble at Stanford in this Professor

Spence: Franklin affair. But this is just random thinking that I am putting into words at the end here.

While this was truly an interesting and intriguing era, it wasn't free from tremendous difficulties and other problems including two devastating world wars, and when the full story of this unusual era is told, I believe that Earl Warren will be recognized as one of the outstanding figures of his time.

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INTERVIEW WITH THE HONORABLE JUSTICE HOMER R. SPENCE
INTERVIEWER - KENNETH M. JOHNSON

Johnson - Judge Spence, let me recite a few basic facts about you for the record and if I am wrong please interrupt me. I believe you were born in San Francisco on March 15, 1891, that shortly thereafter your family and you, yourself, moved to Alameda County. Is that correct?

Justice Spence - That is correct as far as it goes. Let me add that after living in Alameda for about one year (1893-1894), we moved to San Jose for six years (1894-1900), then back to San Francisco for two years (1900-1902) and then back to Alameda County where I have resided continuously since 1902.

Johnson - I understand also that you went to both Stanford University and Stanford Law School and received an AB Degree in 1913 and a J.D. (Juris Doctor) Degree in 1915.

Justice Spence - Correct.

Johnson - Now, Judge, I also understand practically immediately after your graduation from law school you went into the Army and World War I was, of course, going full blast then. Can you tell us some of your wartime experiences? Where did you serve, and what did you do?

Justice Spence - Well, I served in the Field Artillery most of the time, but had enlisted in May, 1917, shortly after the declaration of war, in the Tenth Company of the Coast Artillery here in San Francisco after missing the final day for application to the First Officers' Training Camp. We were called into active service at Fort Scott in early August of 1917 and by the end of August, I had been recommended for admission to the Second Officers' Training Camp. We finished our training and were commissioned at the Presidio in San Francisco in November 1917 and I immediately received orders to report directly to France as a Casual Officer, meaning an officer not attached to any particular unit of troops at the moment. I went to France and started my experience over there with the French School of Artillery Instruction in Saumur, France which was normally a French School of Cavalry, down on the Loire River. We were there three months under French instructors and then I was up on the front with the French Sixth Army Corps during the Aisne-Marne Defensive. After some experience there I was ordered back as an instructor at Saumur as they were changing from French to American instructors in the Saumur Officers' Training Camp. I served one session as a Section Instructor and a second as a Subdivision Instructor. I was still at Saumur when the Armistice was signed. I thereafter joined the 314th Field Artillery in the 89th (Blue Ridge) Division and was with it until I was discharged at Camp Lee, Virginia in June, 1919. In the meantime, I had had the pleasure,

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after the Armistice and, while serving with the 314th, of training and competing with a 75-millimeter gun section which finally won the Championship of the First Army at Bar-sur-Aube, France in March of 1919.

Johnson - Well, that was very interesting. I noticed in 1921 you were first elected to the Assembly of the State of California so you must have gotten rather interested in politics after you returned to California.

Justice Spence - I didn't think that I was going to get interested in politics, but a situation developed where Mr. William J. Locke was leaving the Assembly in our district, as he had become City Attorney of Alameda, and he felt it was inconsistent to hold the two positions. So, I was induced to run for that office and succeeded in being elected. I spent three sessions there going through three elections - 1920, 1922, and 1924, which brought me into the sessions which were held in Sacramento in 1921, 1923, and 1925.

Johnson - All right, the end of your term in 1925 were you defeated or did you simply elect not to run again?

Justice Spence - I elected not to run in 1926. I had decided not to run again after the 1923 session, but we had quite a battle between factions with the Republican Party which was really the only active party at that time. Democrats were very few and far between, and their registration was very low. I had ~~2~~ Democratic opponent and was given the Democratic nomination by write-in in all three elections. We went through the session in 1923 with Governor Richardson and some of us had opposed his policies. In 1923 we had put up Al Rosenshine, a member of the San Francisco Bar, against Frank Merriam, who was Governor Richardson's choice, to run for Speaker of the Assembly. We lost by one vote and all our faction made me feel as though I would be deserting them if I did not return for the 1925 session. I went back for that session and we ran a man by the name of Isaac Jones from Ontario against Frank Merriam for Speaker and we again lost by one vote.

Johnson - Let's see, who was the Governor in 1925? It was Friend W. Richardson, wasn't it?

Justice Spence - Friend W. Richardson was Governor in 1925. William D. Stephens had been Governor during my first session in 1921. Governor Richardson won the election in 1922 and he served as Governor through the sessions of 1923 and 1925. Following that, Governor Young defeated Governor Richardson and was our Governor during the session of 1927.

Johnson - Judge, 1925 was the first session which the so-called Integrated Bar Bill was really pushed and pushed very

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seriously. In fact, it was my recollection that it actually passed by both houses but it was vetoed by Governor Richardson. Can you tell us some of the background in that area?

Justice Spence - It is a very interesting story. The integrated State Bar was proposed and discussed by many people for many years. I really think one of the earliest men to talk about it and be really vitally interested in it was Jeremiah Sullivan who was so well-known as a member and President of the San Francisco Bar. It was Jeremiah Sullivan's speech at Catalina in September of 1924 that finally launched the very, serious step to get a State Bar Bill passed by the Legislature. There had been, I believe, an abortive attempt made in 1921, at which time I don't think the bill ever came to a vote. At any rate, the old, voluntary California Bar Association really worked at it. Jeremiah Sullivan had appointed Joseph Webb of San Francisco as Chairman of the committee to seek passage of the Integrated State Bar Bill. Chairman Webb had been one of the most tenacious persons in the world, working incessantly to get an Integrated State Bar. Of course, he had a lot of help especially from men like Kemper Campbell, Thomas Ridgway and Leonard Slosson from the south, and all the leaders of the Bar in San Francisco, including men like O. K. Cushing and Al Rosenshine. I think Joseph Webb is fully entitled to the title, given to him by many, of the Father of the State Bar Act; but, if I were to name a Grandfather for the act, I would name Jeremiah F. Sullivan.

Johnson - I wonder why Governor Richardson vetoed the bill after it was passed by both houses in 1925.

Justice Spence - Well, Governor Richardson, I think, rather loved to veto bills in the first place, and he jockeyed that bill around after it had passed in 1925 so that it got into the last ten days of the session before it was engrossed and enrolled and sent down to his office. That meant that he had 30 days after the session adjourned in which he could sign the bill; and if he did not care to sign it, he did not have to write a veto message. Furthermore, he did not have to risk the possibility that the Legislature would overturn a veto. I think he had been watching it and wasn't happy about it. Some of his friends favored the bill, but he had told its proponents that no proposed bill would be signed by him unless the Governor was given the power to appoint the Board of Governors of the State Bar. That was entirely contrary to the views of the persons most interested in the State Bar Act and who had been so active in getting it through the Legislature. They wrote a letter to him so advising him during the time the bill was pending in the Legislature. That was the reason, I believe, that he got

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his friends in the Legislature to hold up the bill and not send it in to his office until the last ten days of the session. That, I think, in short, is the story of his veto.

Johnson - Judge, in 1927 it is my understanding that you became Secretary to Governor Young, who was the successor to Richardson. The State Bar Bill was introduced again in that session in 1927 and this time Governor Young signed it with no difficulty at all. Was there some difficulty?

Justice Spence - I think it is fair to say there was no real difficulty although I think it is also appropriate to say that some of us had to do some educational work with Governor Young. One legal officer of the State, who justifiably had the respect and confidence of Governor Young, had given the Governor a written opinion to the effect that this bill was unconstitutional. This bothered the Governor greatly. However, the Governor had respect and confidence in many of us who had given contrary opinions, including the Attorney General's office, represented by Frank Guereña, and also the leaders of the Bar who had actively worked for its passage. So, I would say there wasn't too much difficulty but the signing was not purely a perfunctory matter.

Johnson - That was a long time ago; don't you think you could name the man that gave the opinion that the act was probably unconstitutional.

Justice Spence - Oh, I guess it wouldn't do any harm. The gentleman who gave that opinion passed away several years ago. He was a very, good friend of mine and a man I admired very much. It was Fred Wood who was then Legislative Counsel and who afterwards became a Justice of the District Court of Appeal here in San Francisco.

Johnson - I knew Fred Wood, he was really a wonderful person.

Justice Spence - Fred Wood was closely associated for many years with George Hatfield who was a very, independent individual. I don't believe George paid much attention to bar associations in his younger days. He was one of those very, independent practitioners, many of whom didn't like the State Bar Bill because they were afraid of what might happen to the independent practitioner who rejoiced in his right to go his independent way without interference. There were several prominent attorneys, including several criminal defense lawyers in San Francisco and other cities as well as in the outlying counties who were at least in doubt about the bill.

Johnson - Judge, I am glad you mentioned that because these days the tendency is to believe that everybody was for the Act, all lawyers were for it and that wasn't true.

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Justice Spence - No, it wasn't true at all and we had quite a little time in the Legislature. Al Rosenshine, myself and another member by the name of Herbert McDowell handled the bill in the Assembly in 1925. We had the most active opposition from one William Hornblower, Assemblyman from San Francisco, who was a very, independent attorney and formidable adversary. There was also a character in the Legislature by the name of Heisinger, a farmer, from down near Fresno, who was very serious and evidently felt that at some time some attorney had "done him wrong", had either charged him too much, or had taken too long with a case or something of the kind. Heisinger, therefore, opposed every bill that favored attorneys or was backed by the Bar.

Johnson - I know that there are those who generally dislike attorneys, I've run into them myself on occasion. Apparently, Judge, in the latter part or middle part of 1927 you went on the Superior Court Bench in Alameda County. Were you appointed or were you elected?

Justice Spence - I was appointed by Governor Young. When I was asked to serve as Secretary by Governor Young, I had previously decided not to spend any more time in public office. I wanted to get back to my practice and get it going without interruption, but Governor Young was very anxious to have close-at-hand someone who had recent legislative experience. I turned him down when he first asked me but I finally, after several entreaties by Governor Young, told him I would consent to go up through the legislative session and the bill-signing period, but then that would be the end. I was having dinner at his home one night at the end of the bill-signing period. I said, "Governor, I hope you've been recalling our understanding to the effect that I was giving up the Secretary post at the end of the bill-signing period. He said, "Yes, I do remember that, but I want to tell you, however, that if you are going to leave me I want to send you away as a judge." There was a vacancy in the Alameda County Superior Court and that was his way of offering me the appointment. I was happy to accept but he induced me to stay until the first of October to give him some help on some clemency applications and on selecting appointees for several boards and commissions.

Johnson - Was Earl Warren District Attorney while you were on the Superior Court?

Justice Spence - Yes, Earl and I started to practice about the same time, he having started one year earlier - in 1914. I was only on the Superior Court three years, from 1927 to 1930. Earl Warren was District Attorney all of that time. I was then appointed to the District Court of Appeal in 1930, and

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Earl Warren became Attorney General in 1939. He thereafter spent most of his time in San Francisco and we were quite close again.

Johnson - Judge, this is something I don't know anything about, but some of the people at the University of California suggested that I ask you about it, although I know you haven't had a chance to refresh your memory. They tell me that during this period there was some form of Bail Bond Scandal in the Alameda Court situation.

Justice Spence - I think there was more bail bond scandal in San Francisco about that time. What they may have reference to is the scandal with respect to street paving contracts in the City of Oakland in which several prominent people were allegedly involved. There was also a scandal with respect to Burton Becker, the Sheriff of Alameda County, while Earl Warren was the District Attorney. Earl had some tough matters there and he proceeded with them very fearlessly. Whenever someone would suggest that Earl "take it easy on some man", Earl would say, "Well, I promise you he will have a fair, but vigorous prosecution." Earl tried several cases before me, one of the most interesting being the Yachting Bandits Case involving Sampson and McNabb. Earl personally tried several of the tougher and more important cases, and the Sampson and McNabb case was one of them.

Before the War, Earl and I and a group of other young attorneys formed what was called the Young Lawyers Club of Alameda County. We met for dinner at the Peerless Cafe on 13th Street near Franklin; at least that was the regular meeting place. That Young Lawyers Club included a very interesting group, but most of them have passed away. At that time M. C. Chapman had been President of the Bar Association of Alameda County for about 15 years. He tried to get out of it each year, but the members would not let him. Mr. Chapman was a fine man and a very able lawyer but he got to the point where the office became a routine matter with him and new blood is always good in any office. There was not enough life, you might say, in the Bar Association for these young fellows I've been talking about, including Earl Warren, so that is the reason the Young Lawyers Club was formed. It was broken up when practically all the members went into the service in World War I.

Johnson - You mentioned Judge Louis Ward in ^{connection with} ~~the element of~~ the Master Calendar system which was a great improvement insofar as court procedures were concerned. Would you comment on that a little bit?

Justice Spence - Justice Louis Ward was a very outstanding member of the bench here in San Francisco, and afterwards on the District

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Court of Appeal in this First District. Prior to the time that there was a Judicial Council in this state, Judge Ward saw the difficulties and inefficiencies in the system under which cases were assigned to particular departments as soon as they were filed and each department handled all preliminary matters and also the trial of all! There was a tremendous amount of time lost. Judge Ward finally induced his colleagues to agree that there should be a Master Calendar Department for all civil jury cases. They agreed that all such cases would go into such a department when ready for trial and be assigned out of there. Through his efforts and his tact, seeking cooperation from both his colleagues and members of the Bar, he did a monumental work in that Master Calendar Department in getting the San Francisco calendar in much better shape even before there ever was a Judicial Council to point the way by rule.

Johnson - One other matter that you mentioned a little bit earlier that I'd like to have you expand on is the Small Claims Court.

Justice Spence - When I first started to practice law in San Francisco I can remember that if you picked up the Recorder and looked at the calendar of the Justices Court you would see an endless lineup of cases with "Rayer" as plaintiff. This was old Jake Rayer of Rayer's Collection Agency. He had a tremendous number of cases in the courts as people went to collection agencies when their cases did not warrant the employment of an attorney because of the small amount involved. But even using a collection agency, the cost was often a high percentage of the amount recovered. I believe the Commonwealth Club first developed the Small Claims Court idea and I believe it was also approved by The San Francisco Bar Association. A bill was introduced by Al Rosenshine in the 1921 session to provide for a Small Claims Court. In this court a man could not have an attorney and if a plaintiff chose to go in this Small Claims Court, he thereby waived his right of appeal. The defendant could not have an attorney but the defendant did not waive the right of appeal. There was a limitation on the jurisdiction at first to cases involving not more than \$50. That was raised afterwards to \$200 and if I am not mistaken it is up as far as \$500 now. The Small Claims Court did a great deal to take care of the small claim without too much expense and fanfare and to make the public better satisfied with the administration of justice.

Johnson - Well, Judge, your explanation of the Small Claims Court I think points out that we had inflation going on here for a good many years.

Justice Spence - I think you are right.

Johnson - But, now I want to get on to your work on the District Court of Appeal to which I understand you went in 1930. Were you appointed or elected?

The first part of the document discusses the importance of maintaining accurate records of all transactions. It is noted that this is essential for the proper management of the organization's finances and for ensuring compliance with applicable laws and regulations.

In the second section, the author outlines the various methods used to collect and analyze data. This includes the use of surveys, interviews, and focus groups to gather information from a diverse range of stakeholders. The data is then analyzed using statistical techniques to identify trends and patterns.

The third section describes the results of the research and the implications for the organization. It is concluded that there are several key areas where improvements can be made, including enhancing communication, streamlining processes, and investing in employee training and development.

Finally, the document provides a list of recommendations for the organization's management. These recommendations are based on the findings of the research and are intended to guide the organization in its future operations.

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Justice Spence - I was first appointed in 1930 and I ran in 1930 for the unexpired term of two years under the old system in an open, "knock-down drag-out" election with Judge Frank Deasy as my opponent. He had run against Justice Koford, my predecessor, two years before and he had won five out of the nine counties in the district. When I went on the District Court of Appeal the other two members were Presiding Justice John T. Nourse and Associate Justice George Sturtevant. The vacancy had been caused by the death of Presiding Justice James Koford, formerly Judge of the Superior Court in Alameda County. I insisted that the Governor appoint one of the incumbents as Presiding Justice because I was younger in years and certainly much younger in point of service than either of them. So, Justice Nourse was appointed Presiding Justice and the three of us served together for fifteen years from 1930 to 1945 at which time I went on to the Supreme Court.

Now I want to mention something here that, I think, is rather interesting. I served a total of 33 years on the bench, 3 on the Superior Court in Alameda County; 15 on the District Court of Appeal, the First Appellate District, and 15 on the Supreme Court; the dates being Superior Court, 1927 - 1930; District Court of Appeal, 1930 - 1945; and, Supreme Court, 1945 - 1960. I was having a little difficulty with my eyes and therefore retired in 1960 and had cataract operations following my retirement. Now to the interesting fact that I want to mention. As a coincidence I think I hold a unique record which will never be equalled. I served a total of 29 years on three different courts before there was a single change in personnel on any one of those courts during service thereon. In other words during my three years on the court in Alameda County nobody died or retired; in my fifteen years on the District Court of Appeal nobody died or retired; and, in my 15 years on the Supreme Court, the first change in personnel came in 1956 when Justice Edmonds retired; and so I was always the junior member in point of service on every court in which I served from 1927 to 1956.

Johnson - Judge, that is a very interesting record and while you were on the District Court of Appeal do you recall any particular cases that you thought were outstanding or of great interest?

Justice Spence - Yes, I believe I can recall a few such cases which I will refer to very briefly and will take the liberty later of furnishing the citations of these cases for the benefit of anyone who might be interested in further detail.

Preliminarily, let me say that the cases involving the greatest human interest are ordinarily those encountered in the trial court where the parties, the attorneys, the witnesses and the jurors are all present and participating with the Judge in the enactment of live judicial drama. But there were many interesting cases on appeal.

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The first case in point of time which comes to my mind is that of Dorrian v. the City and County of San Francisco, (96 C.A. 69) in which I wrote the opinion in 1928 while sitting as a Justice pro-tem of the District Court of Appeal. The case is of interest as plaintiff was seeking to quit title to a strip of land underlying the present San Francisco City Hall, subsequent to the erection of that structure. The case is of interest to members of the Bar as the plaintiff sought to prove title by common reputation, relying for that purpose on the testimony of Henry E. Monroe, a former President of the Bar Association of San Francisco.

An interesting condemnation case was Joint Highway District No. 9 v. Ocean Shore Railroad (128 C.A. 743). The old Ocean Shore Railroad which ran down the coast out of San Francisco had ceased operations. The Joint Highway District sought to condemn about 4 miles of the old right-of-way which ran along a shelf around the precipitous cliffs in the vicinity of Pedro Point. The Highway District's experts attached very little value to the property for as one of them claimed it was "too steep for goats to climb". The Ocean Shore's experts, on the other hand, took into consideration the large amount which the Ocean Shore had expended in levelling the shelf for the roadbed and asserted that the land was of great value as it was readily adaptable with little further expense for highway or railroad purposes. The evidence as to market value was therefore widely divergent. Judge Maurice T. Dooling, Jr., tried the case which was not free from difficulty on the trial or the appeal. Perhaps the opinion which I wrote in that case was among the more significant opinions which I have written.

Hensley v. McBride, (112 Cal. App. 50) was a "dog-bite" case which will ever remain in my memory. Under the then settled rule which has been loosely stated as "Every dog is entitled to his first bite", we felt compelled to reverse a judgment in favor of plaintiff. We took occasion there to point out the anomaly of this rule in the light of the legislation placing an absolute liability upon the dog's owner where the injuries were inflicted upon "sheep, angora goats, cashmere goats or poultry". We suggested that "equal solicitude might be shown by the legislature for the welfare and protection of human beings if this situation were called to its attention." The legislature did change the rule shortly thereafter and the author of the bill making the change sent to the members of the court copies of the court's opinion in the Hensley case in the form which he had had it printed and widely circulated throughout the legislative halls.

Then I recall the interesting will involved in Estate of Kelly (112 Cal. App. 758). The testator was seeking to divide equally between two nieces, Iris and Hazel, certain personal property. He apparently ran into difficulty with respect to

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his disposition of his single large diamond ring. He solved his dilemma to his own satisfaction by providing, "Let Iris and Hazel shake dice for the diamond ring." Adding to the complications, Hazel died after the testator's death but before the dice had been shaken.

There were many other cases, civil and criminal, which might be reviewed here, but I will conclude by referring to just two cases in the Supreme Court in which I participated while serving there on temporary assignment.

The first was the case of People v. Lamson, (1 Cal.2d 648), a murder case in which there was very wide public interest as the defendant and his deceased wife were well-known around Palo Alto and Stanford University. In that case I wrote a short concurring opinion in which Chief Justice Waste and Justice Shenk joined. In our view, there was ample evidence to sustain either (1) the prosecution's theory that the deceased wife had been murdered by the defendant husband, or (2) the defense theory that the deceased wife had been the victim of a fatal fall in her bathtub. All justices voted for a reversal but for divergent reasons. It is this type of decision which often imposes a most difficult task upon the trial judge who may handle the retrial of the case.

The second of the two cases to which I last referred was that of Evans v. Superior Court, 14 Cal.2d 563. That case is to be remembered not only because of the many interesting legal questions which arose out of the take-over by the Building and Loan Commissioner of the Pacific States Building and Loan Association, but also because of a very tragic and unusual occurrence connected with the hearing of the case. A special calendar had been arranged for extended oral argument and argument had progressed for some time when Justice Emmett Seawell arose and left the bench. Within two or three minutes thereafter, word was received by the Chief Justice that Justice Seawell had passed away in his chambers. There had been no warning of any such possibility and the shock was devastating. Court was immediately adjourned and the case was later reset for argument with Justice Pullen of the Third District assigned to replace our beloved lost colleague.

Johnson - Judge, I want to move on now to the Supreme Court which you went on as you remarked in 1945. It is my understanding that you were appointed first by Governor Earl Warren.

Justice Spence - I was appointed by Governor Warren and it was the only opportunity that Earl had to make an appointment to the Supreme Court while he served as Governor.

Johnson - Judge, this period from 1945 to 1960 I think is one of the most interesting in the history of California because it was a

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the Qualifications Commission. Justice Traynor had his own views as to the law and his own views as to the use of the power of a judicial officer. For instance, in People v. Caham he overruled People v. Gonzales which he himself had written a couple of years before. He apparently did not see fit in the earlier Gonzales case to overrule the established law on the subject of whether illegally obtained evidence might be admitted. Justice Traynor was a brilliant man; he writes as easily as any man I know. He became, somewhat to my surprise, a very able administrator and he followed a man who was a hard man to follow, Chief Justice Phil S. Gibson. Justice Traynor was a very able person and, of course, he has his own philosophy and if you didn't agree with it, he sometimes got a little put out about it. Nevertheless, he and I had the happiest of personal relationships.

Johnson - Well, I think part of the feeling of the bar without a doubt was that he [Max Radin] was a college professor and a lot of lawyers are of the opinion you would need to have a good deal of actual practice in the law before you are competent as a Judge.

Justice Spence - I think probably that there was developing at that time an attitude on the part of college professors which was very antagonistic toward the established rules that had been laid down by the courts. They were very critical of many of the rules and were very eager to see a lot of those rules changed. When any one of them got on the court, he usually went right out to change the laws without worrying much about stare decisis or about keeping a systematic pattern in the law. It was quite disconcerting to many members of the Bar. I talked to several men after Justice Traynor made his first speech as Chief Justice to the State Bar meeting held in the big pavilion on the Fair Grounds in Monterey. I can remember some very high-class attorneys coming out of that meeting and agreeing that his speech "scared the devil" out of them.

Johnson - I wonder why Justice Edmonds retired; he retired rather early, didn't he? He wasn't too old!

Justice Spence - I don't know, I think he was 65 and entitled to retire. There had been some antagonism on the court because of professional differences in viewpoints. Justice Edmonds had always been very close with Ed Shattuck, now deceased, who was a member of a law firm down in the southern part of the State. Ed Shattuck was at one time Chairman of the Republican State Central Committee. He was quite a lively fellow and a well-reputed lawyer. I think Justice Edmonds originally had some connection with him before he first became a Judge. I think Justice Edmonds' former law firm made an offer for him to return and perhaps he was anxious to get back to Southern California. He retired in 1956 and probably made a mistake in doing so because in 1959, the retirement bill was changed so that the retired Judge receives three-fourths of the pay of his office rather than one half. In the Federal

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Courts there is full-pay retirement without any contribution, but the California Judges today are paying about 8% or more of their salaries into their retirement fund. The fund is having a hard time staying solvent even with these large contributions.

Johnson - Some of the Judges are paying an additional 10% of their salary for the retirement fund.

Justice Spence - I do not know of that, but the State makes a contribution equal to that made by the Judges. May I say as we talk about Judicial compensation that I lent a hand in the 1921 session of the Legislature to putting through a bill which raised the salaries of the Superior Court Judges of the three largest counties--that is, Los Angeles, San Francisco and Alameda Counties--from \$6,000 to \$7,000 a year. I never got more thanks and appreciation for anything that I had ever done. When I went on the bench, in 1929, those salaries had been raised to \$9,000, and \$9,000 then, when State officers and employees paid no U. S. Income Tax and when the value of the dollar was greater, was as good as twice that much later on when we were getting higher salaries.

Johnson - Justice Shenk was on the Supreme Court the same time as you. Do you have any recollections about him; he always struck me as a very kindly, pleasant person.

Justice Spence - I was very fond of Justice Shenk. I knew the family quite well and I think Justice Shenk was quite helpful in getting me appointed on the Supreme Court. I pro-temmed quite a bit in the Supreme Court while I was on the District Court of Appeal as they had a great deal of sickness as well as disqualifications.

Justice Shenk worked right up until the day he passed away. He was up at Twain Harte and he rang me to ask if I had made up my mind on a certain case. I told him I had not but that I was going to work on it further over the weekend. He said he was doing the same thing and that he would ring me about it on Monday. I did not hear from him on Monday so I rang. I got Mrs. Shenk on the phone and his poor wife had to tell me that he had passed away on the weekend. He was going strong right up to the end. Justice Shenk was a very able, conscientious, interesting, self-made man who thoroughly enjoyed life and was a joy to work with. Can a story go in here that's not bad?

Johnson - Sure.

Justice Spence - At a meeting of the San Francisco Bar Association in the Palace Hotel, Justice Shenk and I and several attorneys were at a table of about ten. During the course of the meal, we got to talking about where each of us had been born.

Justice Shenk, whose name was John Wesley, was a son of a Methodist minister who lived on a farm in New York. Methodist ministers were frequently moved from one parish to another and Justice Shenk's father was sent from New York to Vermont where three months later Justice Shenk was born. Justice Shenk was the last one to respond in telling where he had been born; and in his very dignified way said, "I was born in Vermont, but I was conceived in the State of New York." Sitting alongside him was Herb Wenig of the Attorney General's office and he looked up and said, "Boy, what a memory!"

Pardon me for injecting something irrelevant.

Johnson - Well, that's the type of thing we want to get--some recollections that otherwise will be missed entirely.

Justice Spence - I could sit down for a day and tell the stories Justice Shenk told. He was a wonderful man and was great at spinning yarns.

Johnson - One more question in a different area. When Earl Warren became Governor he kind of surprised a lot of his supporters by proposing a good amount of reform legislation. I think some connection with health insurance and a few things like that.

Justice Spence - Earl Warren's life makes a very interesting story. His father was a railroad man. Incidentally, in Earl's early years his father was murdered--I think Earl was in his teens--and they never found any trace of the murderer or learned his motive. Earl was raised in a family of humble circumstances; he had worked hard and had seen the hard side of life. He attended the University of California. In Alameda County Earl Warren joined the District Attorney's staff while Ezra Decoto was District Attorney. When Ezra Decoto retired as District Attorney, Frank ~~Say~~ and Earl Warren were aspirants for the office. Both men were about equal in service and experience. The Board of Supervisors waited some time before taking action. They finally, by one vote, named Earl Warren. Many then believed that Earl's main support came from the Knowland family, who published the Oakland Tribune, and were credited with representing the more conservative point of view. Mike Kelly and his organization in Alameda County was the group which was credited with representing the more liberal side. Party designations did not mean much then because the Democratic Party was not even trying to make a real effort. At any rate, Earl undoubtedly had the backing of the Knowland family and of course as Governor he ultimately appointed William Knowland as United States Senator. William Knowland probably became more conservative with the passage of years while Earl Warren probably went in the other direction. I do not know how close Earl Warren and William Knowland are today.

Earl was always a very conscientious, able man; he was always a man of the greatest integrity. Earl was true to his convictions and his heart was always on the side of the underdog, despite the fact that he had been a very vigorous prosecutor. Earl went all out in support of his own theories as Governor just as Hiram Johnson had done. One reason Hiram Johnson obtained such a large following was because he had a definite program. Earl drew quite a following for that same general reason as well as because of his own personal charms. I was not surprised, as some people were, to see Earl Warren take the positions which he took as Governor of California.

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Earl Warren Oral History Project

E.A. Daly

ALAMEDA COUNTY POLITICAL
LEADER AND JOURNALIST

An Interview Conducted by

Joyce A. Henderson



E. A. Daly

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INTERVIEW HISTORY

Elbert Allen Daly was interviewed by the Regional Oral History Office as a part of the Earl Warren Era Project in order to document the highlights of his forty-four years as publisher and editor of the California Voice newspaper and of his political activities in Alameda County. The California Voice is preserved on microfilm in the Newspaper and Microcopy Room, University of California, Berkeley.

Interviewer: The interview was conducted by Joyce A. Henderson, a staff member of the Regional Oral History Office, whose speciality is Negro political history during the Earl Warren Era in California.

Conduct of the Interview: The interview was held in two sessions on July 21 and July 28, 1971 at Mr. Daly's home, 1106 Trestle Glen Road in Oakland, where he lives alone as a widower.

Editing: The transcribed interview was edited by Joyce Henderson and then sent to Mr. Daly along with questions to aid him in expanding and clarifying his original remarks. Mr. Daly, finding writing a rather difficult chore at age eighty-one, chose to have his answers recorded on tape by Mrs. Henderson. The material gathered during the two interview sessions and during the question and answer session was thoroughly rearranged during editing; and because they were no longer meaningful, the dates of the interviews were excluded from the text.

Joyce A. Henderson
Interviewer-Editor

13 October 1972
Regional Oral History Office
486 The Bancroft Library
University of California at Berkeley

I FAMILY BACKGROUND AND SCHOOL DAYS

JH: I'd like to ask first where you were born.

Daly: Tuscaloosa, Alabama.

JH: And the date?

Daly: November 16, 1891.

JH: I think it would be good to get your grandparents' names.

Daly: My grandfather was named Tom Daly and his wife was named Ellen Daly. Do you want my mother and father?

JH: Yes.

Daly: My father and mother were Ralph F. Daly and Lilly L. Daly.

JH: Was it difficult to get an education in Alabama?

Daly: No. Well, just like all over the South, you could go just so far. See, we had our own farm on the outskirts of town and we had to tend that farm. When we were needed, everything else was off.

JH: Was it unusual for Negroes to own their own farm?

Daly: No, it wasn't unusual but most people didn't have their own farm. You just had to rent your own land and have something cultivated left, see. It wasn't customary for everybody to have a farm. Just a few people had their own farm. We had a 30-acre farm. We rented it, though.

JH: I understand you weren't able to go to school year round.

Daly: No, you see, sometimes I would start in January, sometimes it would be December, like that. Then we would go until school closed. But I didn't start full-time until I was eleven years old.

- JH: Could you give me the names and the locations of the schools that you attended?
- Daly: Oh, what school? [Thinking] The first school I went to was a private school and there was a principal by the name of Mr. Champion. I don't know his first name. I just know Champion. From there I went to public school, and I was still in the first grade. That was at Tuscaloosa and it was on the west side of town. I lived on the east side of town and I had to go to school on the west side of town. I probably walked two miles and a half either way--on the whole, at least two miles and a half. Well, before I finished with grammar school I went to Taleadega. The colleges had grammar schools and I had to complete my grammar school there.
- JH: Where is Taleadega?
- Daly: Taleadega is about thirty miles out east of Birmingham. I went there and I didn't finish college but I went one or two years. I became an All-American shortstop in baseball. I was written up in all the papers in the country.
- JH: And for what team did you play?
- Daly: Taleadega College team. See, we just played colleges, although I was in a grammar school.
- JH: Did you play college-age people?
- Daly: Oh yes, all classes were mixed sizes and ages.
- JH: Then after Taleadega where did you go?
- Daly: I went to Clark College and then I finished a four-year high school at Morris Brown College. Taleadega is in Taleadega, Alabama; and Clark and Morris Brown are in Atlanta, Georgia.
- JH: Why did you go to Florida?
- Daly: I had a brother there and he lived in Florida.
- JH: What was his name?
- Daly: Thomas Daly, Thomas F. Daly. He had attended Tuskegee. Later, he married and lived in Florida.
- JH: I see. Do you remember A. Philip Randolph back in the Florida days?
- Daly: No, no. I remember A. Philip Randolph from, let me see, oh, about '32, 1932. My wife knew him as a young man. He was born in

Daly: Jacksonville, Florida. I don't know what schools he went to, but I think he went to some school in New York after he left the South.

II WORLD WAR I

JH: When did you go into World War I?

Daly: August, 1918.

JH: I understand you were shipped to Europe?

Daly: Yes. I was drafted in 1918, went to camp, and in two weeks I was put in a company of seasoned troops. They sent us to Camp Dix, New Jersey. There, from Camp Dix, New Jersey (we stayed there two weeks), we embarked for Europe. Everything on the high seas, you know, the protection on different boats; submarines chased us, and other boats around us tried to destroy our boats. We got over all right and landed in Liverpool, England. We stayed there twenty-four hours and we went from there to Winchester. Winchester was where I took sick. They took me to the hospital and I stayed in the hospital for two weeks. Then they let me go. But I never caught up with my regiment any more. From there I went to Southampton and from Southampton went over to Cherbourg, France. That was when I began to see service overseas. We went to a little town called Dela Var.

I told you about the sentence that the fellow said? You don't want it again do you?

JH: Why not?

Daly: The first sentence I heard a Frenchman say was spoken by a little boy who came up to us and I gave him a penny, an American penny. He ran to his mother and he said, "Oh, Mère, Mère, Américain soldat donnez-moi un sou!" And with every word, I never forgot the sentence.

We were always traveling behind the lines. I was in the ordinance department, going to take up messages to the main line of troops, you see. We carried a gun, but we never had an opportunity to use it. We were always sneaking in and out, carrying ordinances

Daly: to this company or to that company in the battalion.

JH: After you never caught up with your original regiment, were you always with only a black unit or were you working with all kinds?

Daly: Oh, a mixed group, because they put all the casualties together. There were white and colored.

JH: I see. I was very impressed with that quotation by General de Gaulle.

Daly: Oh, General de Gaulle came around one afternoon and made inspection and after the inspection was over, some of the boys got around him and asked him different questions. One of the boys asked if they had any colored troops. He said yes and he called a name--oh, General Foch. He said, "General Foch is a commander of the French army and navy." He said, "He is a black man, but he is a Frenchman!"

JH: Which somehow made the difference?

Daly: Yes, yes and he repeated it. He said, "He is a black man but he is a Frenchman!"

I never will forget it.

JH: How did that affect you?

Daly: Affect me? I was happy over it, you know. Everybody was happy to know that he was a black man and we all knew he was a Frenchman. He didn't have to tell us that. But we just surmised he was a Frenchman--of course, he had to be.

JH: Were there certain units that only Negroes were sent to in World War I?

Daly: Yes, in all the American military forces--artillery, infantry. And there was no Air Force for colored people in World War I. There were a few after they got to France. The French would put them in there.

JH: The French put the Negroes--?

Daly: Yes, you see after they got over they combined together. They wanted us together for the purpose of better cooperation. Then the Frenchmen would pick certain good ones that they wanted to go in the Air Force. We had a few aviators from that--not many.

In the infantry, we had from about the 369th to about the 382nd Infantry. They were all black troops. Then we had 369

Daly: Field Artillery. They had several. I can't name those in World War I because I didn't get to contact the artillery. But they had many. But all of them were solid black. There were no white people in it, only officers. They were manned by white officers. The majority of the officers were white.

JH: In which unit were you originally?

Daly: I started in the 811 Pioneer Infantry, Headquarters Platoon. I was made an orderly the night I went to camp. An orderly is one of the fellows that stays in the office and does the errands and things like that.

Did I tell you about the blind fellow coming home on the boat?

JH: Why don't you repeat that? We didn't get it on tape.

Daly: There were several blind soldiers on board the ship returning to the United States, and when we got back to New York the fellows said: "Oh here is the Statue of Liberty!" And one blind fellow says, "Oh." (He was blind, he couldn't see.) He said, "Oh, where is it? Show it to me. I can't see it nor can I feel it. After all my services, I can't see it nor feel it. How sad I feel." And all the fellows felt very badly over it because it was true. He couldn't feel it mentally nor physically because he was blind, and there was no liberty in this country for Negroes, as such.

JH: When you were in France, did the French officers use you in any way in their infantry or--

Daly: No. I was altogether under the American.

III SETTLING IN CALIFORNIA

JH: When did you come to California?

Daly: I came to California in 1922, looking for greener pastures. When I was discharged I went to Pittsburgh; that's where I was living when I enlisted in the service of the army. When discharged I returned to Pittsburgh in March and sent for my girl friend, Lillian Madora Hilton, and we got married in Pittsburgh, June the 3rd, 1919. I moved to Pensacola, Florida, stayed there 18 months. I went to work. I took the state examination for teachers and I passed. I lacked two points in making a second grade certificate. Third grade certificate is the lowest. So they offered me a principalship of a new school down there for \$60 a month and I refused. I wouldn't take it. My home was at Tuscaloosa so I went back and visited my mother and father. I was offered a position as athletic director of Stillman Institute. That is a Presbyterian school at Tuscaloosa. But they only offered me \$60 a month. So I turned that down and I went back to Pensacola, Florida and I accepted a position as chef-cook on a steamer. That is how I got my first trip to Mexico. I went to Nicaragua, Cuba, Central America, Port of Spain, and came up to Mexico. We brought cattle from Central America to Vera Cruz, Mexico and made two trips. On the last trip back, we brought a load of fruit from Nicaragua to New Orleans and unloaded that fruit. After we unloaded it we went to Pensacola, our home port. We closed up there and I got off. That's when I came out here. I came to California September 22, 1922 and I've been here ever since.

I got off the train in San Francisco but I didn't stay there. I came to Oakland that night, stayed here two weeks and then I went back to San Francisco.

JH: Was it difficult for you to find a job when you came out?

Daly: Very difficult. I couldn't find anything. So I worked with a man doing house cleaning. I had done house cleaning while going to school. Then, after I worked with him, a man called me from San

Daly: Francisco and I went over there. I worked for about three or four weeks and then when I got rid of him, I got back here to Oakland and I started a house cleaning business of my own called the Electric House Cleaning Company. January and February are bad months so I got a job working at the Oakland Lime and Cement Company, and I worked there about 45 days. When that was over, I went back to my house cleaning business. I continued it until 1927.

JH: How did you get customers for the electric house cleaning business?

Daly: Well, I had 2,000 cards printed with my telephone, address and everything on it. I would distribute them in the blocks that I would go. When I got these 2,000 cards, why, I took a day off and walked from Oakland, oh, up to Yale Avenue which is the extreme north of Berkeley. And from that day on, I had enough work to last me. When things began to get slow, I would go out and put out five or six hundred cards and that is the way I kept going.

JH: Did you say that you advertised in a newspaper?

Daly: Yes, I advertised in the Berkeley Gazette and either the Oakland Tribune or the Oakland Post-Enquirer. There was a paper here at that time called the Post-Enquirer.

JH: I see. Was your clientele any particular color?

Daly: No! I had any color for this clientele. I made no distinction. I never thought about that; whoever called me--I just went.

JH: It wasn't difficult for Negroes to afford somebody to clean their home?

Daly: Well, that was something like it is now. There were some who were able to do it and some who were not. If they wanted somebody, of course they called me because I didn't make any distinction. They all paid the same wages, you know. So I was happy to be called on.

JH: This seems like a very interesting job.

Daly: It is and I started two other young fellows after I got out of it. They met me, in fact they came to my office to print cards. I talked with them about it and encouraged them. Both of them are doing well! Both of them are doing well.

When I first started, and had bought my first piece of property--my first home, the young man three doors from me who was born in Berkeley started a house cleaning company of his own. But he was a failure. His wife told me, she said she couldn't see why he was born there and couldn't make a success out of it, and I

Daly: came there a stranger and I made a success out of it. She couldn't understand. She used to laugh at him often but I told her it's just the man. That was all. I came to California with determination to make good. Before I left Pensacola, Florida my wife warned me to get a round-trip ticket. She said, "Get a round-trip ticket." I said, "No, I'm going to sink or swim, live or die, but I am going to stay." She said, "Well, get a round-trip ticket so that if you want to come back, you can come back." I said, "No. I'm going to stay, sink or swim, live or die. That's my motto."

So when I landed in San Francisco I had thirty dollars in my pocket and of course that boarded me. In two or three days I had a job working. In a day or two [I had] my first day's work. I was rolling a wheelbarrow. Do you know what a Georgia buggy is?

JH: Yes.

Daly: Yes, and I rolled that. I was six weeks getting that \$5.60 because the man in Oakland called me for this house work the next day, but they sent me the money. When I got through with this man, I started my own house cleaning company in Berkeley.

JH: Today a house cleaning business would probably run on a contract basis. Was it that way for you?

Daly: No. I refused contracts. I don't know, I didn't want any. I just took it as they called me and I'd go out and do a day's--no, I didn't do it by the day. I did it by the job. I only charged 15¢ a window--that was a good price at that time. When I first started, I carried my rags and chamois and sharp knives in a bucket. I remember one time I had a house with about 42 windows in it.

JH: Oh boy!

Daly: That was a small amount; I'd get through with that in three hours. Later I had a house that had one hundred windows in it, 15¢ a piece. I did those windows in one day--all of them in one day, yes. I did sixty-four French doors and windows in a two-bedroom home in one day.

JH: That's wonderful. Well, I was wondering how it got its name "electric"?

Daly: My wife named it "Electric House Cleaning Company."

JH: Were you using any electric equipment?

Daly: I used a vacuum cleaner. That's the only thing I had electric, a vacuum cleaner. I'd say, "Do you have a vacuum?" If they didn't

Daly: have a vacuum, I'd take the vacuum with me.

Did I tell you--I think I did--about the people fighting for homes, people had to watch in their homes on Manila Avenue and Apgar and Genoa Streets?

JH: Why don't you tell me about that?

Daly: In 1923 Mr. Burt Powell was a carrier and bought a house on Manila Avenue. We had to protect him for three or four weeks because the white people wanted to kill him because he moved in a white district. So we worked for him to watch over him for a period of twenty-four hours for about three months. After then things kind of quieted down. And again, I think it was 1923, they changed 38th Street and made it into MacArthur Boulevard and that's when we had to sell Mr. Dawson's house on Market Street. He bought something else on Apgar and we had to watch for him for two or three weeks--day and night--until the thing quieted down. There was another one on Genoa Street in the 5700 block. They put up a new house there and a Negro moved in. The white people tried to run this colored man out and we had to watch over him for about a month, day and night, to keep the white people from molesting him.

JH: Do you mean his neighbors had to watch?

Daly: Yes, his neighbors and friends.

JH: How did his Negro neighbors watch?

Daly: Somebody would just go there and sit there for so many hours. This man would go and sit for five hours and another one would go and sit four or five hours and another one four or five hours until things got quiet.

JH: Well, what made the white people respect the ones who were watching?

Daly: They had guns. They had the difference. A loaded gun.

JH: What was the police department's role in this situation?

Daly: Well, they didn't do anything. They didn't ever put anybody there to watch for them. If anything happened, then they'd come. But they didn't just put a watchman there all the time.

JH: Did these incidents have anything to do with your wanting to go into real estate?

Daly: No, none whatsoever. A friend persuaded me to go into real estate. I went to school and took it up and passed my examination. That's

Daly: why I went into real estate. I've done very well with it. I don't regret going into it. It carried not only myself over, but it carried The Voice over, too. It was my real estate that carried The Voice over at that time, because it didn't have enough income to live.

JH: When did you go into real estate?

Daly: About 1934.

JH: Were there that many Negro real estate men in the '20s?

Daly: No. When I came there weren't over--let's see, there were only four Negro real estate brokers when I came here. Some others became real estate brokers after I came in. I mean there were only four that were giving full time.

JH: Do you remember their names?

Daly: Errol Marshall and Ellis West. Mr. West is now living and Mr. Marshall is now deceased. Mr. Ross was another.

JH: Is this the same Marshall that once owned The Voice?

Daly: That's right, yes. He was a real estate broker when I came in. He was the one that I purchased my first home from.

IV PRINCE HALL MASONRY

JH: I also know that soon after you arrived in California you joined the Masons.

Daly: No, I was here five years before I joined the Masons. I came here in '22 and I joined the Masons in '28. January of '28.

JH: May I ask what a Mason is?

Daly: A Mason is a craftsman. Well, it is supposed to look out after its members--those who are not working. They would try to get jobs for the other Masons. It was a fraternal organization and is supposed to be the highest fraternal organization in the world.

JH: Did you join the Prince Hall Masons or--

Daly: Yes, Prince Hall, F. and A.M.

JH: Is it a mixture of racial groups or is it confined to one?

Daly: Well, mostly it is confined to one, but there are some few white people in it.

JH: Well, your craft was then house cleaning, wasn't it?

Daly: No, that was altogether different. They called it a craft. I'll tell you this much, they call it a craft because of the emblem on a Mason's tool. You see, there is a square and compass. That's the emblem of a Mason.

JH: Oh. I wonder what's the significance of a square and compass?

Daly: You are supposed to be able to work with them. There are certain things that they ask you and you answer and then they know that you are a Mason.

JH: Are these symbolic things?

Daly: Yes.

JH: Oh, I was thinking of the actual tool.

Daly: The actual tool? Well, no, it's the emblem. Say, you have it on your watch fob or you might have it on a ring, see, and things like that.

JH: So Masons had their special emblem.

Daly: Yes, all fraternal organizations have their own personal emblem.

JH: Can you tell me about other criteria used in order to admit a person into the Masons?

Daly: Oh yes. You have to work in. What they call "work in" are certain motions you go through in order to get admitted. Now suppose I was in trouble and I was a Mason and I would come to someone's house and I'd see his light. I would stand outside and say certain things and that man, if he heard it, would come to the window or to the door. He'd invite me in and then I would tell him my problem and he would help me.

JH: Did you know that Earl Warren was a Mason?

Daly: Yes.

JH: Did the fact that you were Masons ever bring you in contact with each other?

Daly: Oh, at times. But they would see my pin; they would know. He'd never discuss it. Sometimes somebody would say, "Well, I see that you're a traveler," and I said, "Yes." Sometimes a fellow would say, "Oh, I see you've been raised," and I'd answer him and he'd know right off.

Oh yes, I met Masons in Africa and they were from America and they hailed me, and I met Shriners over there and talked to them.

I walked into some place and I went over and sat down. I hadn't met them yet, but one of them saw my pin. He came over there and talked with me and he invited me to come over and talk with him and his wife. We had lunch together, I think, twice after that.

JH: What's the difference between a Mason and a Shriner?

Daly: You have to be a Mason to be a Shriner. A first Mason carries through to third degree--three degrees. Then you take other degrees and you go to the eighteenth degree. That's called a consistory. They wear those long plumes and round caps. Some of them wear the caps with the plume in it or just the round caps. I always wear the round cap. Want me to show you one?

JH: I would like to see one later.

Daly: Well, I'm going to show it to you now because I might forget it.

JH: OK.

Did you say that this--

Daly: This is the seven district cap. The northern district has a double eagle on it.

JH: Are these districts in a city or--

Daly: In the country.

JH: I see. What is it you are not supposed to tell me? [Laughs]

Daly: Oh, lots of things. You see, this is the cap you wear, you see?

JH: Yes. It looks good on you.

Daly: Now this is supposed to be brass. I've never polished it. I've had it since about, oh, '44, somewhere around there.

JH: That very same cap?

Daly: Yes.

JH: How often did you meet?

Daly: Oh, about twice a month.

JH: You told me that you went all the way up to what degree?

Daly: I went to the 32nd degree. That's the Shriners. That's the highest that you are supposed to get unless you do something meritorious. Now my lodge wanted to give me a 33rd degree for meritorious service but the people from Los Angeles wanted me to pay for it--\$300. I told them I wouldn't take it. I refused empty honors.

JH: What people were these?

Daly: It would be the head of the Prince Hall Masons. So they had to take orders from them. Well, I just sent it back to them and told them I didn't want the paid honors. I wouldn't take it.

JH: Did you say that the head of the Prince Hall Masons is in Los Angeles?

Daly: Yes. The Grand Lodge meets there. And in the Eastern Star, they have mostly women but there are some men. The men are called patrons. I belong to an Eastern Star. I also belong to the Knights of Pythias organization. Court of Calanthe are the sisters of the Pythians. I used to belong to the Odd Fellows. I always belonged to three different organizations: the American Legion, the V.F.W., and members of World War I.

JH: Can you tell us more about the Odd Fellows?

Daly: The Odd Fellows is an organization composed of men and women. The men are called the Odd Fellows and their sisters are called The Household of Ruth. There were many organizations in California when I came here, and they used to have great meetings during some of their grand lodges. They are about extinct here in Oakland, because they have gone out of circulation. There are still lodges in Sacramento, Vallejo, Los Angeles, San Diego, and Portland, Oregon. It was a fraternal organization which was organized in 1800 in the South and after the colored people came to the West they started these organizations here and kept them up. I had a friend who had been in the Odd Fellows since 1900 here in Oakland. He was a marine from Barbados. He got off here in Oakland and started an Odd Fellows lodge here. His name was St. Clair Moore.

The name "Odd Fellows" came from Europe. There is a white Odd Fellows organization, but they are only national. The colored organization is international. The whites have many times tried to get the secret workings of the colored organization, and even offered good sums of money, but they refuse to sell them.

JH: How are the Odd Fellows different from the Masons?

Daly: They have the same names for officers but their rituals are different. The joining fees of Odd Fellows are not as much, and their initiations are not as severe as the Masons. But I think they are more Christian-like than the Masons. They both are Christian; they both come from that. But I think the Odd Fellows are more so, because their rituals are more religious.

JH: Were Earl Warren, Bill Knowland, or Mike Kelly Odd Fellows?

Daly: None of them were, but all were Masons.

JH: Do you belong to any newspaper guilds?

Daly: I belong to the NNP, National Newspaper Publishers' Association. Their headquarters is in Cleveland, Ohio. As a member I kept up my dues until I sold out of the paper in April, 1971.

V THE CALIFORNIA VOICE

JH: When did you buy The Voice newspaper?

Daly: On the 27th of December, 1927, that's when I bought it. My wife was working for the owners of The Voice at that time.

JH: Was there any competition for The Voice, in the way of other black newspapers?

Daly: Yes! One was the Western Outlook, The New Day Informer on this side of the bay. In 1928 I took over The New Day Informer and the Western Outlook. I took over their interests.

JH: So at one time you owned three?

Daly: Yes, and that was in '28. In '31 I took over another one in San Francisco and in '33 I took over another which was called The Western Appeal. They were all Negro weeklies.

JH: Were any of them specializing, say, in labor or anything in particular?

Daly: No, no. They were just papers for general circulation.

JH: Were you running just about the same articles in all of them?

Daly: No, oh no. We ran different articles. Sometimes these other papers would get only some of the ones printed in The Voice. The Voice had a national advertising agency and had correspondents. It had more correspondents than the rest of them.

The rest would go down like now during the interval between political campaigns, and when a political campaign came up, why then they would come up too, you see? Just for that time. As soon as the campaign was over they'd go out of existence. So I bought them over and they cleared out.

JH: So you found that you could have some kind of political influence during these--

Daly: Well, we had those papers organized just to get money for political campaigns, but The Voice was a national concern. The Voice, we tried to make it--we did declare The Voice a general circulation paper when it was organized. But the other papers weren't declared papers of general circulation. They just started up and had a few printed just for some advertising, see.

JH: These other ones served to give exposure to candidates?

Daly: Yes, that's all they did.

JH: What was the name of the one in San Francisco, do you remember?

Daly: The Western Appeal.

JH: Did these newspapers expose all kinds of candidates or just black ones?

Daly: No, any kind of candidate. There were very few black candidates at that time, very few. We had an assemblyman that ran here in Oakland. But other than that we very seldom had a black candidate. We didn't until just a few years ago--I think in 1948, something like that. Byron Rumford ran.

JH: Yes, he ran in '48.

Daly: My wife and I used our telephone to get people to come out to the meeting on the last Sunday he was to be voted on by the community, before he got on the ballot. My wife, the day before the election at Hoover Junior High School, stayed home and used the telephone and I went to the office and used the telephone at the office. We called up all our friends and asked them to come out and vote for Rumford. We were Republicans and Rumford is a Democrat. But Rumford was a black man, see. We worked for him. He was successful and not only that, he was a successful candidate for the assembly. He defeated the white candidate.

JH: Did he have any strong opposition in that community meeting?

Daly: Yes. A lawyer, Attorney John Henderson was also nominated. He was well-known in Oakland. But we only chose one of them to support jointly in the election.

JH: At the time of Rumford's campaign, were you owning more than one newspaper or were you down to one?

Daly: It was only one. See, as I took them over I just let The Voice absorb them, see. We had a tremendous circulation up until the war. When the war came we had to drop our circulation because we couldn't get gasoline to go out and get different things, you see. I could

Daly: only use one car after gas was an issue. Before the war, I could use two cars because I could get gas.

JH: Did you do a lot of the reporting for the paper?

Daly: Yes, I did a lot of it. Anybody who had something to give, we'd report it. We didn't care who they were. We got news from all of them, all the weekly papers. We'd use that and we had our special correspondents. We had church news that'd come in and we had fraternal organizations and we had social organizations and clubs and different things like that. They all sent in their news.

JH: You said there weren't that many Negro candidates, I was wondering how much of the population was Negro at that time, in the '20s?

Daly: When I came here there were 12,800 colored people in the county, in Alameda County.

JH: When you said that you did reporting for the paper did you mean you went around and got stories in Alameda County?

Daly: Well, if I heard of a story, I'd get it. Anyone who heard of it, they could send it in accordingly and we'd take it, see. You didn't have to be a reporter. I've always had a reporter's badge or a press card and yet I didn't have to. Well, that was because I was the publisher, and I could go and get something without price.

JH: I mentioned Earl Warren earlier. What kind of district attorney would you say he was?

Daly: Oh, he was a fine district attorney. Very good.

JH: Did you ever have to do any reporting on his work?

Daly: No. I didn't have to. I supported him in everything he went to.

JH: You supported him with the paper?

Daly: Yes. He was always a fair man. Of course he had his prejudices. But he didn't show this to a lot of people.

JH: How did you get to observe him to know how much he showed his prejudice?

Daly: Well, through other people. Because with me, he was always nice to me. Everywhere he'd meet me, he was always nice to me.

JH: I see. I thought you might have known some of the other people in his office, in his district attorney's office.

Daly: I never did know any of the people in his office.

JH: I'll just take a wild stab and ask you if you knew Nathan Harry Miller?

Daly: No.

JH: You didn't?

Daly: No. I had not heard of Warren hiring any black secretaries until he became attorney general. When he became attorney general he hired one black secretary in Oakland under his secretary. After that everyone had colored people in their office. Not only one, but several.

JH: According to my notes, Warren ran a campaign for Herbert Hoover in Alameda County. Do you remember that?

Daly: Yes, that was the first national campaign that I had been in. Hoover made his nominating speech at Stanford University's athletic field that had just been built. I supported Hoover with the paper. I don't know if Warren ran the campaign. Sometimes the people who head it don't want to be in the limelight. They work behind the scenes and have a substitute to take their place.

JH: Who approached you about supporting Hoover?

Daly: I think it was Mark Requa. He lived in Piedmont and passed away in about '36.

JH: Was he a strong Republican?

Daly: Yes, he was a national committeeman.

JH: A close associate of Warren's?

Daly: Yes, he was.

JH: I'd like to ask about the struggle that the Negro Pullman porters had.

Daly: Oh yes. That started out soon after we took the paper over. That started in about '28 or '29 and A. Philip Randolph was the head of that. He started The Brotherhood of Sleeping Car Porters. He is now retired and he was from Jacksonville, Florida. He sent his releases to me and I would give them the front page--always. Whenever he came out here he always came by the office.

JH: I see. Would that mean that you came into contact with C. L. Dellums also?

Daly: Yes. We were always friendly--Dellums and I--all the time. Dellums was a poor man, like myself. Dellums was always a good speaker and a good worker in his field. He was usually well-liked. I never knew the congressman, Ron Dellums, until two years ago, although I did know his wife when she was a baby. I knew her mother and dad, Mr. and Mrs. Leo Higgs, well. I had my first real estate license under him. He was the cause that I became a broker.

[Telephone interruption]

Now what did you say?

JH: You were saying that someone was the cause of your wanting to go into real estate.

Daly: Oh, Leo Higgs. I got my first real estate license under him--as a salesman. He did a smart trick that would have gotten me into trouble if I had stayed with him. So I went and got my own broker's license.

JH: What relationship was Mr. Higgs to Ron Dellums?

Daly: He was Mr. Dellums' father-in-law.

JH: Oh, that is a good bit of information that we can use. That means that he was also a real estate broker when you first came.

Daly: No. He didn't become a real estate broker until about 1932.

JH: Going back to the Pullman porters, they had a lot of opposition, as I understand it, from the Pullman Company.

Daly: Oh, they did! When the Pullman porters had their fight with the Pullman Company there was here a Major Walter H. Loving of the Philippine Conservatory of Music. He worked as an undercover stoolie for the Pullman Company. He had an article he wanted to publish against the Pullman porters. I took the article and I think we charged him \$25 for it. We published the article, not as news, but as a paid article.

JH: Did you have to publish everything someone was willing to pay for?

Daly: Yes, if they pay for it, you have to publish it. But we indicated in the paper that it was a paid article.

Then he tried to deny it and I had a photostat copy made of his check, and I published it in the paper.

JH: Was Major Loving white or black?

Daly: He was black. He was real--his wife was just as white as any white woman but he still was a black man.

JH: Was he light-skinned, too?

Daly: No, he was light brown.

JH: Then was Major Loving sorry that he had published this article?

Daly: I don't know whether he was sorry or not. He was sorry when he saw his cancelled check that he paid us and that we'd said in the paper what it was for.

JH: Oh, my!

Daly: See? Because that whitewashed it. I got up in an NAACP meeting and told them what I had done.

JH: What was the article like?

Daly: Well, that article was the things that the Pullman Company was doing against the Pullman porters in opposition to the union. All of it was in opposition to the union.

JH: I wonder if there is still a copy of that? Did you keep it?

Daly: No, oh no. I couldn't keep all those papers. When we moved, why the boys--we had a room in there of papers as big as this room. Just full of papers and they burned them all up.

JH: Do you have any idea about when Major Loving asked that this article be published? The year?

Daly: Nineteen twenty-nine, I think, was when we published this article. That's when they began to see that I was a race man. I was for my people.

JH: Who are "they?"

Daly: The people here, in the community. They saw then that I was for the colored people.

JH: Oh yes. That was early in your publishing career.

Daly: I had just [be]come editor and publisher in 1927 and this was '29.

Never Against My People

June 1971

By Foster Senegal

"I made up my mind never to do anything that would be against my people." This is the motto of E. A. Daly, former owner of the CALIFORNIA VOICE. For the last 49 years he has tried to keep that motto.

E. A. Daly has influenced the outcome of several political campaigns in the bay area. In 1932, Daly called Senator Shortridge's campaign manager asking for advertising for the Voice. He was turned down. Daly took that into consideration and decided that the Senator wasn't for his people. He ran a front page statement proclaiming that the CALIFORNIA VOICE would not endorse Sen. Shortridge. When the election was over Sen. Shortridge lost by 250 votes.

Daly, a registered Republican, and his wife, Lillian, were both instrumental in the former 17th Dist. Assemblyman Byron Rumford's campaign. Daly spent hours on his phone urging his friends to vote for Rumford. Daly has always been for the man, the party came second. He feels that it doesn't matter whether the candidates running for office are Democratic or Republican, if they are for his people then he would support them.

Daly says: "I would rather be a 'mucker' working for five dollars a day, walking around town broke than to be a 'yes man walking around town with money in my pockets."

E. A. Daly and his wife, Lillian, came to Oakland in 1922 from Pensacola, Florida. Mrs. Daly began working for Charles Tilghman, an Oakland printer. They later acquired



E. A. DALY, Publisher, California Voice

the California Voice. Mrs. Daly, who was the manager, printer and bookkeeper, died in 1967. It was she who persuaded her husband to purchase the Voice in 1927. Daly had been working in his own business which was called the Electric Housekeeping Co.

The CALIFORNIA VOICE which is the oldest black-owned newspaper in California, was first published in February, 1919. The charter and incorporation papers were issued April 19, 1919 as a paper of general circulation. The first publisher was Errol Marshall. About this time there was another paper started by Dr. G. C. Coleman named the Oakland Sunshine. The two publishers were in competition for 2 years. After Dr. Coleman and Marshall

decided to merge, the papers were printed in the Voice plant until 1922 when the Sunshine was discarded.

Since Daly took over, the CALIFORNIA VOICE has been published for 44 years consecutively.

Daly and his wife were a young, straightforward, fighting couple. They fought together, went to church together and always sought pleasures together, at a party or club. They were always together, except at political meetings. "Mrs. Daly never went to political meetings because she disliked politics and its doings and felt them to be very deceiving," stated Daly.

Daly has built the California Voice into a formidable paper that keeps the Black community informed.

June
1971

EDITORIAL

The CALIFORNIA VOICE has been protecting the interests of the Black Community of Oakland since 1919. Not only has it gained fame and respect as the oldest Black newspaper in the West, but it has established an image of dependability, observing its fifty-second anniversary this year. Under the direction of its first publisher, Mr. Errol Marshall, the VOICE merged with another Black newspaper—The Oakland Sunshine, founded in 1921 by the Rev. Dr. G. C. Coleman. The VOICE was sold in 1927 to E. A. Daly. Daly continued the VOICE tradition of 44 years of uninterrupted publishing, Mr. Daly has sold the CALIFORNIA VOICE to Milburn Fort, President of Multiplex Ins. Corporation; Otho Green, President of Pacific Training & Technical Assistance Consulting Firm; Dr. Norvel Smith, President of Merritt College; and Louis H. Campbell, Editor of the CALIFORNIA VOICE for the past 35 years. John Henderson, Chairman of MOR Housing Development Corporation, serves as a board member. We now comprise the Voice Publishing Company, Inc.

We, of the Voice Publishing Company, shall continue in the tradition of service to the Bay Area black community through an expanded news coverage. The "New Voice" will speak to the needs of the black community in the primary focal areas of education, local government, criminal justice, and black economic development. Our role as a "responsible" weekly is conceived of in terms of continued advocacy for social and institutional change, and for the sharing of the overall community power with its black community.

We, of the "New Voice," will stress those issues that eradicate the condition of powerlessness, and reverse the monetary drain from the black community. We will work vigorously and tirelessly to expose every vestige of the institutional racism that pervades our society at all levels. It's only through such institutional change that bay area blacks will be able to establish black-owned financial institutions. Equal opportunity must be made to mean equal opportunity to manage, own and operate the businesses that serve our total community.

We will help develop and support responsible and relevant political leadership that offers positive, programmatic solutions for the strengthening of black community participation in the decision-making processes of the Oakland Unified School District, the Peralta College District, the Port of Oakland, and other local, state and federal agencies.

The policies and practices of banks, insurance companies, savings and loan associations, and business corporations will be examined in the light of their roles vis-a-vis the black community.

We seek your support and participation in our bold new undertaking.

VI ALAMEDA COUNTY POLITICS

The Kelly and Knowland Factions

JH: When did you first meet Mike Kelly?

Daly: I met Mike Kelly in January of 1928. He sent for me. He sent somebody asking and made an appointment and I went down on the appointment to talk with him.

JH: When you say "down," do you mean over in San Francisco, where his office was?

Daly: No, he had an office in Oakland. He had a furniture store on the corner of 13th and Washington. He had a little office there where you could go down and see him when he wasn't doing anything. The name of the store was Bellings Furniture Store. That's where I met him. When I wanted to see him, that's where I'd go to meet him.

JH: Why did he send for you the first time?

Daly: Well, he wanted my help in electing political candidates.

JH: Mr. Kelly was a Republican, wasn't he?

Daly: Oh, yes. He was a staunch Republican, even until he passed. Well, you see there were two factions of Republicans on the County Central Committee; they had an opposition at all times. One faction was called the Kelly faction, the other faction was called the Knowland faction.

JH: Was it in reference to Joe Knowland or to Bill Knowland?

Daly: Joe Knowland. Joe Knowland at that time was the big guy.

JH: What did you think of Joe Knowland?

Daly: Well, to our people he wasn't any good.

JH: He wasn't?

Daly: No, he never was. He never hired one colored person that I knew of, up until maybe this last war. Now there was [Delilah] Beasley and I think she passed about '36. She used to write for the paper. She used to have a column in there called The Negro in the News by Miss Beasley.

JH: This was in the Oakland Tribune?

Daly: Yes.

JH: What else could you tell me about Miss Beasley?

Daly: Well Miss Beasley was a well-trained woman, very nice, courteous in every way. She could entertain anyone, I don't care who they were. She was just well-trained. I don't know where she received her training. She was a good writer. It showed in her writing; she was very, very good. She was a good mixer. She was from the old school. I don't know whether she was born north of the Mason-Dixon Line or south. I don't know. I never thought to ask her. We would sit down and laugh and talk.

JH: Talking more about Joe Knowland, who did you know best as a person, Joe Knowland or his son, Bill?

Daly: His son, Bill. I very seldom came in contact with the old man, with the exception of some kind of meeting, and then we would just speak to one another and shake hands, that's all. We never had any conversations other than that.

JH: What did you mean when you said, "some kind of meeting?"

Daly: Well, I mean like some political meeting or we might go to some banquet or something like that. Maybe somebody would be coming through town, some big guy from the East, and he'd speak and after the meeting, why, we'd meet up with him, you know. Well Knowland would always be on the stage.

JH: He was on the platform?

Daly: No, I don't mean he was on the platform--the speakers' platform. I remember once saying something about Mr. Knowland. Somebody said, "Oh, there's nobody at the head of the table." And I got up and said, "Oh, yes, there's nobody at the head but there is a head." I said, "Wherever Mr. Knowland sits down there's always a head." Everybody clapped for it. When Knowland sits down, you can consider it's the head.

JH: You did mention that there were Kelly and Knowland factions.

Daly: Yes.

JH: I was just trying to understand why there were such factions.

Daly: Well, I found it that way when I came. I often wondered myself. But each one of them had in the city a certain patronage to give out, see.

JH: Patronage?

Daly: Patronage, you know, like positions and different things. Each one of them did that.

JH: Would Kelly, the superintendent of the mint, have such patronage?

Daly: Yes. People would never know when he was in there--a few people knew he was in that position. But the masses didn't know it.

JH: How would you describe the two sides of the faction in terms of their relationship to Negroes?

Daly: Well, the Kelly faction was fairer to colored people than the Knowland faction was. The Knowlands had no interest in black people. I know that Kelly did show his interest.

JH: Could you give me any specific examples of how he showed his interest?

Daly: Well, when something came up he always gave them consideration. As an appointment came up, why he would give the black man consideration along with anybody else. But not all the time did they get it. Who you want to get a certain position doesn't get it all the time. So then that leaves it for somebody else; whichever one can get the most influence that's the one that gets that position. That's politics.

JH: Were you ever able to suggest to Mr. Kelly the names for positions?

Daly: Oh, yes. I suggested several, and I suggested some white people for offices.

JH: Do you remember any whom you suggested that did get jobs?

Daly: Oh I don't remember--I know two or three. But I remember some of the colored people.

JH: Oh, I'd like to know their names.

- Daly: There was Jesse Flowers as the head janitor of Oakland. And who was that other fellow? I saw him this morning, too. Isn't that funny? I can't remember.
- JH: Maybe you'll remember later. Did Mike Kelly live in Oakland?
- Daly: Yes, he always lived in Oakland. He lived in a hotel. I think it was either the Oakland Hotel or the Globe, one of the two.
- JH: I thought maybe you could also give me information on his background.
- Daly: There was no way for me to get anything on his background other than he was appointed head superintendent of the mint and he was there quite a number of years, see. He was in that position when I met him.
- JH: I just remember we talked about this off-tape once and that you did say you recall he came from Virginia. I thought that was significant.
- Daly: I found that out after he passed.
- JH: I see. Well, that is good for us to know.
- Daly: Yes, he had a sister living and all his holdings went to her. Other than that he had no relatives. That is all I could learn about him.

The Alameda County Republican League

- JH: I understand that you organized the Alameda County Republican League?
- Daly: Yes. I was its first president, beginning in 1936.
- JH: Why did you think one was needed?
- Daly: Well, because Negroes had no organization at that time in Oakland. So we organized, that is, the Republicans. I told you about organizing the men's clubs in the churches here?
- JH: No. Would you like to tell me about it?
- Daly: We had a pastor by the name of Reverend Byers. He came from San Francisco in the year 1928 and that year we were meeting between the different churches. I was friendly toward Mr. Ford--he's buried now--and together he and I organized the first men's club in Oakland called the Men's Club of Cooper A.M.E. Zion Church and then from that we organized the number two club, the Beth Eden Baptist Church club. He was a member of Beth Eden and I was a member of Cooper Zion, and

Daly: I went with him to help him organize there. Then the next one was North Oakland Baptist Church. We organized that, and then the next one was First A.M.E. Church.

JH: Did these men's clubs work in the community in any way?

Daly: For the church, for the benefit of the church, that's all. We were a church organization. All of them are going on now. All of them. And other churches since then have organized men's clubs.

JH: Who were some of the other first members of the Alameda County Republican League?

Daly: Oh, a man by the name of Leslie McFarlane and Mr. Ford and Mr. Jones, Louis Jones. He's still living. McFarlane is deceased. And let me see, who else now? I know somebody but I can't call his name. He's been dead so long. Another McFarlane, he's dead too. He was a cousin to this other McFarlane. He ran for the assembly.

JH: Did you work for Mr. McFarlane in terms of backing him with the paper and so forth?

Daly: Yes.

JH: Do you remember what year that was?

Daly: Oh, that was about 1934.

JH: You have a good memory.

Daly: Thank you.

JH: Were there any women working in the Republican League?

Daly: Yes. Mrs. Lillian Dixon was one and Mrs. Frances Albrier. You know her, don't you?

JH: Yes.

Daly: I think after that Mrs. Albrier went to the Democrats. I'm not sure but I think she became a Democrat. I've voted for a Democrat but I'm still registered Republican.

Let me see now. There were so many people. You know you can't remember--oh, there was George Vaughns; he was in it. There was one white fellow in it. He helped us organize it. He's dead now too. I can't think of his name.

JH: I wonder why he was so interested in this organization. He must have been unusual.

Daly: He was and he worked with us all the time. He told us a whole lot of things to do politically.

JH: What was his occupation?

Daly: I don't know what his occupation was. He helped us to do a lot of things; he helped the club get ahead politically.

JH: Can you give me a for instance?

Daly: Well, he told us what to do to get certain finances. And he was against the Knowlands, see. Through this club, he could get back at the Knowlands. He could go into the white neighborhoods and come back and give information to us. That way, he helped us and he fought the Knowland faction.

JH: Were you all against the Knowlands, too, at the time?

Daly: [Laughs] Yes. They were white. They were always against us! What we did, we did it to advance colored people, not white people at all, see. This white fellow was with us and he gave us some inside dope on what to do. He told me the difference between offensive politics and defensive politics. [Laughs] I know what defensive politics is, but I didn't know what offensive was. I knew the meaning of it but I'd never seen it done.

You know, they call it offensive fighting when someone sends out a postal card or sends out a letter and tells a lot of things against you. Maybe it would be somebody in your party, using another name. Things like that.

But I never believed in throwing a rock and hiding your hand. Let your hand stay out there and show who did it. My motto is I'll try to live every day [so] that I can look everybody in the eye and tell him to go to hell! That was my motto and I mighty nigh did it.

JH: Were you, as you worked with this white fellow and the group, able to make any decisive moves in politics?

Daly: Yes, we did. He helped me to defeat Charles W. Fisher. He was the one who enabled the association and me to defeat Fisher, see, because we knew just what Fisher had done against colored people. He gave me the idea. I'd never done any politics much. I just voted for different candidates.

JH: Maybe we should mention what year that was that Fisher ran.

Daly: Nineteen thirty-six. He ran for U.S. Congress from the 7th District.

JH: What had Fisher done against Negroes?

Daly: Charles Fisher served 3 terms as an assemblyman from the 17th assembly district. After that, he ran for Congress against Congressman John H. Toland. Mr. Toland had been in about 2 terms then. Mr. Fisher had gone to court to keep a black man from living in a home he bought on Mandana Boulevard. In back of this house, the property was at an angle of 45 degrees; there couldn't be a street on it. But Fisher took this man to court, using the need of a street as an excuse. The judge ruled in favor of Fisher and made the black man move out.

Then they sold the house to someone else. About six years later, when Fisher ran for Congress, a friend got for me several articles Mr. Fisher wrote. In them, he said, "The only good thing I got out of this was to keep an undesirable out of the district." This black man was quite a wealthy man. I got these letters written by Fisher to his constituents, and I got money from Mr. Toland to defeat him. Fisher had a majority in only one precinct and that was number one in West Oakland.

JH: After you realized that you had to go to work on this, what exactly did you do?

Daly: I helped to assimilate the information and I interceded to get the funds to print these circulars--50,000 circulars to go into 81 precincts. After I printed them, why then I got the men and women to distribute them in their precincts.

JH: What was the man's name against whom Fisher was running?

Daly: John Toland; he's now deceased. I got the first black face at a post office window in Oakland, 1936, through John Toland. That was the first time that ever a black face appeared at a post office window there in Oakland.

JH: How did you get it?

Daly: Through John Toland, the congressman.

JH: I mean, did you just recommend this person to him?

Daly: Yes. I told him I was sending him somebody down and I wanted him to see that he got appointed and of course he did. And he employed him at the window. Well, I told him what had not been done, and so at that time he appointed him at the window. His window was at the 10th Street Post Office, there wasn't a name for it there. But after that year, they employed Negroes everywhere else, see.

JH: I know it's been a long time but I thought you may remember the Negro's name who was first appointed.

Daly: His name was Taylor, and they'd call him Mandelu. He had a restaurant he called Mandelu Taylor. Mandelu was the name of his restaurant, but his name was John Taylor--I think that was his name--but I know it was Taylor.

JH: OK. All right.

Daly: Isn't it funny I can't think of his name? I've got a mirror picture of him. He was a big fellow, real fair, and he would talk a lot, you know.

JH: I understand also you had a chance to influence Samuel Shortridge's campaign, in 1932?

Daly: Yes. Mr. Knowland, Sr. was his candidate manager and managing advertising man and I went to him for some advertising, but he refused me. On the last week, why, I went against Shortridge. He lost in the district by about 250 votes.

So I contributed that much to The Voice. If I had gone for him he would have gotten that many votes, or more. But I went against him and he lost by 250 votes and I printed up on the front page "Shortridge lost by 250 votes," and of course everybody knew The Voice had gone against him, see. So they give me the credit for defeating him.

JH: These were black votes that helped to defeat him?

Daly: Yes.

JH: When you asked for an advertisement, you were asking it of Shortridge; you wanted to back him?

Daly: Yes. After he didn't give it to me, I went out. I went back to the office in time for the paper to come out and I just wrote an editorial and put it on the front page, an article against Shortridge.

JH: You wrote it yourself?

Daly: Yes, with my wife.

JH: You got the impression that he didn't want you to back him?

Daly: I got the impression that Shortridge wanted our support. It was Knowland who didn't want it, see? Knowland didn't want to give the paper anything for supporting him. He didn't want to put an advertisement or anything in a black paper. That's the idea I got, see.

JH: Were you able to talk with Shortridge soon after that or before it?

Daly: No, I never did go to him for anything. No, I was through with him. I had no use for him after that.

JH: I was just wondering what did he have to do with that? Do you think that Joe Knowland got his orders from Shortridge?

Daly: Well, Joe Knowland was his campaign manager and he did like he wanted, see. I did like I wanted. I didn't like Knowland's attitude, so I just went against him. I had headlines, "Senator Shortridge loses by 250 votes."

JH: My next question concerns the time when Bill Knowland decided not to run again for the California senate in 1938.

Daly: You mean the state senate?

JH: That's right. How were you able to influence him not to run?

Daly: [Chuckles] Well, after the primary, he called a meeting of Republicans in preparation for the next year. This was in the Athen's Athletic Club. There were only two black faces present--E. B. Gray and myself. Mr. Knowland wanted to say (but he wasn't sure) that I had used Republican money to defeat a Republican [Fisher]. Afterwards, he asked if I would like to say a few words.

I said, "Thank you, Senator, I would."

And he sat down. He said, "You have the floor."

So when he sat down, I stood up. I nearly talked about ten minutes and I said, "In conclusion, Senator, you come up next year for re-election. Gene Roland, who lost to you in 1934 by a plurality of thirty-two votes is now deceased. Miss Beasley is now deceased and I have that influence in the district and I'm going to use it and see that you are defeated!"

JH: Knowland got the thirty-two votes.

Daly: Yes, Knowland got the thirty-two votes. Miss Beasley and myself secured for him those votes in the primary over Gene Roland. There were three people running, but those were the two prominent candidates: Roland and Knowland. So when it was over, he got it by thirty-two votes. When I told him that, he looked at me.

After the meeting was over, Assemblyman Arthur Breed, Jr. came to me and we were talking. He said, "Oh, Mr. Daly, those were strong words. That was very extra strong language!"

I said, "Assemblyman, I knew it was strong language. But I meant it. I don't have any money but I have two good feet and I

Daly: could walk over every inch of the land in the district and I'd beat him! I'd get those votes against him!"

And he said, "Gee, that's strong language!"

And Knowland didn't run. After he didn't run, I went to Mr. Breed and asked him to run for the senate and he said, "I would, if I can get things arranged." And as soon as he got things arranged he wrote me a nice letter thanking me for offering my support. He said, "I'll never forget you."

Senator Breed was always nice to me. He never cared about colored people in general. He never was interested in whether they did anything or not.

JH: So Knowland ended up not even running the second term for senate?

Daly: Yes, that's right.

JH: Just why didn't you want to support him?

Daly: Because he tried to punish me because I defeated a Republican, Fisher. He did say--he told someone else (I got it through the grapevine) that I defeated a Republican with Republican money. But I didn't use Republican money to defeat Fisher. I went to the Democrat candidate for congressman, who was John Toland, and I told him the situation.

I said, "I would like to get a certain amount of money. I need the money to print 50,000 circulars. We will circulate them ourselves." And he gave me the money and I printed them in my shop. I got what the congressman had done for the last two years in Congress and I got what Fisher had done the last two years in the assembly. I put the two articles in different classifications on only one page. John Toland on the left and Fisher on the right. (I'm going to see if I can find one of those now.) And we defeated Fisher. Do you know Mrs. Lillian Dixon?

JH: Yes.

Daly: I think she and I signed the material. I'm going to 36th Street and see if I can get it. It's in that old safe I got there.

JH: Fine.

The Republican County Central Committee

- Daly: The Republican County Central Committee, originally, when I first came in, was a two-unit organization. The Knowlands had one faction and Mike Kelly had the other. Whichever one held or secured a majority of the votes controlled the County Central Committee.
- JH: How many people were on the committee?
- Daly: There were six assemblymen and each assemblyman had one county committeeman. So there were six county committeemen in each assembly district.
- JH: Who was assemblyman from your district, when you were on the committee in 1932?
- Daly: Oh, let me see. Who was it? Clif Wixson. He was the assemblyman at that time.
- JH: Is there anything you can tell me about him?
- Daly: Well, Clif Wixson was a businessman and he had a big store and a lot of property in Emeryville. A very nice fellow to colored people. They could go to him and get assistance from him when they needed. He was very courteous to people. I helped to put him in as supervisor in Alameda County.
- He came to me and told me, "Mr. Daly, I am going out of office. I'm not running next year." He said, "Come down, I want to talk with you." He did something for the paper each year. I went down and he did what he said he would do. He gave me a page of advertising each year that he was supervisor.
- JH: Did you work closely with Wixson?
- Daly: I did during his election. That's the only time I'd work with him, of course. Anything that came up for his benefit and I knew it, why of course I would pass it on to him. But I wasn't a paid worker for him, like some people would pay somebody to work for them.
- JH: Was Clif Wixson in the assembly until 1936?
- Daly: In 1936 he was in the assembly, yes. In 1937 he ran for supervisor. He became the supervisor of the fifth district in Oakland. That's when I came in contact with him, because I supported him.
- JH: Did Wixson fight against gambling in Emeryville?

Daly: No. I've never known him to say anything against or for gambling. He owned a big liquor store at the corner of Haven and 34th Streets. But he was a very nice man.

JH: Earl Warren fought to abolish gambling, didn't he?

Daly: Yes, he fought gambling, but yet there was gambling at almost an arm's throw from the county courthouse. [Laughter] But you find that in every city, though. There are just places that run gambling, and people don't bother them. Gambling has always been open in Emeryville.

Wixson was liked by Negroes. I always got advertisements for John Mullins, Walter Davis and Wixson.

JH: Mullins and Davis were supervisors too?

Daly: Yes. John Mullins was supervisor when I came to California. And then Davis defeated Mullins, and later Wixson defeated Davis. I was for Mullins when he ran against Davis. I went to Mullins' apartment and said, "You will need every iota of publicity you can get from now unto the end of the campaign." So he said, "Oh no, Brother Daly. I'll win, and I'll win thumbs down." So I said, "You may have thumbs down but you may not win." And sure enough, he lost.

JH: Wasn't he popular?

Daly: The people liked him but he was running against a younger man who out-talked him. Davis was just out of the University of California, and it was the first office he had ever run for.

Well, the central committeemen worked closely with the chairman of the committee, which would be one of the committee members elected by the central committee. Neither Kelly nor Knowland voted.

JH: I see. Both of those men were on the committee, too?

Daly: No, they were advisers. What you did when you got on the central committee was get together, but the committee didn't function as it was supposed to, because the chairman didn't allow them to. He would give them something, take whatever he wanted to, and say, "These are the things we want to work on." And if he wanted he'd work on them. He'd either work them up or down. That's the way things went.

The chairman also called meetings together to get the workers for the different candidates and to put out literature and so forth. So he would have all his meetings and you'd know about his meetings, when they were and where they were. Of course most of us would go to these meetings. It didn't matter where they were in the county,

Daly: we went. And then down we'd go to the lower part of the county for his meeting.

I remember a Democrat had passed away and we went to Manteca to help elect and work for a Republican down there. And he was successful. He is now in the cabinet--Nixon's cabinet.

JH: Do you want to give his name?

Daly: Moynihan, I think is his name. I am not sure now. But he was the assemblyman from Manteca--Manteca and Stockton.

JH: What made you decide to run for this committee?

Daly: Oh, no colored man had been on there before. So I just thought I'd try it. Two of us got on, Roy Blackburn and myself. Roy's name was third on the list and my name was ninth on the list. But I came in-- I think I came in third. Either third or fourth. But so far as the name, I was outside of the voting, that is, the number that was on the list. You see, there are only six on it to be elected and there were about eight names on the ballot.

JH: You did pretty well!

Daly: Yes and the two colored people were Roy Blackburn and Daly, E. A. Daly. They were the two that got on the committee. And I stayed on there. I think I got on there four different times. I got on in '32 and stayed on until '36. And I got off. I started to run and then my wife took sick and I said it would be too much on me to try to run and to look after my wife. So I didn't run. Well, after she got up in '42 I ran again and I got on. I stayed on for four years then. After that I got off and I haven't been on since. I haven't tried to get on again.

JH: When you decided to run for the County Central Committee, what did you have to do to campaign for yourself?

Daly: Well, I had to send out letters and do different advertising in papers and go to all the meetings that I could possibly make.

JH: Of the party?

Daly: In the district. For the party, yes.

JH: Maybe we could talk about those four years that you were on the committee in 1942 through 1946. I was wondering who was controlling the committee, more or less, then?

Daly: Mr. Knowland, he had control of it.

JH: But of course Kelly had died by then, hadn't he?

Daly: Kelly died in 1944. He was the first white man in his death I ever felt hurting.

JH: You attended his funeral?

Daly: Yes. I attended Edgar Kaiser's funeral, too. He was a very nice man--a very nice man, considerate of everybody. There are some good white people and there are plenty bad ones. Same with us. There are some good black ones and plenty bad ones.

The black community liked Mike Kelly, so far as they knew him. Not too many of them knew him. He didn't get by like Knowland. He didn't show himself like Knowland did. Knowland never has been a favorite among Negroes. Well, he is a favorite among a few--a few. But I know he's a man of power. You do or you don't, with him. If you don't do like he says and he disagrees with you he never feels the same toward you. That's his attitude. He never forgives a person.

JH: How were you able to make that estimation of him?

Daly: [Laughs] Well, he and I got into several arguments. I never could do anything with him after that. Well, the first thing was Mike Kelly came to me and asked me to vote with him and of course I said yes. He told me the situation and that it would be better for Negroes if he got it. But you don't always get what you go out after.

So then Mr. Knowland called me up and asked me to come down; he wanted to talk. So I went down and we talked about thirty minutes. And he said to me, "Mr. Daly, I want you to vote with me. Mr. Kelly is an older man now. He's going out and I'm coming in." He said, "I'd like to have your support." He looked up at the clock and said, "It's two o'clock now and I'd like to know by three-thirty."

So I said, "Mr. Knowland, that's a might short time to decide such a question as that. However, if I can decide in that time I'll let you know." He said, "Call me by three-thirty." I said, "All right. Now if I don't call you, you'll know that I couldn't make the decision in that length of time." And I didn't call him and I haven't called him from that day to this.

JH: This was Mr. Knowland?

Daly: Yes, Bill Knowland. This meeting with him took place in 1936.

JH: How was he asking you to vote with him? On the County Central Committee?

Daly: Yes, on the committee. He wanted me to vote for Charles Fisher. He wanted to carry a majority--I mean, he wanted to carry all the committee. He carried four and two of them were dissenting, another fellow and myself. We didn't vote with him. The other colored fellow that voted for him is still working for the city hall, too.

JH: Mr. Blackburn?

Daly: Yes. But if I had gone and voted with him, why, I probably would have gotten a lot of more favors from Mr. Knowland, see. But I didn't look for any favor because I was a man able to work doing things to make a living. I didn't believe in bowing to people that weren't going to do anything for you anyhow.

JH: What side of the Kelly-Knowland faction was Earl Warren on?

Daly: Oh, he was a Knowland man.

JH: Since you usually voted with Kelly on the County Central Committee, did you ever have to go against Warren?

Daly: Oh no. I supported him for attorney general and for governor. I never went against anyone because I didn't agree with him completely. If he was as good as anyone else, I voted for him.

JH: When Warren ran for governor in 1942, did the committee make plans and strategy to get him elected?

Daly: Yes, but Warren was always a popular candidate. He carried the Democratic and Republican parties. And because of that, they changed the law that you could run on only one ticket. Warren was just that strong.

Although he didn't do so much against colored people, he didn't do much for them. He was asked once to appoint Walter A. Gordon as deputy D.A., and he told the person that the time wasn't right for that.

JH: Did he ever appear in meetings of the County Central Committee?

Daly: No. And Warren never lost an election to my knowledge.

JH: What was the Republican party's stand on FEPC in 1946 when Warren ran for re-election?

Daly: "Yes," as I remember.

VII GOODWIN J. KNIGHT

JH: Perhaps we can talk about Goodwin Knight now.

Daly: Goodwin Knight?

JH: Yes.

Daly: Goodwin Knight was a very nice fellow. A nice talker and he always met you with a smile--he did me, at least. He was always pleasant. He would give you his undivided attention. He had people that he liked and some that he disliked, like anybody else. But I always felt that he had something other than Caucasian blood in him. He married a very beautiful woman, a Swedish girl and she was very nice. I remember once they had an open house at the governor's mansion and that happened to be my second time to an open house and she announced proudly that "Mr. Daly is my personal escort." So I escorted her all around the home. They had a very nice home. But this governor [Ronald Reagan] wouldn't accept it. Said it was nothing but a fire-trap. Well, it is a beautiful place--much more beautiful inside than outside.

JH: What made you think that Goodwin Knight had something other than Caucasian in his blood?

Daly: Some things that he would do and say--the whole thing.

JH: It would be very useful to me because it leaves a question in our minds.

Daly: Yes.

JH: It sounds like a very interesting aspect of the man.

Daly: Well, I'll tell you, Knight was kind of different from the average white person and he was very dark in color--dark complexioned, black hair. And his wife was dark, with dark hair, rosy, robust skin. You know, some people look at you differently, some white people

Daly: especially. They look at colored people in a certain way, as [if] they're looking down on them. Well, that's the way Mr. Knowland always did. But Governor Knight always looked straight at you. So that was one of the things that I admired about him. He never looked down at you. He always looked eye to eye.

JH: Were you ever able to have conversations with him that revealed something about his character?

Daly: Well, one time he was talking to me and he said, "Mr. Daly, you know, I've always been among Negroes all my life. I grew up among them."

JH: Oh, where had he grown up? Do you know?

Daly: I guess in Los Angeles.

JH: How do you think the Republican party felt about him?

Daly: Oh, they liked him. The only reason he didn't have two terms in the governor's mansion was because Mr. Knowland wanted to be governor in 1958 so he could jump from there to the presidency. See? But Mr. Knowland pushed Knight out by not giving him his support for the governorship.

When Knowland decided to run for governor he just pushed Knight out and wouldn't let him run for re-election! Made him run for U.S. Senator; well, he lost that. And Mr. Knowland lost, too. Mr. Knowland couldn't be elected governor. He couldn't be elected governor! People wouldn't elect him. But they would have sent him back to the U.S. Senate and from there he could have easily been elected the president of the United States. But see, Knowland tried to take a shortcut and get there while he was a young man. He didn't even want to wait his time. So that put him out. And of course he was busy at "the right to work." I believe in the right to work--for anybody. But I didn't believe in the right as he liked it. He wanted the right to work, and then put a person under the union and the union tell you where you can work. Well, I wanted anybody to go anyplace and get a job that he was qualified for.

JH: Were you able to talk to Knight during this time, when the party was deciding who was going to run?

Daly: I did once. But it was very short, and then there was somebody else around. I didn't get to speak my opinion to him about it. He couldn't say very much. But he promised he'd see me again sometime.

I got two or three letters from him and he told me he decided not to run. He wrote me and asked me if I would support him, and I told him that "if you run, I'd support you." I said, "I've always

Daly: supported you and I wouldn't let you down. I'd give you my unstinted support." I got a nice letter from him.

JH: This was when?

Daly: Just before he decided not to run the last time. He would have run when Reagan first ran in 1966. But he decided not to run. You know he's deceased now.

JH: Yes, I know.

Daly: Oh. I wanted to tell you that in 1932 we had a lynching in California.

JH: Really?

Daly: Yes. A white man in San Jose stole a horse and they caught him with the horse and the people down there lynched him. Governor Rolph was governor at that time. His advisors didn't get to him soon enough and so the reporters came in and asked him to make a statement and he said, "Yes, they ought to have lynched him!" After that they called lynching "rolphing" because Governor Rolph condoned lynching.

JH: But eventually an anti-lynching bill was passed.

Daly: Oh, yes; that is right.

JH: I was told that Bill Knowland was the man who introduced that bill in the assembly.

Daly: I don't know. I don't know.

JH: Do you have any idea when it was passed?

Daly: No. I have no idea of that.

JH: It must have been after 1932 because this lynching that happened in San Jose wasn't illegal.

Daly: 1932.

JH: It wasn't illegal?

Daly: No, it wasn't illegal.

JH: I see.

Daly: They called it "rolphing"--that was the name of the governor at that time.

JH: Yes. Going back to Knight, when Knight was lieutenant governor did he seem to want to be governor?

Daly: Oh yes. He very much wanted to be. But he wouldn't dare do anything against Warren. He was very loyal to Warren.

Knight became governor when Warren was appointed Chief Justice of the Supreme Court.

JH: So he got his wish.

Daly: Yes. And he served out Warren's term, about a year and a half, and then he ran and was elected himself. Then he wanted another term and Knowland beat him out. Knowland got the nomination because they wouldn't give him [Knight] the finances to run with. But Knowland didn't become the governor and I was exceptionally glad.

JH: Did Richard Nixon have anything to do with the big switch between Knowland and Knight in 1957?

Daly: I don't know, but I was told by another party that Nixon and Knowland pushed Knight out and caused him to be defeated. They told him if he ran for governor, they wouldn't give him any Republican money. At that time Governor Pat Brown ran for governor, but he wouldn't have run against Knight because they were personal friends. And if Knight had run, he would have been in there two terms.

Richard Nixon is a ruthless guy. They call him "Tricky Dick" and that's what he is. I worked for him when he got in the Senate. I supported him with the paper, went to his meetings, and talked for him. He was in the Senate one term and then ran for the vice presidency.

JH: When did you start believing he was tricky?

Daly: After he ran for vice president and again when he came back to California to run for governor. It came out then.

JH: I would like to ask you about the time that you went to Goodwin Knight and asked for a Negro judge.

Daly: Oh. I went up about 10 o'clock in the morning and announced myself to the governor and the governor came in. He sent for me to come into his office. I went and talked with him. After we talked a few minutes, I said, "Governor, I would like for you to give us a black judge in the north." He said, "Mr. Daly, I'd do that. I'd be glad to." I said, "Well, now, tell me what I should do to comply with my request to you."

He said, "You go back to Oakland and you get four people and yourself and decide on who you want. Now the five must be unanimous--

Daly: no opposition, and then I'll appoint him."

Now that was on a Tuesday. I left on Wednesday night for Columbus, Ohio (there was a press meeting, NNP press meeting) and when I got there, the next day I was talking to [Jeff] Beavers-- Beavers or [Carlton] Goodlett--one of those two. I rather think it was Goodlett. We were talking. He said, "Mr. Daly, why can't we have a judge in the north?"

I said, "Oh, yes, that's a good subject. I'll tell you what I'll do. I've been promised if I do a certain thing we will get a judge in the north."

I told him just what the governor said. And I said, "You go back and get the committee together. When I come in I'll contact you."

Then he said, "Do you have any objection to George?" I said, "George Vaughns?" He said, "Yes, do you have any particular person you would like to recommend?"

I said, "No one in particular."

He said, "All right. Would you recommend George?"

I said, "Yes, I'd recommend George. I have no particular person."

He said, "If you know George, I'd be glad to nominate him." And I said, "All right."

I said, "That's understood?" He said, "Yes."

I said, "Well I am going on from here to Pittsburgh and then to New York and New Jersey. If you want my address in New York City, I'm going from there home. I'll be back in two weeks. When I get back I am going to contact you."

When I got back I was approached by one of the committee that he had formed--in fact it was a brother of George Vaughns--and he told me just what happened. He said they had called a meeting of four people and had called the governor in without waiting for me. Governor Knight came in and he said, "Where's Mr. Daly?" Nobody said a word. He got up and walked out.

So when this fellow told me this, I contacted the governor and told him just how this thing happened.

I said, "I'm wiping my hands off of it. However, I'm asking that you appoint a Negro as judge in the north."

Daly: He said, "All right, Mr. Daly, I'll do that."

So then, in about a month after that he appointed John Bussey municipal judge in San Francisco, and he couldn't have appointed a better man! I don't care who he was, white or black. Because Bussey had made more lawyers in California than any other one man. He passed more lawyers in the state of California than any other man in the state--he was teaching men how to pass the bar. And Knight appointed him and I said, "Governor, you couldn't have appointed a better man." And he appreciated it. We were always friends.

JH: When did Knight appoint John Bussey?

Daly: During the latter part of his term. In 1957 or '58.

JH: You also said that Knight continued a radio program until his death?

Daly: Yes. He had a radio program. Oh, he got \$100,000 a year on this program.

JH: What was the program like?

Daly: I don't remember. I just talked with him. I used to get it on the radio sometimes by accident. I didn't know which station he was on. Sometimes I'd pass something on radio and I'd accidentally get him and I'd recognize his voice.

JH: A sort of a talk program?

Daly: No, it wasn't a talk program, it was a regular program of news and everything. I don't know whether it was his or what. He was on that as long as he wanted it.

JH: When did you meet him?

Daly: I met him when he became lieutenant governor.

JH: Is there anything else you can tell me about Governor Knight?

Daly: That's all I can tell you. That's all I know. I was never turned down when I went to see him. He never told me to go, that he didn't have time or his time was out. As soon as I was announced and not over ten minutes, I got to see the governor. Whenever I'd go to anybody I'd never go to them for myself. It was always for someone else. And that's the way it's been here in the city.

JH: I get the impression that you were able to go to politicians and talk to them in other people's stead.

Daly: Yes, I was, because in their campaigns I'd always do something for them and some of them would always go to the top. But I never waited on that. I just felt if I could do them any good I would go to them, see. Nothing weighed on what I had done to them or for them. I always went to them simply because I felt that I was able to do something for somebody else and that's the only reason I would go to them.

VIII EDMUND G. BROWN

JH: I understand that you advised Governor Brown to run for the third time.

Daly: Oh yes. In a talk once with Governor Brown, we were talking and laughing and he said, "How do you feel about me making a third term?"

I said, "Well I think you could be a successful third-term candidate, and I'd like to see you run again."

He said, "Oh, do you?"

I said, "I surely do and I hope you run."

He said, "Thank you, Mr. Daly. I'm going to run."

And his son--I didn't meet his son until he ran for secretary of state. His dad called me up on the telephone, ex-Governor Brown called me up and said, "Mr. Daly, I'm talking to you about my son, Junior." He said, "I want you to endorse him."

I said, "Is he your son, Governor?" His father laughed and he said, "Yes." I said, "Well, I'll go for him if he is like you." He said, "Yes, he is just like me." I said, "OK, if he is like you I'll support him."

So I supported him. But I never met him until this year. Every-time he came up here I was doing something else. I was always at another meeting or out-of-town.

JH: Why do you think Governor Brown didn't win the third time?

Daly: Because the last two weeks Brown gave up. He just talked as though he was frightened to death. That was what I said about it. He didn't talk like he had any inclination that he was going to win!

JH: It must have seemed strange for all of you who were supporting him.

Daly: Yes, people hated it when they saw it.

JH: This was his run against Reagan?

Daly: Yes. But he got two terms.

JH: Well one other question, just before we close, do you consider yourself a conservative or a liberal?

Daly: Conservative.

JH: Would you like to define that for me?

Daly: Well, I define conservative as any person or organization who looks forward to the least expense, least expenditure, or the least output of anything that they possibly could to run an organization. I don't know whether I am right or not.

JH: What do you think about the average Negro these days? For instance, would you say we've become militant?

Daly: Well, I'll tell you. I believe in fighting. You never get anything for nothing. The white man came here and the Indian began to fight him. He had to fight because the white man was taking his country. And we can't get it unless we do some fighting for it. If we want something we've got to fight for it. We've got to shed blood. There is no doubt about it. So if we want to go along in this world we've got to get in there and fight too. I believe in fighting.

But I don't believe in just going wild over it. Getting mad about everything. Some people walk around with a chip on their shoulder. Well I don't do that. Some people have it, they nail it right on their shoulder or on their head. I don't. I wear my feelings in the bottom of my shoes. I walk on my feelings and then nobody can hurt me. That's the way I always say it.

JH: I think that is a very good way of expressing it.

Daly: Is it? That is what I always say, walk on your feelings and nobody can hurt you. They might hurt you but you don't hurt them.

JH: Well Mr. Daly, on behalf of Bancroft Library I want to thank you for this interview.

Daly: You're welcome. I'm glad that I could help you. If I had ever felt that I would be requested to do this I would have kept a book or something, you know. But I never believed it. Never thought once that anybody would ever want a history of it.

Daly: I think about young people now. I'm glad to see them fighting to get things and I'd help them. In fact, I have given an organization money. But they don't know if it was from me or somebody else because I didn't want to get involved. So I sent them money for different things.

Now I sent some Catholics money for different homes and things all over the country. Some of them write me back and some of them don't. I am always glad when they don't write me. I give things not for the sake of giving it, but to do some good, and not that I want any publicity. When I donate anything I never ask them to give my name.

Since the early forties I have belonged to the Century Club of the YMCA and we always give \$100 to the YMCA every year. Besides that we give to so many other things, but the YMCA is one. That is for boys.

Transcriber: Arlene Weber

Final typist: Beverly R. Heinrichs

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INTERVIEW HISTORY

John Bruce was interviewed by the Regional Oral History Office in order to record his acquaintance with Earl Warren, first as a fellow student at the University of California at Berkeley and later as an Oakland reporter covering the county courts when Warren was in the district attorney's office.

Interviewer: Mrs. June Hogan, interviewer on the staff of the Regional Oral History Office, and former colleague of Mr. Bruce's on the staff of the San Francisco Chronicle.

Time and Setting of the Interview:

Mr. Bruce was interviewed at his home in Tiburon, California, on September 9, 1969 by Mrs. Hogan. Recently retired from a distinguished career in Bay Area journalism and the United States State Department, Mr. Bruce was diffident about the contribution he could make to the present oral history of the Earl Warren Era in California affairs. In reviewing the transcript of his interview, he used a firm editorial hand to delete remarks which he felt devoted too much attention to his own career; preferring rather to focus on his observations of Warren.

Bruce is the author of The Gaudy Century, a lively history of the freewheeling journalism of early California and its frequent forays into politics. Warren himself benefited from this tradition by the interest that publishers Joseph R. Knowland and Irving Martin, Jr. took in his early career, as described in this series by interviewees Verne Scoggins and Merrell F. Small, both of whom served on Warren's staff while he was governor.

Gabrielle Morris,
Assistant Editor

12 October 1971
486 The Bancroft Library
University of California at Berkeley

I UNIVERSITY OF CALIFORNIA DAYS

Hogan: You were born in Seattle?

Bruce: Yes, I was born in Seattle.

Hogan: And you came to California --

Bruce: My father was a stone carver. He had just come over from Scotland, and the only non-Indian, I guess, who ever carved totem poles.

We were on the out-skirts of Seattle, the city limits. Stone carving jobs were very slim. Not much building going on. The Indians brought in the logs and my father cut the figures. You couldn't tell the difference from those made by the Indians.

I went to U.C. in the fall of '13. Earl Warren was already a fifth year man. Yet I remember quite a bit about him. I don't know why, particularly after all this length of time, that I remember that -- maybe because of the association with him later. He was a big fellow, very handsome and already into college politics.

Hogan: Was there much college politics?

Bruce: Oh, yes. They had politics. Even to honor societies. To make one, you had to be a so-called prominent campus character of some sort, editors of the magazines and things like that, or track men and football men. But some got in who were also good students. I remember Earl was in that and got a lot of experience for future use.

In those days there was a big campaign for the president of the student body, ASUC. There was committee work and there was some work in those days with

Bruce: the campus committee and the president on minor complaints. There was also a faculty committee that censored the student newspaper, the Daily Cal, the Occident and the Pelican.

If a too vulgar word of the day got in (it would be more likely to get into the Pelican), there would be hell to pay. The editor was called before the board or even the president. In an extreme case you could be fired, expelled. I never knew it to happen, but I do know that in the Pelican one year there was a kind of a light, sexy joke and there was hell to pay. That editor was called up and he wasn't expelled, but he was threatened with it and told that if it was repeated, he was out of the university. He was already a senior. You had to be a senior to be an editor. So he became a good boy and apologized and all that.

Hogan: Did you work on the Daily Cal or the Pelican?

Bruce: Well, I worked a little with the Daily Cal and then I went toward the Occident. I don't know whether that is in existence or not anymore. It was owned and operated by the English Club. So was the Pelican. But let's go back to Warren!

I was only a frosh and I wasn't in on too much by any means. I was doing sports for the Chronicle at the same time, at 20 cents an inch printed.

Hogan: About how big was the school at that time?

Bruce: Well, I think there were three thousand in my class. That would make eleven thousand students in there at that time.

Hogan: Well, then if you were aware of Earl Warren he certainly must have been a politico of some note on campus.

Bruce: Yes, as I mentioned a little while ago, he was.

Hogan: Were you aware of him in any of the athletics?

Bruce: I do remember that he was manager of the varsity baseball team.

Hogan: Was he a big fellow then? Because apparently in high school he was quite small for his age.

Bruce: He was? I just can't imagine Earl Warren being small anytime.

Hogan: Do you remember him then as a handsome fellow?

Bruce: Yes, I do. Earl was very handsome. I always remember him as being big. He was twenty-two when I first knew him.

Just knew him on the campus and knew he was a big shot and had a name and a great many people knew Earl Warren by sight. I talked to him several times. As I said, I was doing sports on the Chronicle and I covered baseball news when the season was on and I talked many times to Earl Warren at that time.

After the war, I went to the Oakland office of the S.F. Chronicle. I got the court beat, which had not only all superior courts, all the county offices, the assessor, the board of supervisors. And on Franklin Street, nearby, was the only emergency hospital in Alameda County in those days.

The first day, the draft trial of John Nedderman, chief of police of Oakland was starting.

II WARREN'S EARLY ALAMEDA COUNTY CAREER

- Bruce: In the courthouse I spotted Earl Warren. He was starting as a deputy D.A. on the same day. We remembered each other, exchanged condolences on both being so green at our new jobs. His first assignments turned out to be some "cheap" rape cases from San Leandro that the other deputies in the D.A.'s office didn't want to bother with.
- Hogan: How was he as a prosecutor?
- Bruce: Earnest.
- Hogan: But not much courtroom experience, before that.
- Bruce: No, those were office jobs. Associated Oil, Robinson and Robinson before the war. He went to Sacramento upon return as a clerk with the Assembly Judiciary Committee in the fall of 1919, then he came back with Leon Gray, the city attorney. He was jumping around, and I rather understand that, because Earl Warren was always ambitious. Always. He was ambitious in a very intelligent way. He wasn't just jumping into a job to get a spot or a little more salary. He was going places, always. Terribly honest sort of person. He did things right and grumbled about things that were wrong, he used veterans' groups, made speeches, got known. Yet when it came to filling the D.A.'s job when Ezra Decoto got a state position, his appointment was a tremendous surprise. He was still only a deputy at that time. All of us took it for granted that Frank Shay had the job. Frank was a veteran deputy and had very good political support.
- Hogan: Warren was counsel for the board of supervisors, which of course, did the appointing.

- Bruce: Yes, that was so, too. He was a good man. He wasn't any scattered guy at all.
- Hogan: But you said this came as a surprise to reporters.
- Bruce: Absolutely. We were all wrong about it and we were quite close to it and close to several supervisors, and still, none had ever tipped his hand. Frank Shay didn't expect it either. Our offices had Frank's pictures out and his background story set because we were so sure the appointment was going to Shay.
- Hogan: Did you know this John Mullins, who was the swing vote on the board of supervisors?
- Bruce: Yes, from covering the meetings. But that's all. I don't really know to this day why the appointment was made. What the politics were in it, I haven't the slightest idea. Both were already in politics, but Shay did not have the appearance or charm of Earl Warren. Shay resigned and went back home down somewhere in the San Joaquin Valley.
- Hogan: Were you still reporting then when Warren was appointed district attorney?
- Bruce: Let's see now. I think that would be '25. No. I had founded the East Bay Call for Hearst as a supplement to the S.F. Call. I was still in Oakland and had close connections with the beat. I had a reporter who covered the beat down there who gave me all the information. I was naturally interested in Earl Warren, knowing him so well by then.
- Hogan: What sort of cases did they have besides rape?
- Bruce: Well, of course rape was a minor thing. Mostly annoying trial routine. There was a lot of graft around Oakland in those days. A lot of officials got in hot water. There was a great scandal case. There was even a criminal libel case against a little fellow who ran a weekly muckraking job. He did a bad story on Ezra Decoto and Ezra Decoto met him in the hallway of the courthouse and punched him down the stairs. There were lots of trivial but newsy incidents going on. I don't recall any big story, although I've seen Earl in court several times when he was district attorney and he was darned good. Very good and sharp.

- Bruce: When he was appointed to the U.S. Supreme Court it was said that he never had been a judge and lacked experience. True, but he was on the other side of the judge's bench and had done a great deal of trial work. He was a good lawyer.
- Hogan: Some people have suggested that he wasn't so concerned about civil liberties of the accused when he was a district attorney and a deputy district attorney as he became when he was Supreme Court Justice. Do you have any recollection of any incidents like that?
- Bruce: I don't recall any. However, I remember the I.W.W. case, which I covered. He was a deputy then. Those poor stiff's went to San Quentin entirely because of their thinking. They weren't even throwing rocks.
- Hogan: Was this a case that Warren prosecuted?
- Bruce: No, don't think so. Pretty sure it wasn't, because as I say, I covered it and I would remember that. But he was in the office and the office was very small and well knit and they certainly talked over those cases before they went to trial. Ezra Decoto I am sure carried that case along with some other deputy. I can still hear those men, leaving the courtroom, headed for San Quentin, yelling out their song: "Behind the cold, grey walls we go!"
- Hogan: These I.W.W. people weren't Negroes, were they?
- Bruce: Oh, no, they were Wobblies. That was purely a hate thing. But it was the thinking of the day. The war wasn't over very long -- the American Legion was pouncing on anybody who didn't still think war.

III CAREER AS A JOURNALIST

Bay Area Hearst Papers

- Hogan: How long did you stay there with the Oakland bureau of the Chronicle?
- Bruce: Well, I stayed there until '23 when I founded a paper for the Call.
- Hogan: Is this the San Francisco Call that we are talking about?
- Bruce: Yes, but the Oakland office was a little odd deal. It was called the East Bay Call and was Hearst owned. Hearst also owned the Oakland Post. The East Bay Call was a four page paper which was inserted into the Call when it reached the east bay. It had only east bay news. The Post, the small paper, bought the privately owned Enquirer and became the Post-Enquirer. Hearst ordered them to go on their own. It no longer was going to be inserted into the Call. So the Call wanted a paper to take the Post's place and asked me to form it.

We had a staff of three men and a cameraman. The deadline was three o'clock of the day before it came out so you know what kind of a paper it was, full of features, big spreads and montages and all that kind of stuff. It lasted just nine months, so we called it still-born. They didn't get an ad except some small theater notices.

That was all there was to it. We threw the staff out and I took over all of the east bay beat for the S.F. Call. Even enabled me to get a flivver by giving me fifty dollars a week expenses. With a cameraman, I used to charge all over that place. I'd do police

Bruce: early in the morning for anything the Call might want. Then the features. There wasn't a cent of profit in it and finally a deal was made with the Post-Enquirer for coverage. I went over to S.F. as a reporter.

Hogan: In the San Francisco office of the Call?

Bruce: Yes, under Gene Block. I became a regular reporter, became the assistant city editor and city editor. (I was city editor for seven years.) That was a killer. I had, believe it or not, two managing editors. They disliked each other. One of them had come from the New York Journal, where Hearst, without explanation, had suddenly put another favorite in the N.Y. job. Told the ousted managing editor to take over at San Francisco. Went there, and found another man already in the chair, who also had not been fired. It lasted for two years. Ed Gleason, who had been put in by editor Fremont Older, and the New Yorker both got good salaries, quarreled, countermanded each other. And I was in the middle; finally went sickish.

In those days the Examiner was closing its city desk at 3:30 a.m. If the night city editor thought he had anything I should know, he called me up, broke what little sleep I was getting. I told Older I was through. He went to see Hearst, told him he had two managing editors for two years. Hearst said: "Is that so? Odd, isn't it? Make the New York man the real managing editor." The other ex-managing editor was made city editor. Hearst did not even bother to ask if Older already had a city editor. I was asked to start a column, which we named "Skylines." Wrote it until 1935. At that time I was political editor of the Call, covered the legislature, did all important interviews with Hearst-friendly politicians. On the side, turned out what they called the "Green Flash," which was a four page daily supplement. This is all very difficult to comprehend nowadays with the Guild. Of course the column suffered terribly. You couldn't go get anything. You weren't there to receive calls and tips and things.

Chronicle City Editor

Bruce: So, I told the Chronicle boys that I was looking to get out and Jack Robinson, who was then the city editor, asked me to come up and take his day city desk, which I did in 1935. I stayed there until '51. Robinson was discharged -- died eventually -- and I took over as city editor for the next sixteen years.

Now, having good friends in D.C. I did what few newsmen ever do -- changed my entire career. Went to the U.S. state department and worked all over the world. I was press attache at several embassies, worked closely with James Conant, president-emeritus of Harvard in Germany -- but mostly became a so-called mid-east expert, learned Parsi in Iran, etc., etc., etc. But that's a different story than we're after. So back to Warren.

Hogan: You saw Warren after he became district attorney?

Bruce: Yes, on and off, only. Not very often. But, you know one thing I remember. He became attorney general and Republican national committeeman, which is a big job, very powerful job. It makes you really head of the state Republican party.

There was a very hot election in '38 when Olson, the liberal got in as governor. The Republican party took an awful licking. Merriam was their man. Olson was very radical for his day, you know. Sheridan Downey, who was a Democrat, was also elected U.S. Senator at that time. The Republican party was just falling apart. They were careless and they felt, "Oh, so what," you know, that kind of an attitude all over the place. Landon had been licked in '36. They were quarreling among themselves.

That election night we were doing a live radio show from the Chronicle's editorial office. Regular election night coverage. We got Earl Warren in to say something. Most of the asked Republicans, by the way, wouldn't come in. But Earl Warren came in because he had courage. He tore into his own Republicans with real vigor. Really poured it on. That speech is worth hunting up in the newspaper files. He really started the natives.

Hogan: This would have been in November, 1938.

Bruce: I got off of the city desk and went into the little office behind and I was standing behind and listening to this very honest, courageous guy just tearing into his own sweet citizens, you know, who had failed the party. He was national committeeman and was therefore listened to as an important fellow. He took them apart for failing to come through to do their part in an election and lackadaisical effort of all sorts. He didn't say anything about failing to contribute at all, as they do now. But I guess that was in his mind, all right. The startling thing was, of course, that a very important man who later on was to be made governor by his own party in a big way, took them on and called them names. I thought that took a lot of courage because he was always ambitious and I think he already had the governorship in his mind and yet he faced his own party down and gave it a licking. I think that shows a great deal about his character, and why he went far.

Hogan: Did Warren regularly come back to the Chronicle, then?

Bruce: No, we never saw him much at all, but that one night we wanted some Republican to face the public on this and say what he thought and Earl Warren said, "Sure, I'll be right down."

Wonderful guy, Earl Warren, even later on when he was governor, I always remember. I hadn't seen him for a while. I was still editorial writer for the Chronicle. I was up in Sacramento there with Earl Behrens. I went into the press conference and he greeted me like a long lost brother. After the press conference he asked me to stay around awhile. We sat and talked about the old days down on the beat, mostly, when he used to get all the little cheap cases. Rapes out in San Leandro.

Hogan: This was when he was deputy D.A.?

Bruce: Yes. We've always kidded about that, the crummy cases he's handled in his time. Even when I saw him later at the embassy in Bonn, Germany. He came through there when he was Chief Justice. We kidded then about the "cheap" little cases. He said, "You didn't have much of a job, either. You were covering them, I see!"

Bruce: One time while the capitol annex was being built we decided to inspect it. The governor and I paddled through. In one place they were plastering the wall. It fell down on us. You should have seen us! The governor of the state covered with lime dust working his way out of this thing. But that's the kind of guy he was. He didn't pay much attention to it. We brushed ourselves off and we kept on going through.

Hogan: He was not concerned with appearances?

Bruce: He's always appeared placid to me. The big fuss that came down on him on the civil rights decisions? He was the calmest guy that ever took a beating. Always was. Always smooth, quiet, determined.

Hogan: He was always supposed to have had very good press relations. Is this your impression, too?

Bruce: Yes, it is. He was a very likable type of person, you know. He never had any temper that I ever saw, though I imagine he had it. He was always known as a family man. He married a widow with one child and then he had quite a large family of his own. He always mentioned them. It's really a typical, American family.

Hogan: I met her at one of these Salvation Army bazaars they used to have in the old civic auditorium. The governor's wife was always the honorary chairman. She used to bring down cakes from Sacramento. You know, she baked them herself and contributed them.

Bruce: Yes, she was a great help to him, I'll tell you. She knew how to handle people.

Transcriber: Jane Burnett
Final Typist: Gloria Dolan

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Miriam Feingold

Graduated from Swarthmore College in 1963 with a B.A. degree, and from the University of Wisconsin in 1966 with an M.A. degree in American history. Completing requirements for a Ph.D. in American history from the University of Wisconsin. Graduate studies also include criminology.

Worked in field services and oral history for the State Historical Society of Wisconsin, 1966-1967.

Taught American history at San Jose City College, 1970.

Joined the staff of the Regional Oral History Office in December, 1969 as an interviewer for the Earl Warren Project specializing in law enforcement and corrections, and local political history.

Joyce A. Henderson

Graduated from California State University, Hayward in 1968 with a B.A. degree and in 1972 with an M.A. degree, both in English.

Taught freshman and remedial English at California State University, 1969-72. Also taught at Laney College, Oakland, 1971-72.

Joined the staff of the Regional Oral History Office in June, 1970.

Conducted interviews on Negro Political History. Served as educational consultant for Regional Oral History Office.

June Cunningham Hogan

Studied at Mills College, B.A. from
Northwestern University, 1944.

Assistant editor, Ladies Home Journal,
Philadelphia, 1944-46. Instructor in
journalism, Connecticut College of
Commerce, New Haven; staff writer for
Connecticut Circle magazine, 1946-48.

Reporter for San Francisco Chronicle,
1948-55, specializing in women's news
with emphasis on women's organizations
such as League of Women Voters, Pro
America, Business and Professional
Women's Club. During this period, met
and interviewed members of the Warren
clan, from Honey Bear to the Chief Justice.

Supervised research, planning and
publications, primarily in local
government and education, for League
of Women Voters and other citizen
groups, 1955- .

Joined Regional Oral History Office as
interviewer-editor in 1969.

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