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University of California
Berkeley, California

William Newsom
POLITICS, LAW, AND HUMAN RIGHTS

Interviews conducted by
Martin Meeker
in 2008-2009

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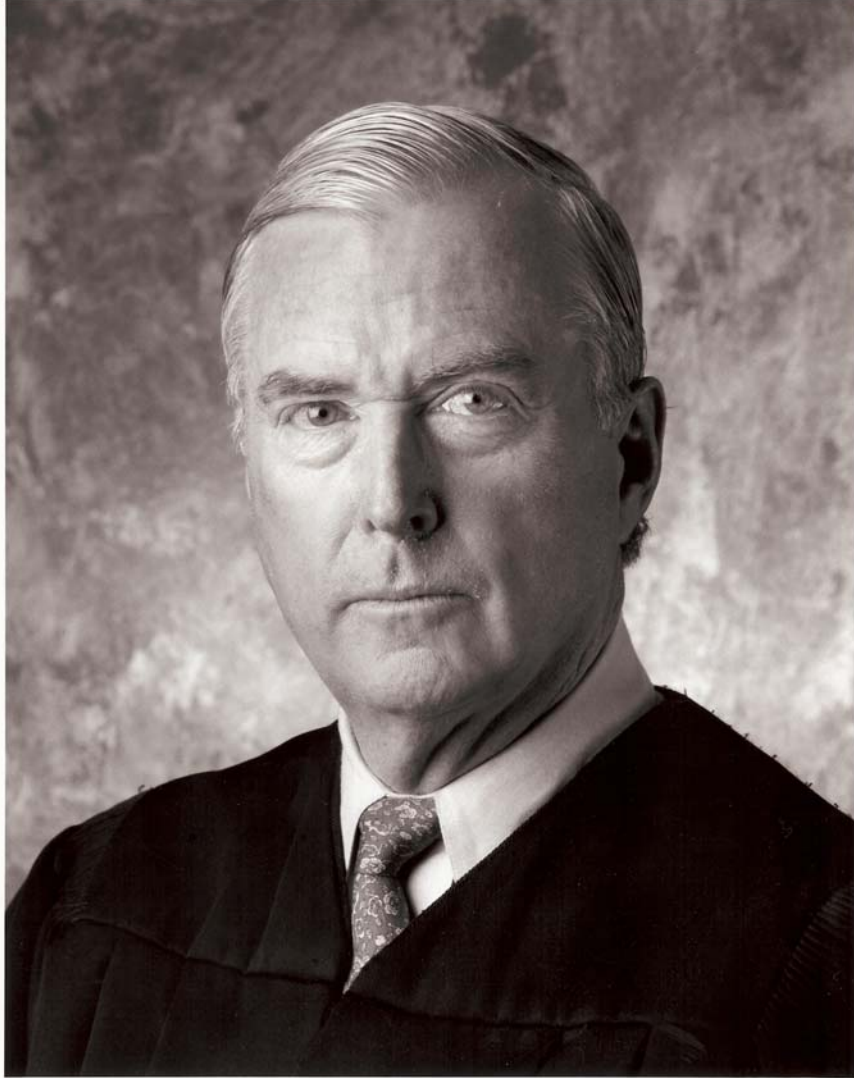
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Presented to Bill Newsom by Friends and Family on
December 16, 2009

Gordon P. Getty
Hilary Newsom Callan
Jim Halligan
Bob Leberman
David Nasaw
Gavin Newsom
Bill Pace
Alan Reid
Tom Woodhouse



Judge William Newsom

(photo courtesy of the Newsom family)

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Interview #1: August 5, 2008
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Meeker: All right, well, let's get started. Today is the fifth of August, 2008. My name is Martin Meeker, and this is the first session of the Judge William Newsom interview. And we are interviewing Judge William Newsom, Barbara Newsom, and Brennan Newsom. So what I want to start out by asking—and forgive me, this is a convoluted question; a lot of my questions end up being like that—when I think about my family history, and I come from a big Catholic family, as well: my father was the oldest of seven kids, and the next generations probably were even more. There's a certain sort of family memory that I possess. And it goes back, I think for me, to the generation of my great-grandfather, whom I was told I met, but died before I remember an experience of him. But stories from my parents and my grandparents talk about that generation, my great-grandparents' generation. Sometimes families have oral stories that go back further, maybe generations beyond that. And so I'm wondering—maybe we could start out with you, Barbara—if you could give a sense of what your, I guess, sort of oral tradition of the Newsom family is, how far back the stories that have been passed down reach.

01-00:01:45

Barbara: Well, they don't reach very far back. They reach only, as far as I'm concerned, as [far as] my grandfather, who died the year I was born, 1935. And my other grandfather was never mentioned in the family. We can discuss the reasons for that later, I guess, but never mentioned. And it's strange, now that you ask that question, that nobody ever mentioned my great-grandfather. Do you have any memory of that?

Bill: No, I don't.

Brennan: I don't, either.

Meeker: Well, what stories, then, do you recall hearing about your grandfather? And that would have been William Newsom I, right?

01-00:02:28

Barbara: Yes. Well, dozens and dozens and dozens. He became an almost apocryphal figure, in terms of having been a person who— They were always entrepreneurs, it seems, as far back as anyone goes. And he was a partner of A. P. Giannini and so on, and so. And it seemed like he never said anything that wasn't a large statement and gesture combined. And correct me if you have any different memories. And of course, none of us knew him, so we didn't know that that was true. And he was involved in a lot of things in the city. Worked for city government at the time, as a commissioner and things like that, and was involved in, probably Golden Gate Bridge, 1901 [Panama-Pacific International Exposition] Fair. Was it 1901?

Bill: 1915.

01-00:03:37

Barbara: [The] 1915 Fair, that kind of thing. And as I say, they grew and grew and grew.

Bill: I'm laughing about another a memory. Go ahead, though.

Barbara: No, I remember just a little bit. He died the year I was born. Our grandmothers, on the other hand, were part of our lives for a long, long, long time. And they spoke not at all. One, not at all about her husband, not even a mention. And the other, I don't ever remember hearing her speak of her husband.

01-00:04:16

Bill: I don't recall any occasion when either—

Brennan: Certainly not.

Barbara: I got the sense of humor of the Brennan family. The Newsom family didn't have much. [they laugh]

Brennan: Very austere, our paternal grandmother. And I gather from what my father told me as a young boy, that my paternal grandfather was equally austere. And whatever sayings that had passed down to me were delivered to me by my father, in a tone that made me believe that my grandfather's tone was oracular. Almost— [laughs]

01-00:04:59

Barbara: From the throne.

Brennan: The throne! He was apparently a very stern fellow. And apparently, there was, I was told, at one point in his life, a deeply religious side to him.

Bill: That's news to me.

Barbara: That's news to me, too.

Brennan: Well, I heard stories from our father that on Sunday morning, he and Grandma Newsom would retire—don't you remember those stories?—

01-00:05:29

Barbara: Oh, yeah, I think so.

Brennan: —into a room to meditate, after having gone to Communion, Mass and Communion.

Bill: Sounds a little loony.

Barbara: I don't think they ever left the house. I think they did that instead of going to church.

- Brennan: Looney, it may have been, but I was told that. And it seemed to me to be in keeping with his stern perspective on things. And the door was to be closed, and nobody was to knock on the door or bother them, unless in case of a sudden medical emergency, possibly. And that was a component of my own image of him, that he had a little bit of a mystic side to him.
- 01-00:06:12
Barbara: Hmm. [laughs]
- Bill: Well, this is news to me.
- Meeker: Well, what was your vision of him, then?
- 01-00:06:15
Bill: My image of him was just an affable, very well liked, popular figure in the Mission District. And a banker; one of the founding spirits of the Bank of Italy. And a man with a good sense of humor and a bad marriage.
- Barbara: And an incredible need for and response to other people. In other words, I was told all my life, and I saw some of it, which is you'd go around town, [they'd] say, "Oh, your grandfather. Your grandfather, he was a man of his word— I never had to make a loan with him, I didn't have to fill out any papers or anything. It was a handshake." He was this, that and the other. Which I don't doubt he was. He was a huge character to all those around him. And just didn't have anything left when he got home, that I know of.
- 01-00:07:28
Brennan: There was a side to him, though, apparently, from little snippets that I've picked up in that book that they wrote, *Biography of a Bank*— He was the manager of the branch of the Bank of America at 29th and Mission, at one point in his life.
- Barbara: Because he opened it.
- Brennan: He opened it. But somebody said in a book, *Biography of a Bank*, I think it was referred to as the Bolshevik branch of the Bank of America.
- Bill: That's not in that book, but I've often heard that expression. He had autonomy in loans. Giannini deferred to him on the local level. So he had a bigger role than you would've anticipated.
- 01-00:08:14
Barbara: As a bank manager—
- Bill: As a bank manager.
- Meeker: Well, how did autonomy in loans translate into a reputation as a Bolshevik bank?

01-00:08:22

Barbara: Anybody got a loan. Anybody who was ready to work hard, anybody who was ready to shake his hand, anybody who was—

Brennan: Legend has it that my father apparently established a policy of a moratorium on foreclosures, as long as people made some nominal deposit on their interest or something like that.

Barbara: Where is he now?

Bill: Where is he now that we need him?

Brennan: But he apparently had, because of his Irish—and I guess English, too, but I'm going to say Irish—ancestry, he was looked upon as a community leader—was he not?—by the Irish community in the Mission District.

Barbara: Oh, sure.

01-00:09:07

Brennan: And also a good place to get a tap, a loan or something like that.

Barbara: I have wonderful pictures. Actually, the bank at 27th and Mission, which I spent a lot of my life driving—

Brennan: 29th.

Bill: 29th.

Barbara: 29th and Mission. Which I spent a lot of my life driving to and from, because my father would normally bank at the 29th and Mission branch. Until the day in the fifties, when he went out there and nobody recognized him and nobody could [laughs] read his signature. And then he never went there again. But otherwise, that was the first branch bank, and I think it was the beginning of branch banking. I'm not sure in the United States, but certainly here, it was the first branch. There was the German bank, the French bank or this bank or that bank. And the Bank of America was the Italian one. And then after the earthquake, it was a big problem. And this was at the top of a hill or something like that, and so it was a place where everybody would bank and—

01-00:10:17

Brennan: Water their horses. [laughs]

Meeker: So Bill, can you describe your grandparent's home? You said it was in the Mission District. Where in the district was it? And if you ever visited, did your grandmother still live there after your grandfather died?

01-00:10:31

Bill: No. I knew anecdotally of a home they had in the Marina District, on Marina Boulevard. But I don't recall the family home.

Brennan: Valley Street? Valley Street, didn't they have a home on Valley Street? That was what my father told me.

Barbara: They lived in Alameda, too.

Brennan: Right, I know, but in the Mission District, they lived— I guess Valley Street is on Potrero Hill. Is that right?

Bill: It could be.

01-00:11:02

Brennan: Yeah. But I was told that the family home was on Valley Street. Because I was born four years after Grandpa died, I think, in 1938. So I never met him.

Bill: I think he died the year I was born. I never knew him.

Barbara: The *year* I was born?

Bill: Yeah.

Barbara: '35.

Bill: We were both infants.

Barbara: That's because of something. We're only a year apart.

Bill: And I think he had a heart attack, was the cause of death.

Meeker: Do you know, Brennan, if your grandfather was involved in politics, and to what extent was he involved in politics?

01-00:11:42

Brennan: Yeah. Yeah, well, I think that he served in the cabinet, if you can call it that, or as a commissioner for Mayor Rolph, did he not, Bill?

Bill: Pinhead McCarthy. [they laugh]

Barbara: P.J. McCarthy is what I heard. You might want to forget it.

Brennan: Yeah, he was commissioner of public welfare, I believe.

Bill: Works.

Brennan: Public works, sorry. Yeah, he was a pretty well known figure in San Francisco.

01-00:12:09

Barbara: He also built the addition to the mint; he also built Polytechnic High School and—

Brennan: Commerce.

Barbara: Commerce High School, that's right.

Brennan: And I think he also was responsible for number 1 Powell Street, wasn't he? Oh, also I think he built the branch on Montgomery Street. The old gray, two-story branch. I think he built that. Apparently, Giannini relied on his knowledge of the construction business pretty heavily. And regarded him as—I don't want to extrapolate too much, but I guess with the branch out in the Mission District being one of the first branches, if not the first, I think Giannini, from what I recall my father telling me, that Giannini consulted him on construction. And I think he actually built, he acted as a contractor, didn't he Bill? I think.

01-00:13:03

Bill: He was a building contractor.

Brennan: He was a building contractor.

Bill: He was mainly a building contractor.

Brennan: So he and Giannini were quite close. And according, once again, to this book, *Biography of a Bank*, he was a very large shareholder.

Bill: The second-largest in the bank, after A.P. That's about all that book says.

Barbara: About him.

Bill: Yeah. You can look his name up in the index, and all you will find is that he was the second largest shareholder of the bank at the inception of the bank.

Meeker: So the rest of these stories that you're telling are passed down through family, oral tradition as opposed to finding out in books?

01-00:13:47

Bill: Yes.

Meeker: Bill, What do you know about his upbringing? Where was he educated, where was he born?

01-00:13:56

Bill: I don't think he had much formal education. I think he only went to grammar school. And I rather doubt he ever finished that. He was on his own very early. And I think they had an unhappy home life. His parents, I think—

Brennan: Was his father a policeman?

Bill: I don't know.

Brennan: And you sometimes wonder whether or not this is just your imagination. But I recall my father telling me that my great-grandfather was a policeman in San Francisco.

01-00:14:42
Barbara: Probably wanted to scare you.

Bill: Pardon me?

01-00:14:45
Barbara: Probably wanted to scare him— [they laugh]

Bill: Yeah. But have you not heard that?

Brennan: I just don't know.

Bill: Yeah, I don't know, either.

Meeker: Well, were there ever stories told about when the family first arrived, when the Newsom family first arrived in San Francisco?

01-00:14:58
Bill: Not that I know of. They were always here. [they laugh]

Meeker: That's funny.

01-00:15:06
Bill: They were planted.

Brennan: Founding fathers.

Meeker: Do you know how your grandfather got into construction?

01-00:15:16
Bill: No.

Barbara: Picked up a hammer and a few nails?

Bill: Yeah. And—

Barbara: You're smart.

Bill: That kind of thing.

Brennan: So we don't know much about grandfather. I thought they would know more than I do.

Barbara: How would we know?

Brennan: I don't know.

Barbara: Who could tell us? Our father, who didn't say much— My father was his favorite son. He was the youngest son, but the favorite son by a mile. And as the years went by, even though I thought that was fair, I began to think it was more and more fair, because the others were unable— did not demonstrate any talent that I could find.

01-00:16:01

Bill: Various afflictions.

Barbara: Oh, and various afflictions [chuckles] of the Irish.

Meeker: Well, let's talk about the next generation, then, the generation of William Alfred Newsom II, your father. And maybe you can tell me when he was born and where, to the extent that you remember. Bill, why don't you start that one?

01-00:16:22

Bill: Well, I think he was born in 1902—I think. I wouldn't bet on it.

Barbara: No, father was born in 19—

Bill: '2.

Barbara: Oh, *your* father, okay. Yeah, we're talking about your father.

Bill: Yeah. May first?

Barbara: Yes.

Brennan: May first, 1902. And I don't know, you folks can fill in better than I can, but I understood that he ran away from home at one point, didn't he?

Bill: I've heard that.

Brennan: Yeah. And he went AWOL. And never explained to me what he did while he was AWOL, but he eventually came back and had some kind of a reconciliation with his parents.

Bill: He ran away quite early in life.

Barbara: And often.

01-00:17:18

Bill: Often, yeah. His parents fought a great deal. It was not a peaceful home at all. So the victim seems my grandfather. And the culprit usually was my grandmother's temper.

Barbara: Do you eventually ask about grandmothers?

Meeker: Yes, definitely.

01-00:17:47

Barbara: Because she was a very strong, interesting character.

Bill: Yeah.

Meeker: Well, then maybe before we get into the next generation, I'm wondering perhaps there's something you'd like to describe about your grandmother.

01-00:18:00

Barbara: My grandmother had snow white hair. And she read mystery books from the morning till the night. We were told that she was crippled by a needle from an X-ray machine. She ate hard candy from the morning till the night. And she said the rosary. She had a rosary in her hand at all times.

Bill: All day long. All day long. Maybe the rosary beads were, in fact, hard candy. [they laugh]

Barbara: And to get a conversation out of her was worth your soul. We were obliged as children to go visit her on a regular basis. And you would arrive, and she had a name for each of you. I was Sally—

Brennan: Barbara Bell? You were Barbara Bell?

Barbara: Wasn't I Sally Sweetie?

01-00:18:53

Brennan: Barbara Bell, she'd refer to you in my presence.

Barbara: Okay.

Bill: I was Billy Boots.

Barbara: Anyway.

Meeker: And Brennan, you were?

01-00:18:59

Brennan: I don't know, she didn't [laughter] speak very much at all.

Bill: She wore dark glasses. Always.

- Barbara: Oh, she wore tinted dark glasses. She was gorgeous. She was very beautiful.
- Brennan: I didn't know that.
- Barbara: Well, you can't.
- Brennan: She was loaded, though, as far as I was concerned.
- Barbara: Well, she gave us fifty cents every time we came there.
- Brennan: Well, gave me a lot more than fifty cents. May have favored me more than you.
- Barbara: Yeah, she probably liked you.
- Brennan: But there was bait on the hook, always. It wasn't a matter of— My father didn't force us to physically go visit her, but there was a buck or two involved.
- Barbara: Yeah, but there was a strong prejudice toward, "You better go see your grandmother."
- Brennan: Yes, but there was a buck involved.
- Barbara: Otherwise we never would've gone to see her. She wouldn't have talked to you.
- Bill: I never got as much as a buck, but fifteen cents or twenty cents or so. And she never said two words.
- 01-00:19:48
Barbara: She liked me a little bit, but only gave me fifty cents. [they laugh]
- Brennan: We were sort of, I recall, at least I thought I was expected to issue a report to her.
- Barbara: Oh, yes.
- Brennan: How I was doing in school. And she would chew away at her hard candy and move from bead to bead. Five sorrowfuls to the five Glorias to the five mysteries. And look out the window. And when I delivered my report, she'd acknowledge it with a bow of the head, but no words. No words. And usually, the buck or fifty cents, whatever it is I got, was on the table. So I would only approach the table after I'd finished giving my report.
- 01-00:20:33
Bill: The strong incentive for being there was the money. If there were no money involved I don't think we would have been there nearly as often.

Barbara: No way. She lived very close to See's Candy.

Meeker: So do you remember her temper any time, personally?

01-00:20:52
Brennan: No.

Bill: Well, she was very kind with us, but firm, kind.

Meeker: Where did she live? Did she live alone or was she—

01-00:21:01
Bill: 2120 Chestnut Street, above Lucca Delicatessen.

Barbara: That was after she lived in Grass Valley—

Brennan: Right.

Barbara: —where she had a matching house with her daughter for a period of time, with an apple tree in the middle of them. And I went to see them, of course. And each one is about as big as this room, and I remember [them] as these great big houses. And she had beds you had to climb up in. But she lived many places.

Brennan: I certainly will say this. She was not a rich lode or source of family lore. I understood that her maiden name was Collins. My father told me he believed that she was a distant relation of the Irish patriot, Michael Collins.

Barbara: That's always a good one for the Irish.

01-00:21:53
Brennan: Exactly. But I was also told that she had Spanish genes in her—

Barbara: Because her middle name was Dolores.

Brennan: Who knows? But I don't know that I ever got more than— He says two words. But I certainly didn't learn much at all from her, in terms of family history or whatever.

Barbara: My father *adored* her.

Bill: Yeah.

Barbara: It was adulation. I don't understand it. It's very hard to understand, because you can't see any personal things. But he was so respectful of her, so— What's the word I'm looking for?

Bill: Deferential?

Barbara: Yeah, deferential to her. And we were marched in front of her, dressed properly. And her only humanity I remember is she would take us—in the living room in this little apartment above Lucca Delicatessen, she had a car and driver, with a vase with a flower in it. And the driver's name was Jimmy Owens. And she would take my sister and me, my oldest sister and me, once a year to Oakland, to Davis Schonwasser, which was a very exclusive store. And she would buy us the coat, usually the one that Princess Margaret and Princess Margaret Rose had. And we would stand and they would bring them out, and we would try them on, and they would pin them up, and off we'd go. And then at winter time, we would go buy a velvet dress with a lace collar. And at Easter time, we would go buy an organdy dress. You got nothing.
[laughs]

01-00:23:44

Bill: But I bitterly resent it.

Brennan: A buck a week, I got.

Barbara: Well, but I don't remember saying a word in the car, I don't remember saying a word in the store.

Brennan: True.

Bill: She was not that loquacious.

Brennan: She was a dowager.

Barbara: Charming, she wasn't.

Brennan: She looked like Queen Victoria to me.

01-00:24:08

Barbara: No, she was very beautiful.

Meeker: Barbara, you described her as also being powerful, as having a great presence, yet it sounds like she didn't speak that much. I wonder how she communicated this power.

01-00:24:18

Barbara: Fear. [they laugh]

Brennan: The ministry of fear.

Barbara: And I don't know what we were worried about or anything. But to think of a small child driving five, six, seven hours to Grass Valley to stay with you, and climbing up into bed, you'd think she'd say goodnight to you or something?
No.

Brennan: She kept me in donuts, that's all I can say. She kept me in donuts.

Barbara: Oh, okay. All right. But the austerity. It was another generation, but even so, when you compare our actions toward any of our grandchildren, or children for that matter, and hers, it's like another century.

01-00:25:01
Bill: Funny, the little things you remember. I have several separate recollections of being told by my father that his mother used to throw dishes at my grandfather.

Barbara: [laughs] Well, she also threw dishes at the wall. After your grandfather died, she got a bill from the PG&E. And she said, "How dare they? After all these years, sending me a bill." And started throwing plates around the room. She was completely kept from everything. I don't know where she came from. When you think of it, you know?

Brennan: Kind of like a hothouse flower or something?

Barbara: Yeah. Who raised her?

Brennan: I don't know. I have no idea. I much preferred my maternal grandmother—

Barbara: Oh, we all did.

Brennan: —who was a fabulous person.

Barbara: We all did.

Brennan: Fabulous person.

Meeker: Well, can you describe her? What was her name?

01-00:25:57
Brennan: Anna Brennan. Nee Anna Burke. And she raised seven children, is that correct?

Barbara: Yes.

Brennan: By herself, after her husband John Brennan left her, in circumstances that have never been explained to anybody that I know of. He just deserted the family, apparently. So she grew up in the outer mission, around Alabama Street. Wasn't it around there?

Barbara: She came here grown.

Brennan: Pardon me?

Barbara: She came to San Francisco grown.

Brennan: Well, you know more about it, so you tell it.

Barbara: Her father was a horse trainer in a place called Tubbercurry.

Brennan: I've heard of it, yes.

01-00:26:41

Barbara: County Sligo, in Ireland. And she had a cousin Kate who lived here. So she came over at Kate's encouragement. And we don't know when she met my grandfather or anything like that, but I have pictures. Just the formal portraits. A sense of humor has saved my life, and she was the sense of humor. And she had a terribly sad, difficult life, and nothing could stop her. She was unstoppable.

Brennan: She was just indefatigable. And she lived at our house from the time I can remember, on Jefferson Street. And my father—it was amazing—*always* referred to her— She lived at the house, part of our household. She was of significant assistance to my mom in raising six kids. There was always a sibling of my father's in the house, living in the apartment downstairs or whatever. And she was—elfin is a perfect word—

Barbara: Elfin, yeah.

01-00:27:56

Brennan: —elfin, for my grandmother. She would bake little soda biscuits for me in the shape of a fish. She would get up five-thirty in the morning to make French toast for me, so that I could get down to six-thirty mass and serve mass. And my father always referred to her, to the day that she died, as Mrs. Brennan. Mrs. Brennan. Apparently, my father had a great deal of respect for her.

Bill: Oh, sure.

Barbara: Oh, yes.

Brennan: Enormous respect for her.

Barbara: As well he might.

Brennan: I see, he should have, yeah. And in the context of a household like ours—a lot of noise, a lot of children, a lot of relatives around at various times of the year—you take things for granted. Grandma Newsom, she was the one that did the laundry, maybe, or set the table or something like that.

Barbara: Grandma Newsom?

01-00:28:50

Brennan: Grandma Brennan, sorry. But once in a while, I would take her for granted. And if I did, or I showed anything but the most punctilious respect for her, my father would step in very quickly and remind me that this was my grandmother. And that meant a great deal to me, because it meant that he had— He was in a different societal caste than my grandmother, but he had enormous respect for her. And that made me feel really good. That helped me out a lot.

Bill: I think it's important to add that she was a felon. [they laugh]

Barbara: This is great. Oh, this is a good one. This is a good one.

Meeker: All right, so let's hear it.

01-00:29:39

Bill: Well, it's a long story but I'll just give you the main outline of it. She used to read the green sheet. The green sheet's the sports section of the *Chronicle*. And she would dope out the horses at night. And she called me one morning and said she had a dream about a horse. And the horse was named, I think, something like Terry's Choice. And she had a daughter, Teresa, my Aunt Terry. So that was a tip, a major tip. And I remember asking, also, which St. Theresa appeared to her in the dream? The French one or the Spanish one? She had an answer; I can't recall now. But in any event, Saint Teresa appeared and held up two hands, five fingers on one hand and three on the other. This was the fifth horse in the third race. And she called me and told me about the dream. And I said, "Grandma, it sounds like a tip to me." And she said, "Well, I'm going to go up and make a bet with Moon." Moon was a bookie at Scott and Chestnut.

Barbara: The Daily Double, yet, she was going for.

01-00:31:10

Bill: Yeah. And so she went up and made a bet. And I think she made a large bet, for her, based on this miracle.

Meeker: A large bet would've been five dollars, maybe?

01-00:31:23

Bill: No, Two.

Brennan: Two dollars.

Bill: Two dollars, because Moon would take fifty cents. Two dollars was a much more substantial bet than it is now. And so I think she bet maybe five dollars this time, on the tip horse. And of course, I wouldn't be telling the story unless the horse had come in. So she knocked on my door in the morning, said, "Want to come get the money?" She wanted to get the money, and said, "Let's

take a walk.” Not a walk, an F car. We went up to Scott and Chestnut. And she went out to get the money from Moon, and Moon told her, “Mrs. Brennan, get lost.” She thought he was welching on the bet. But he was under surveillance from the police. And so to make a very long story short, they arrested Moon. She kept waving—

Barbara: The cane.

01-00:32:29

Bill: —the cane. And she thought the amount of money was too large, and so she said, “Moon, I’ve got the bet right here.” And he said, “Get lost, Mrs. Brennan.” Anyhow, they arrested Moon and dragged him away. Not in chains, I think, but anyhow, my grandmother was distraught. And we went back on the F car. And she was in tears. We walked in the house and my father said—

Barbara: It wasn’t the money, but the fact that she’d gotten Moon arrested.

Bill: Yeah. A crushing defeat on all counts. And anyhow, my father said, “What’s wrong with your grandmother?” And I told him, and he said something like, oh, for Christ’s sake, I’ll take care of that. He phoned Jake Ehrlich, the lawyer, and phoned the judge—you could do it in those days—

Barbara: And the district attorney—

01-00:33:29

Bill: DA and everybody else. And the end of the story is he took Moon up to a resort he owned, with Mrs. Moon, for a weekend, all expenses paid. And he gave me the money to give to my grandmother. He figured it out and Moon owed her twenty-three dollars or something, after his commission. So I had to fib and tell my grandmother, “Moon sent this money. And he said he had a great time at the Surrey Inn, and no hard feelings.”

Barbara: Oh, dear.

Bill: [laughs] That’s a true story.

01-00:34:15

Barbara: It’s so true. And she wore a little maroon coat with a little fur collar—

Brennan: She was marvelous.

Barbara: —a little hat with little flowers on it, and a cane. And she had round glasses.

Brennan: By God, this was a life-defining event for her, the Daily Double, and she was not going to be denied. Moon was a great character, by the way. He had four newspapers: the *Call-Bulletin*, the *News*, the *Chronicle*, and the *Examiner*. And I think the paper was a nickel in those days, wasn’t it?

Barbara: Yeah.

Brennan: And so my father would very often say, “Go get the newspaper for me,” or something like that, and I would do it. And I did it, and so I noticed one day that Moon was driving away in a Lincoln Continental. Well, this is about 1948, ’49. Lincoln Continentals were very rare, very expensive cars. And I said, “Dad, I can’t quite figure it out. Moon is a paper seller, for a nickel. And he’s driving a Lincoln Continental?” My father says, “A substantial inheritance, his parents left him.” Substantial inheritance.

Meeker: Well, did your grandmother ever place a bet again?

01-00:35:21

Barbara: Oh, all the time. She went to the races—

Bill: She was an inveterate horse player.

Brennan: But she would never allow my father to drive her to them.

Barbara: Or my mother.

Brennan: Or my mother, too.

Barbara: And what she would do is she would tell my mother that she was going downstairs to find something in the basement. And she would wrap her coat around her cane, put her hat on the top of the cane, turn it upside down and throw it down the laundry chute, and then say goodbye. And then she’d go down and take the bus out to Bay Meadows.

Brennan: And everybody knew this.

Barbara: She took me once, she took you.

Brennan: Well, I don’t recall her taking me.

01-00:35:56

Barbara: Oh, but she took me. And then she would take you down to where the horses were and she’d explain the conformation of the horse and so on, and why he was a winner, and what kind of legs he had and— all that kind of tells you the look on his face.

Brennan: Amazing.

Barbara: Just amazing.

Brennan: She was a wonderful, wonderful, wonderful person. I have the warmest memories of her.

Barbara: Yeah. Indefatigable. But also every time she came by the stove, nobody looking, she'd reach and grab an egg and throw an egg in whatever my mother was cooking. Because when they were growing up, they were hungry. And she wanted extra nourishment for us.

01-00:36:37

Brennan: She was a marvelous person. If it's the little things that matter, she did so many little things. I would never eat vegetables.

Bill: I have enormous guilt feelings about the pain I inflicted on my grandmother. And my brother was equally guilty.

Brennan: Of?

Bill: We used to drive her mad by playing basketball with socks rolled up—

Brennan: Oh, yeah?

Bill: —in her room. Using the back of the curtain railing as the basket. And she would plead with us to stop, and we wouldn't stop. We tortured her. And I later felt guilty about that.

Barbara: I think the two of you should. I think you're horrible.

Bill: Yeah, it was horrible. She would beg us to stop. And we wouldn't. Nobody, though, ever could get me to eat peas. I would never eat peas. She got me to eat peas. She mashed them in the mashed potatoes and I ate peas.

01-00:37:36

Barbara: And she also read our tea leaves. And we liked doing that.

Meeker: Where did she learn the art of tea leaf reading?

01-00:37:45

Barbara: She didn't know anything about it. The lore, it was sort of from home.

Brennan: Up the long ladder, she taught me that. "Up the long ladder and down the short rope, to hell with King Billy and God bless the Pope." She came from a family that was very sympathetic to the IRA, the Republican movement in Ireland.

Barbara: I never heard her mention her mother, so I suppose her mother died.

Brennan: Didn't she have some brothers who were involved in the Easter Rebellion in— We don't know that.

Meeker: Well, Brennan, it sounds like you have a good memory, or at least a hold onto the family's connection to Irish roots. I'm wondering if that's something that

you felt, as well. The Newsom name, at least, had been in San Francisco forever, although there was certainly a sort of Irish history to that. I'm wondering the extent to which you really felt part of this Irish Catholic tradition, immigrant tradition in the United States.

01-00:38:46

Brennan

The irony of it all is Newsom's an English name. And actually, if you take it back far enough, I think we're related to the Peales or something like that. And it's Lancashire, isn't it? Back in the sixteenth, seventeenth century. But my father was, I think it was—you would know more about this—a zealous supporter of the Irish Republic. And would get a very grave demeanor when you discussed the way that the British were handling, not just the IRA, but the whole Republican movement in Ireland. He was very sympathetic to it.

Meeker:

Were the ancestors from the northern counties?

01-00:39:28

Brennan:

Yes, yes, because the original—the way, if you go back to the tap roots, so to speak, it's Lancashire. The name migrated, my understanding is, to Northern Ireland. And then for apparently religious reasons, they left Ireland and came to Virginia—is that right, Bill?

Bill:

Sure.

Brennan:

We think, we think.

Barbara:

I think your grandfather was from Cork, and your grandmother was from Sligo. Your Brennan grandfather was from Cork.

Brennan:

Oh, really?

Bill:

Yeah.

Barbara:

And your Brennan grandmother was from Ireland. But the other thing, when you asked about this, I've thought about it so many times, and I thought, well, where do I get my identity? I don't know how old I was, but I may've been three or something, when I knew I was Irish, Catholic, a Newsom—

Bill:

A Democrat.

Barbara:

—Democrat.

Bill:

At three, yeah.

Barbara:

I'm not kidding. If you asked me, I think I would've said Democrat. And I lived in the Marina, went to St. Vincent de Paul's Parish, and I went to the French School. That's all I knew about myself.

01-00:40:39

Bill: What are you suggesting?

Barbara: Well, do you know anything else about yourself? Or did you know that about yourself? That's something I've clung to for years because that's who you are. You may become other things.

Bill: That's just about all I knew about myself.

Barbara: Yeah, and it's about all there is to know. Everything else that happens to you happens in the context of that.

Brennan: Yeah, I think that's fair, that statement.

Barbara: It was Irish, Catholic, a Newsom.

01-00:41:10

Brennan: Yeah. Well, I've always thought of myself as a bit of a roué, too with the ladies.

Meeker: Well, let's talk a little bit more about the Bill Newsom generation, the parent generation. Who were the siblings of that family, and how do you relate to all of them?

01-00:41:30

Barbara: Mm, have a good time.

Meeker: That's a big one, isn't it?

01-00:41:35

Bill: Of the Newsom family.

Barbara: My father's brothers and sisters.

Bill: Yeah. You want to read the list?

Barbara: A lively group.

Meeker: Well, whoever can remember it.

01-00:41:46

Bill: Well, there was my Aunt Eileen, my Aunt Annie, my Aunt Linda, who lived in Grass Valley.

Barbara: Uncle Jack.

Bill: Uncle Jack, whose name is Alfred, and—

Brennan: Uncle George.

Bill: Uncle George. And my father.

Brennan: And a sibling who died at a young age, right?

Barbara: Vera.

Brennan: Vera, that we didn't know.

Brennan: And Ambrose.

Barbara: No, that was your mother's brother, baby brother.

Bill: I think Barbara's right.

Barbara: It was Ambrose who was called Honey.

Bill: Honey. I think Barbara's right.

Barbara: And Vera is the sister.

01-00:42:27
Brennan: Yeah, yeah, you're right. So Jack, George, Eileen, Linda—and who have I left out? Ann.

Barbara: In other words, each family had seven, and one child died.

Bill: Yeah.

Barbara: Which was probably the average.

Brennan: And I remember all the sisters pretty well. Linda and Eileen and Annie.

Bill: Yeah, I remember a lot of funny things, including the fact that Annie was married to Irving Person. [Barbara laughs] Irving Person was, I think, about six-[feet] five [inches]. And he ran a chocolate and peanut butter factory.

Barbara: [chuckles] Or stand. Stand. Not a factory, a stand.

Brennan: But it was also horseradish, don't forget that.

Bill: He manufactured peanut butter, and he sold block chocolate. And he wore a white apron. He was in the—

Barbara: The market, Crystal Palace Market.

Brennan: Crystal Palace, Crystal Palace Market.

01-00:43:27

Barbara: At the corner of Market and something.

Bill: Yeah. And he, I think, God rest his soul, was in the bag all day long. He sipped on gin and vodka. Vodka, I think.

Barbara: Well, wouldn't you?

Bill: Right. And if you were married to Ann, you would—

Barbara: [laughs] And also if you had a peanut butter machine.

01-00:43:50

Bill: Yeah. So we rather worshiped the guy, because any time you went to see him was a good time. He would shower you with chocolate and peanut butter. Not horseradish, but a lot of things. But it smelled like a distillery there. And it was, so to speak. Great guy.

Barbara: When you tell about him, you have to talk about Annie. She was gorgeous, but she had lupus, so she had a highly red colored face. She wore black shoes that were pointed, that had a square jeweled thing. She was in furs most of the times. She wore a hat with a veil on it. She was elegantly dressed from the morning till the night.

01-00:44:41

Bill: Beyond Irving's means.

Barbara: Oh, yeah. Beyond Irving's means, and beyond Grandma Newsom's means. And it didn't stop her for a minute. And she lived on Lake Merritt, and in a beautiful apartment, I remember. And she would have us over. We had to get all dressed up. And I don't think you went. The boys weren't invited, just girls. And then she and her friends would play bridge all the time. She was the soul of elegance.

Brennan: She was made up thicker than Theda Bara.

Bill: Because of the lupus, too.

Barbara: Well, because of the lupus, because of the lupus.

01-00:45:18

Brennan: Oh, was that it? Yeah, yeah.

Barbara: She was thin like a rail.

Brennan: Yeah. Very it's patrician, I guess you'd say about her. And she had the tastes of a Vanderbilt.

Barbara: And a sister Eileen, my father's sister Eileen was so beautiful she was on a candy box. And how they let her be on a candy box, I'll never know. And she was, she was that beautiful. And my Aunt—

Brennan: Linda?

Barbara: —from Grass Valley, Linda, was a different type.

Brennan: Tycoon. Linda was a tycoon.

Bill: She was married to Frank Pendola. Their family was from Genoa. And they started a lumber business up there called the Yuba River Lumber Company.

01-00:46:10

Barbara: Camptonville.

Bill: Yeah, Camptonville. And I liked Linda. She was a very affable aunt. I loved going up to Grass Valley. But there was a falling out there.

Barbara: Who was Vera, up there? No, they'd come out with the shotgun, say, "Which chicken do you want, Ma?"

Brennan: That's my Godmother, I think. No, that was the—

Bill: No. No, no. I can't remember, but I remember the stories about her shooting the chickens.

Barbara: Yeah.

Bill: Yeah, yeah.

Barbara: So she must've been an older relative.

Brennan: I think she was connected to the Pendolas.

Brennan: My father used to take us up there to this area, Camptonville, it's above Grass Valley. And they more than I, but I remember going up there a couple of times. And Frank Pendola was an icon in my eyes—

Barbara: Oh, yes, yes.

Brennan: —because he would take us fishing and take us—

01-00:47:10

Barbara: He was a big, nice man.

Brennan: He was a wonderful man. And the family, we liked very much. And the boys, Frank Pendola, Jr., and Bill Pendola, Jr., had both gone off to the war, as had

most of our cousins gone off to the war. And an amazing thing to me— I think that we had Dr. Bill Newsom, Jr. went off to the war, saw combat in Europe; both Pendola boys were in the Navy or the Coast Guard or combat; both the Reilly boys.

Barbara: They were air pilots, Navy pilots.

Brennan: Pilots, right. Both the Reilly boys saw combat, one in the army and the other in the navy. We had another cousin from up in Washington—

Bill: Jack.

Brennan: Jack Newsom saw action. And they all went off to the war. And with that much exposure—

Barbara: Bill Newsom was a doctor.

Brennan: —*all* of them came back intact. And I remember in '46 or '47 or '48, there was a Thanksgiving and Christmas, which were traditionally held at my house, or our house, right? And they would all come. All of the Irvs and the Eileens and whatever. And I have the warmest memories of those. I really enjoyed that. And I remember them coming home after the war. And they all had medals of some kind. They were all promoted. And they were all alive, and they were all good looking. And I thought, you know what?

Barbara: *Extremely* handsome.

01-00:48:37

Brennan: There is a God. What those guys have been telling me at the French School is true, there is a God.

Barbara: I think so.

Brennan: And he is in his heaven. And I believe in the system. If this is what it produces, I believe in it. It was so reassuring to me. And I idolized these guys.

Barbara: Yeah, we used to pray for them and—

Brennan: Oh, my God! World War II was a pretty serious thing. Gas rationing and all this kind of rationing. Now, my father, he believed in every part of the deal, because we had to go in the backyard every Sunday and work on the victory garden. And we had to work in the garden a little bit. He was proud of that, very proud of his victory garden.

Meeker: Bill, did you experience this in the same way?

01-00:49:21

Bill: Oh, sure. Same memories.

- Brennan: A lot of good memories. A lot of really good memories. There wasn't a Christmas or a Thanksgiving that the family didn't gather.
- Barbara: [sings] "The eyes of Texas are upon you."
- Brennan: Yeah. Yeah, at our house. It was just marvelous. There were a lot of wonderful things about this family.
- Barbara: A lot of old Irish songs: "The songs we sung the days, the days that we were young."
- Brennan: "...the stones outside Dan Murphy's store."
- Barbara: We were professional Irish. We invented our Irishness. The rest of the family could've cared a hoot if they were Irish or not.
- Brennan: Yeah. No, I know.
- Barbara: Even though some of their names were Reilly and so on.
- Meeker: Why do you suppose that was?
- 01-00:50:02
Barbara: Because of my father. Because my father decided to be—
- Bill: He nurtured the lore from Ireland.
- Barbara: And he never had been to Ireland. [laughs] And when he went to Ireland—
- Bill: He was very disappointed.
- Barbara: — [laughs] he was just crushed. He expected them to fall on him and put their arms around him.
- Bill: He went to Ireland. Had a driver. He and my mother went to Ireland, and they had a few names. And there was a young man who lived across the street named Eugene Murphy. And Murphy had an uncle over there. And he owned a pub. And my father happily went out to visit Murphy's uncle or great-uncle or something. He went into this dreary bar, freezing cold, he said. And he said, "Are you Eugene Murphy?" And the guy said, "I may be." [they laugh] He couldn't get three words out of him after that. He thought he was a tax authority or something. Anyhow, my father said he was a grim guy. He said, "I bought a drink, but all he did was pour it and stare at me. Put it down then blow some frost." And he said, "I drank the drink and said, 'See you later.'" Never asked a question.

- Barbara: And he left some money on the bar, he said. But it's interesting, too because he hated everything about Ireland, and he said that the— My younger sister was Sharon, who was called Tralee.
- Brennan: Rose of Tralee?
- Barbara: The rose of Sharon is the rose of Tralee. Anyway, but there's an area in Ireland—
- Brennan: The ring?
- Barbara: No.
- Brennan: What is it?
- 01-00:51:53
Barbara: My father said you go all over there, and all you see are idiots because they're so inbred. [laughs] They've never been out of the valley.
- Bill: Yeah.
- Barbara: And then, of course, he also had a love of things Italian. And then he went on to Italy, and of course, his trip was saved by loving Sorrento.
- Bill: Yeah.
- Barbara: Sorrento did it for him. So he should've gone there earlier, because he might've adopted Sorrento instead of Ireland.
- Bill: Exactly. Nothing about Ireland impressed him at all.
- Brennan: Well, I won't agree with you. I helped arranged that triumphal tour that Mom and Dad had. And they did like Dublin. They did like the Shelbourne Hotel very much. And so that was a pretty good trip they had. Dad enjoyed it.
- Bill: Probably reminded them of the Plaza Hotel in New York.
- Brennan: Right, whatever.
- Barbara: But it's like as an ancestral tour—And I don't think they ever met anybody in their own family, did they?
- Brennan: I don't think so.
- Bill: No, I don't think so.
- Meeker: When was this trip?

01-00:52:55

Barbara: When was it?

Meeker: Yeah.

01-00:52:57

Brennan: It had to be when—

Barbara: Early sixties.

Brennan: — I was with Trans World Airlines, because I made the arrangements for them.

Bill: In the sixties?

Brennan: '65 or '66. And my father, mountains had to be moved to force him to go. He didn't want to go. My mother—

Barbara: He wouldn't stay above the second floor.

Bill: Yeah.

[End Audio File 1]

Begin Audio File 2 08-05-2008.mp3

Meeker: Okay. This is tape two with Bill Newsom, Brennan Newsom and Barbara Newsom. Let's talk about the family setting in which you were raised. And there're a lot of elements of this that we can talk about, including how politics was taught to you, perhaps the religious education, but also the school education that you received. And Brennan, I think you were mentioning that the children—and I'm not sure if all the children were educated at the French Catholic school. Can you describe that school and the education you received there?

02-00:00:59

Brennan: It was called Notre Dame des Victoires, Our Lady of Victory. And it was a so-called national church. That is to say, it's not a parish; it was not supported by the diocese. So that the bishop had limited influence, which makes it a bit of an anomaly in the usual complex of archdiocese and parishes. I don't know, I'm going to have to defer to my sister and my brother. I think my brother said he knew why it was, that my relatively— My mother, with a very limited education—I don't think she ever graduated from high school—chose to send us down there. Bill, you tell it. Or Barbara.

Bill: Yeah, Barbara knows it.

Barbara: I really know this story.

Meeker: Let's hear it.

02-00:01:46

Barbara: Because I went to the Fairmont Hotel and sat across from a woman. I said, "Hello, my name is Barbara Newsom." She said, "I know exactly who you are. You're Christine Brennan's daughter." She said, "I'm the woman that went with your mother to make a novena at the French church during Lent, over whether or not she should marry your father." And when my mother went to the church there and heard the children sing in French— To my mother, to have culture was to speak French, play tennis, do those things that they never were given the opportunity to do. And so she sent us all down there—and amidst some complaining, as the girls got older and went to high school. I had to go to high school there and my older sister had to go to high school there. But anyway, there's a side story to that story, too, which is my grandfather— My mother worked at the PG&E. She sold stock. She had been working for quite a long time, because she went to work when she was fourteen. And she sold stock at PG&E. And my father gave my mother a royal blue Pierce-Arrow convertible for an engagement gift.

Bill: Hell of a car.

02-00:03:11

Barbara: And the only other person who owned one was Helen Wills, the tennis player. And my grandfather used to love to drive that car. So he would come down and pick my mother up. And this lady said, "Well, I'm going to tell you, we wondered about your mother because we really thought— We were glad she was so happy, but she sure was marrying an old codger." [the men laugh] Anyway, so that's how we ended up in NDV, and stayed there, because she felt it was very successful. And it was, it was an excellent school at the time, if not now.

Brennan: Yeah. Bilingual. We are pretty bilingual.

02-00:03:53

Barbara: And we lived, at that time, in a flat on Fillmore Street, which is still in the family. And those people, the people that lived in the lower flat, were Genovese Italian. And they had a father, the only thing I knew about him was his name was Pop. And he wore a black silk pillbox hat, which is the very traditional Genovese headdress. And he spoke no Italian.

Brennan: No English.

Barbara: No English, no Italian, only Genovese. He'd been a baker. And my first memory is of taking his finger and walking down the back stairs of that flat to the garden, which was of course, filled with cement, broken tile, and gnomes.

Bill: Right, I remember the ceramic gnomes.

02-00:04:43

Barbara: And he'd call me [with accent] Barbara Bella. And I had the feeling that he talked to me in Genovese, because when I first heard people speaking Genovese, it didn't seem that strange to me. And when you're very young like that, you don't care what people say to you, you say it back to them.

Bill: Genovese.

Barbara: Genovese.

Bill: "It's raining, it's raining, the hens are a-laying eggs."

Barbara: In Genovese.

Bill: In Genovese. G's creep in, hard G's, all over the place. Galinga instead of Gallina.

02-00:05:25

Barbara: Anyway, where was I? I was trying to talk about how—back to that school.

Brennan: We had this multicultural exposure, I guess you'd call it, if you wanted to put a label on it or something. When we graduated, me and the boys, we went on to a Jesuit school, St. Ignatius. But by the time the girls got out of the high school, I would say they were almost as fluent in French as they were in English, which I think, in retrospect, in prospect, puts kids a leg up on other kids who don't have that.

Barbara: Well, at that time.

Brennan: Yeah, but they still don't have it. Show me the public school which makes it obligatory to study a foreign language.

Barbara: We're Irish; we have a facility for mimicry.

Bill: Or blarney, depending on—

Meeker: Well, to what extent was religious training emphasized at Notre Dame.

02-00:06:27

Barbara: Very strong.

Brennan: Not quite as strong a firebrand as the Irish Catholic brand at many of the parishes.

Barbara: *No* firebrand.

Bill: No, the French were low key.

Barbara: Breton priests, very earthy. And good children.

Meeker: Did that influence your relationship to the church at all, that education?

02-00:06:45

Barbara: Oh, I'm sure.

Brennan: Definitely.

Barbara: Because the Irish priests who taught in the other parish were telling you all that you were on your way to hell. And you'd be damned for anything you did and so on. And we never heard that.

Brennan: I distinctly remember going to confession to Pere Le Bihan, that was his name, who was a Breton, as Barbara said, and telling him that there was an event in the cloakroom in the back of my class, where Yvette Serra, who was a very attractive young lady, kissed me. And he said, "Yeah?" And I said, "Well, she kissed me and it was a big deal and I liked it. And Sister Flagellata or whoever it was, told me that was a mortal sin." And he said, "Mm, no." I remember he said, "No. Baby Jesus was a little boy. He sort of understands things like this happen. And also, Yvette Serra's a pretty attractive girl." And I thought, boy, if that was Father Maloney or Father—I would've ended up saying twenty-two rosaries.

Bill: No, two crucifixions.

Barbara: No, but being told you were damned and going to hell.

Brennan: Yeah. And the French Catholicism at the hands of Le Bihan was benign.

Bill: Now, other French priests were great. Brother Girard.

Barbara: Marquis.

Bill: Marquis. Nice people.

Barbara: Yeah, they were in a good tradition. Good, different, earthy European tradition of laxity, and there wasn't the rigidity. You just didn't have that feeling that you were on your way to hell.

02-00:08:27

Brennan: Irish Catholic Puritanism was not present there.

Barbara: When I was a young woman, the priest who was the city planner for the City of Paris came to San Francisco, came to my house to visit. And I had no idea there was such a thing as a city plan— We never had that secular association, with priests taking city positions. And I, trying to impress, said to him, "What do you think of the clergy in the United States, Father?" And he said, "Well,

you're still in the stranglehold of the Irish clergy." And the rest of the sentence I completely forgot, because my eyes went out of my head because I'd never thought of that. And that was the difference between how I was raised a Catholic and how others were raised a Catholic.

02-00:9:16

Brennan:

It was a pretty good school. It was not parochial. So you drew from all over the city. And so you had the usual schoolyard fights and things like that—although I had more than most, because my brother preceded me and left me a legacy of turmoil from the tunnel fights. But it was sort of a, I don't know, vibrant is a good word for it, place, where there were Russian kids, I remember.

Barbara:

Oh, yeah.

02-00:09:50

Brennan:

And there were a lot of Frenchies, as we called them, kids of French extraction. Not a lot of Irish. There were six Newsoms there, and there was another family called the O'Connor family, six kids; all of them were there, too. And Le Bihan was a wonderful pastor, and Marquis and Girard, too. We were encouraged to be engaged in athletics. In fact, we had some of the best—There was something called the Catholic Youth Organization, which had a very good basketball league. And we often did very, very well there. But when we went on to St. Ignatius High School—and they [the girls] matriculated to the high school at NDV, so it was no change for them—I remember there was quite a big adjustment I had to make when I went to St. Ignatius, because we were looked upon as, where'd you go to school? Where? Huh? Notre Dame? Notre Dame des Victoires? There was some suspicion, because the rest of the people were products of the Irish Catholic parish system.

Barbara:

So we went to school with Filipinos and— No Chinese, because they ran a school for the Chinese in Chinatown. But otherwise, very multiracial compared to any of the other schools, which were lily-white Irish.

Meeker:

Did you feel like the moral education or religious education you got at home compared closely to what you got at school? Or was it closer maybe to what the Irish Catholic priests in the parish were teaching?

02-00:11:24

Barbara:

No, we got almost anything we got at home.

Bill:

Yeah, I agree.

Meeker:

You got—?

02-00:11:31

Barbara: We got almost all our religious training from home. The school thing was just a formality added onto it.

Brennan: Well, yeah, but we observed the rituals.

Barbara: *Je suis Chrétien.*

Brennan: Yeah, we knew the hymns, we went to Mass there sometimes.

Barbara: Yeah, but all that didn't matter. The moral training, if that's at the heart of a religious training—

Brennan: It was family.

Barbara: —came from the house.

Brennan: I agree.

Meeker: Well, I guess what I'm asking is, you talked about the sort of more continental, relaxed version of Catholicism versus the more stern Irish version of Catholicism. And I'm wondering in the home, which one was it? Or was it perhaps an amalgam of the two?

02-00:12:10

Brennan: *Laissez faire*, in my home, as I recall.

Barbara: Well, yeah—

Bill: My mother was a pretty rigid—

Barbara: Yeah, she would've been, if we'd ever crossed her, but we never did.

Bill: —Catholic, but my father sort of winked at it a little.

Brennan: Yeah, but Mom never made us—we weren't punished if we didn't go to church.

Barbara: No, but we were driven to church.

Brennan: No, we were driven to church, I remember.

Barbara: Every morning.

Bill: Every morning I had to serve Mass.

Barbara: Yeah.

Bill: Didn't *have* to.

Barbara: No, but we accepted all this.

Bill: She woke me up and got me dressed and drove me down there. I didn't—

Barbara: What do you call that?

Bill: I could've dissuaded her, I guess. But it would've taken more energy than I had.

Barbara: But my father was a stickler for living by the mores of your time and your society. And consequently, all of this had to match.

Brennan: Yeah. And it did, pretty much.

Barbara: And it did.

Brennan: He liked the priests at NDV. They used to hit him up for dough. He thought it was—

02-00:13:19
Barbara: He had great respect for priests.

Brennan: He did. Well, so do I.

Barbara: He was a very respectful man.

Brennan: Looking back at it, so do I.

Bill: I've never suffered from that. [laughs]

Brennan: When there was a conflict at school, we got in trouble or something like that, the nuns were always right. Dad's attitude was the nuns were always right. And they mostly were.

Bill: God, the nuns were a great collection, looking back on them. [laughter] There were some really unfortunate-looking women. You could quickly deduce the reason why they chose the veil. [they laugh] Sister Nazareth.

Barbara: John of the Cross.

Brennan: Ugh! *Ugh!*

Meeker: Who's this?

02-00:14:06
Bill: John of the Cross.

Barbara: St. John of the Cross.

Meeker: Sister John of the Cross?

02-00:14:09

Bill: And Gabriel. That reminds me of a great story. Bobby Barbieri once got suspended from school.

Barbara: Who I think was, if not a moron, certainly close.

Bill: A little off-kilter.

Brennan: Cretinous.

Barbara: I mean, really.

Bill: Sister Gabriel, who was not beautiful, not gifted in that direction at all, blew her nose and Bobby Barbieri said, “Gabriel, blow your horn.” An immortal comment, for which he got bounced.

02-00:14:50

Barbara: Some of these nuns were sick. Sister Anita was sick.

Brennan: She was a sick person, I agree.

Barbara: Was a sick person, belonged in a mental institution.

Bill: [laughs] We didn’t know that at the time.

Barbara: We didn’t know that, and she took off after our family because we were a family of privilege. We came to school every morning with starched collar and cuffs, and with curled and combed hair, and with whitened shoes. Consequently, we got spoiled because if they knew they had to introduce you to someone or show you off somewhere, they always went to the class and picked you because they knew you’d have starched collar and cuffs, white shoes, that kind of stuff. So we were children of privilege down there. We didn’t know it. But the other people could see it, I think.

Bill: Oh, yeah. Yeah.

Barbara: And we were well-behaved and— Oh, wait a minute. Let’s change that. The girls were well-behaved.

Brennan: *Hey!* Come on.

02-00:15:40

Barbara: No, it’s true.

Brennan: I was well-behaved. He was the trouble maker in the family.

Barbara: Yeah, you're right. Oh, wrote the book.

Brennan: Anyways, we had a lot of fun. I look back on that, again, I never went to school without a lunch that was a nice lunch that was packed, right?

Barbara: Mm-hm, mm-hm.

Brennan: A lot of the other kids didn't have what I had. And I used to share sometimes. Or sell it, bargain it. Well, it's better than marijuana. But anyway, it was a very good experience. I really think it did— I think my mother and my father—a wonderful family—thought—

Barbara: Thought of that, had gone to that trouble.

Brennan: Yeah. Because it was a lot of trouble.

Meeker: Well, let's talk about the family home then. Did you live in the same home the whole time in which you were raised? Where was that?

02-00:16:34
Barbara: 1935, we moved in from this flat on Fillmore Street that belonged to these two Italian ladies. And we lived there well into the sixties, seventies?

Meeker: What was the address?

02-00:16:48
Barbara: 2050 Jefferson Street.

Bill: Still there, still standing.

Meeker: And the cross street there?

02-00:16:54
Barbara: Baker and Broderick.

Meeker: So describe it to me. Just describe the physical house. Maybe Bill, you can start.

02-00:17:01
Bill: Well, it was very comfortable. A two-story house, but a third story was added some point.

Barbara: After the war.

Bill: After the war. And in those days, it was a middle-class house, but now I think it recently sold for a million-eight.

Barbara: That's what a middle-class house is now.

Bill: Yeah, that's right.

Barbara: It was upper-middle-class.

Bill: But all our neighbors sold fruit in the local store or were motormen on the Muni. And everybody could afford a house in those days. And the houses typically were built by people like my father, for eight or nine thousand, and then sold for twelve. That was middle-class. I think things have changed so *radically*.

02-00:18:00

Barbara: Ours was an upper-middle-class house, though, Bill, I should say. It had two floors. All the ones across the street from us had one floor.

Bill: Yeah.

Barbara: And they were smaller. My father built this house for us—

Bill: For the six kids.

Barbara: —and it had a maid's room and a maid's bath. And my mother's bathroom had a separate tub and a separate shower, with three or four things that came out and shot water at you.

Brennan: What was interesting about things was in some respects, a little microcosm, maybe, of like New York. We had several Jewish families; we had several Italian families; the Spanish consulate was right down the street; the Carissimos [were] there.

Bill: As was the Cappacioli house.

Brennan: Cappacioli house, right, right.

02-00:18:52

Barbara: AKA, when it was Cappacioli's, it was the bootleg center [laughs].

Bill: Yeah, Cappacioli's father was a big-time bookmaker.

Barbara: Beautiful house, corner of Baker and—

Bill: Leno "Fats" Cappacioli was a benign bookmaker.

Barbara: Whose son is a judge now. Be careful what you say.

Bill: Yeah. No, he's a good guy. Anyhow this is the Spanish consulate. But in those days, I remember that Servadei bought it once for \$65,000. And my father

mentioned to me one day that he thought the wood in the living room was worth 65,000. What a different time!

Brennan: But it was good. And it was a nice neighborhood. And it was very family.

Bill: Oh, yeah. Lots of kids.

Barbara: Kick the can. One foot off the gutter.

Bill: You know, not a lot of cars, so you could play in the street. And a lot of vacant lots with weeds growing up.

Barbara: No other Irish on the street.

02-00:20:02

Brennan: No. good point.

Barbara: Boragno, Dellamaggiore. Well, Conlon was an Irish name.

Brennan: Lundbergs and Schiffs and Goldberg and Kasses.

Barbara: We grew up next door to Mr. Goldberg, the—

Brennan: Marvelous man.

Barbara: Who was a wonderful man, who had left Germany at the time of Hitler's rise. And he was a very, very dapper man. And so we were always told about Mr. Goldberg and how— It's one of my early memories. How do you know, if you're Mr. Goldberg, when to leave your country? And when you can't do anything anymore. And he had a nasty daughter and a nastier son-in-law. But anyway. And the house is still there. It looks like a Richard Neutra or something. It's a glass and steel sheet house. Very interesting. But my father owned all of the lots from where we lived down to the corner, where the Cappacioli place was. And I said to him, "Daddy, Daddy, why did you sell all those lots for all those houses? If you kept them, you would've made a lot of money." He said, "Barbara, I made a fortune." I said, "What do you mean, you made a fortune?" He said, "I bought them each for 1,000, and I sold them for two a year later."

02-00:21:31

Bill: That's not a bad deal, I would say.

Barbara: That's a fortune. It is a fortune. If you can make 100% on your money—

Bill: Goldberg was a terrific guy. Very dapper. He was the founder of the Prix Unique stores in Europe.

Barbara: And we couldn't hate Jews.

Bill: Right.

Barbara: Because with him on one side, and the other on the other side— Not that I hated Jews, but we didn't know anything about Jews; we just knew there were these nice people that lived on either side of us.

Meeker: What did you know about why he moved to San Francisco?

02-00:21:59

Barbara: Well, he told us as we got older.

Brennan: He had a friend in the Third Reich lower level. And they were concerned about it after Kristallnacht and things like that. And according to the story that Mr. Goldberg told my brother and me, in 1931 or '32, his friend saw him on the streets of Berlin and said, "Ah, Simon, I think it's going to rain very heavily." They had some kind of code, strange code word. And that was the code word and they got out. I always remember that because I remember that after the war was over, in '47 or '48, he started getting checks from the German government for I think it was \$800 a month—quite a bit of money in those days—in compensation for property that had been confiscated by the Nazi party.

Bill: Terrific guy.

02-00:22:58

Brennan: He was a terrific guy. We thought of him as an uncle, more than a neighbor. Affable. Sometimes in the morning—

Barbara: Elegant, elegant.

Bill: Elegant.

Brennan: Oh, yeah. Natty. But we'd get up and get ready to— My mom or dad would drop us off at school a lot of times. And Simon would be coming out, getting his old Pontiac out from the garage. And so I'd go over, open the garage door, and he'd give me a dime. Sometimes even a quarter. And he was pretty much like— we considered him a sort of member of the collateral family. We liked him a lot. And we got along very well with almost all our neighbors.

02-00:23:46

Bill: Except that we did develop a suspicion of Dr. Schiff, who we thought was a spy for Germany.

Barbara: Yeah, and the guy around the corner, too.

Brennan: Birnbaum.

Barbara: —who wanted to take you in and take your pants down and spank you.

- Brennan: And spank me, yeah. Dad heard about that.
- Barbara: My father was this tolerant, tolerant, tolerant person. *Off the roof*, he went. [laughs]
- Brennan: Yeah, he was going to lynch Birnbaum.
- Bill: And we decided to listen. The houses were built right up next to one another. And we would listen at night. And we thought we could hear spy talk, for sure.
- Meeker: This would've been during World War II?
- 02-00:24:29
Bill: Yeah.
- Meeker: Yeah. What other memories do you have of that neighborhood during World War II? How did you experience it? You mentioned something about the victory garden in the backyard.
- 02-00:24:37
Bill: And, also there was a scare. Mini-sub^s got into the Golden Gate. And we were a little frightened. What do you call it? No lights.
- Barbara: Blackout.
- Bill: Blackouts. And we were expecting. I used to terrify Barbara and my other sisters with talk of an invasion.
- Brennan: By the Japanese hordes.
- Bill: By the Japanese hordes. And it was cruel but—
- Brennan: Well, also there was another thing. My brother, who has a sadistic side to him, used to taunt our neighbor, Walter Cappacioli, who later on became a judge, because Walter would defend Mussolini.
- Barbara: Ugh.
- Brennan: And the Presidio was right next to our house. And so every day during the war and afterwards, and shortly afterwards, Italian prisoners would be marched from the Presidio to Fort Mason. And a lot of the ladies in the Marina were Italian, and they would call and they'd give them things. And they would give us army patches from Italian army divisions. It was pretty hot stuff. We got a lot of that. And so poor Walter Cappacioli would say, "Mussolini was not all bad; he made the trains run on time." And my brother would taunt him on a regular basis.

Bill: I don't remember that.

02-00:26:03

Brennan: Yeah.

Barbara: I don't, either.

Brennan: No, I remember it, because Walter would get very angry at you. I think you had a tussle or two with him in your day. But it was a very interesting neighborhood. And couple that up with the French church. And you'd think of San Francisco as an archdiocese as we did then. It was a different parish than anything else in town. All the other stuff, the narrow structured Irish Catholic. Not us.

Bill: Carisimo was the fellow across the street. He was a chef in the Blue Fox restaurant. And he had a house that recently sold for seven- or \$8 million. Probably paid 25,000 for it. Hugo Carisimo. His father was a chef at the Blue Fox.

02-00:26:58

Bill: That was considered the premiere restaurant in San Francisco for years and years.

Barbara: Well, I was just discussing this the other day—since we're on the subject, and then maybe we should get off to another one. But I was telling somebody about our experience in the summer, how at that time, no women worked. None. Zero. And when summer arrived, you left for the country. And we left for the country. How the hell we ever got there, I'll never know, because we only had one car during the war, if we went anywhere. Anyway. But to the Russian River, where we had a house. And then a friend of mine's mother had five children. Her husband was a door-to-door insurance salesman, collecting fifty cents or a dollar a night, going around to the different places to sell little old ladies insurance. And they had a house on the Russian River. And so they would take their family and my friend up with them. And there they would stay for the three months. The fathers would come up on the weekends. But we were infinitely richer than that. Do you know what I mean?

02-00:28:12

Bill: Yeah.

Barbara: But we didn't know it, they didn't know it. We didn't care, they didn't care. We still lived in the same kind of house. And this is a much better way to live, where summer comes and you don't get segregated by—

Brennan: Caste.

Barbara: —Carneros and Tahoe and this and this and this. You'd go to different places; I'm not saying that. But you all live on the same level. The people who lived

around us up in the Russian River, including the Navskievskis and the Gorbitankos, but they were—

Bill: Gorbitankos.

Barbara: They were civil servants and things like that. And they didn't know any difference, and we didn't, either.

Brennan: There were no barriers.

Barbara: No. And it never occurred to us. Well, this is lost and gone.

Meeker: Was your father a member of any of the clubs in San Francisco where some of these distinctions were really reinforced?

02-00:29:13

Barbara: I wouldn't say he was a joiner.

Brennan: No.

Barbara: Politics was his club of choice.

Meeker: Well, let's talk about politics then. This is one of the things that you said that by age three, you knew were Irish, Catholic, in the Marina, a San Franciscan, and a Democrat. How was it that you got to know you were Democrats?

02-00:29:30

Barbara: Well, more than that, it starts larger than that. Because this is the time, well, I'm seven or eight or something like that when the war is on. And the war was a discussion in the family. And you couldn't say anything: You couldn't say you hated Japs, you couldn't say—I could say it out in the street, but I couldn't say it in my house, the word "hate" wasn't allowed. But mainly, it was—I'm sorry, I've lost my train of thought.

Meeker: You were talking about the household and how you couldn't say hate.

02-00:30:10

Barbara: But also I'm five years old, I'm seven years old. I have an opinion. She's got an opinion, let her express it.

Bill: Right. No, I agree.

Barbara: The others, older, younger— Three years old, if you could articulate it, you got to say it, and it got some respect. Or you were told where you were wrong or whatever it was. And that is an *amazing* thing, it turns out. I didn't know it at the time, of course. But I've never been anywhere in my life since, until the last twenty, thirty, forty years, maybe, where a woman's opinion was given every bit as much weight as a man's.

Bill: Unusual.

Barbara: Oh, my father, absolutely. That was, wait a minute, she has something to say, or he has something to say, or he has something to say.

02-00:31:06

Brennan: It was a bit of an agora, to use a fifty-cent word. The great thing about it, the thing best that I remember— Well, everything that she said is true. But our family home, the front door was never locked. We had a lot of friends. And so the dinner table— and some of my brothers' and sisters' friends, or even my friends, came from some slightly dysfunctional families. So they would consider themselves as having a standing invitation to come to our house for dinner. And they did. So you never quite knew who was going to be at the dinner table, whether it was going to be his friend Gene Murphy or her friend Nancy O'Connor or something like that. And when I run into those folks who were our guests, after all these years, they say, "You have no idea what it was like to be at your house, what a pleasure it was to be at your house."

Barbara: I had an experience last week, where a man, Chris—if you don't want me to say his name, fine—just out of the blue, sitting on a sofa, and he said, "Do you know what your father did for me?" Because the older I get, the more I realize it was my father that was somehow this repository of lack of prejudice, open-mindedness, interest in all things. When he liked music—all of a sudden music was the greatest thing—Jussi Björling didn't exist one day, and the next day he was greatest tenor of all time. That's the way he was. But this fellow Chris said, "I was in my house one day and there was a knock on the door. Your father was there with another man." This young man had two parents who were alcoholics. His father had moved out. Dried out, moved out, left the family, and left these three children with this alcoholic mother. And my father asked to see his mother. His mother came to the door or invited them in, I don't know which. With my father was a man from the district attorney's office. And my father said, "This has got to stop. You can't do this to these three children." And they stayed for like an hour. She said, "I'm not doing anything." And he said to me, though, "Can you imagine?" He didn't even know my father, practically. He knew him as Bill's father. And my father had never mentioned that to me in my life. But the wherewithal to go get somebody from DA's office, thinking he could frighten her or something, he didn't know what to do. And to try to help these three children. I was terribly impressed with that.

02-00:34:05

Bill: Yeah, it was impressive.

Barbara: Because they all, these boys— he has friends, boys I call them. They have friends. And mostly, Bill has friends that talk about that, how our father was their father. They all just came down from the hills, out from the boroughs, sort of under rocks and things like that. One's father was immensely wealthy

and never to be seen. One's father would be an alcoholic; the next father would be an old coot. There was just something wrong with all of them. And they all come down there. And they called him Boss.

Bill: That's so true.

Barbara: Oh, he loved it. He loved it. "Hi, Boss, how are you?" No, that was their— The guys made a plaque for him, didn't they?

Bill: His idea of heaven. Paul Getty at Wormsley had a picture of Dad on the wall. A photograph of him in the thirties. He venerated my father.

Brennan: It was interesting because my father's idea of heaven, in his later years was having the boys back for poker or Pedro on Friday nights or Saturday nights?

Meeker: Pedro?

02-00:35:12

Bill: Pedro. Bridge-like game.

Brennan: Simpleton's bridge game. But mostly his friends, and once in a while my friends would come by and as far as he was concerned, it was all worth it if they phoned him for that. He just was so happy.

Meeker: What did he give his visitors to the house, other than a place to be? Was there also spoken advice or like—

02-00:35:42

Barbara: If they asked for it.

Meeker: —a mentoring kind of relationship?

02-00:35:44

Bill: Sure.

Barbara: And we wouldn't have heard that. That would've been between them. And it was that kind of advice. But otherwise, no, they could come, they could tell him anything, they could ask him to solve any problem of theirs. He'd never tell their fathers, he'd never tell their mothers. I don't know, he really saw himself as a guru. And he was.

Brennan: Yeah, I think he liked it, too.

Barbara: Oh, yeah sure, he liked it.

Brennan: He reveled in the role.

Barbara: And look, would he love it now thinking that these— I'm sitting somewhere on a Sunday afternoon and some guy, out of the blue, says to me, "You know what your father did for me?"

Bill: Yeah.

Barbara: That's pretty remarkable, I think.

02-00:36:28

Brennan: I remember one day—I'll never forget—we were at the house on Sunday afternoon in the fifties. And a knock on the door. I open the door. Total stranger, with an overwhelmingly strong Scottish accent. I couldn't understand him. And it was a very hot day, and the gentleman was sweating. And I was a little nervous, because I didn't know the fellow and he was clearly a foreigner. And he was just a wandering Scotsman and said, in a heavily brocaded Scottish accent, "Do you think a fellow could get a drink of water here?" And I looked at my father and my father said, "Fine. Have him come in." So the guy came in and sat down and we got him a drink of water. But my father went on, he entertained the guy for an hour and a half. I think it probably gave the guy the wrong idea about what America was really like, that *everybody* was like this. But my dad was a very engaging person. He really was.

Meeker: Did you have the same relationship with your father that your friends would've had with him?

02-00:37:34

Brennan: That my friends would've had with him?

Meeker: Well, did you feel like that he was there as a mentor, in the same way that—

02-00:37:40

Bill: Yeah, very accessible. Sure. Sure.

Meeker: You were nodding your head in disagreement.

02-00:37:45

Barbara: I was saying no. My observation, such as it is, is that my father found it much easier to give advice to others than to his own children. In other words, I think I find it the same.

Meeker: Well, one thing that you mentioned was that as a young girl, your opinion was valued in the same way as a young boy's would have been. Growing up and getting into high school, did you feel like you were given the same opportunities to do what you wanted to in life?

02-00:38:19

Barbara: No. No. It was never said I couldn't, but nobody ever encouraged me. It's so interesting, because I have to say that his imagination stopped at— He knew

damn well I was as smart as either of you guys. But for women, it just didn't go there. You could be a teacher, you could be a nurse, or you got married and had children and produced grandchildren for him.

Brennan: Or most likely, you got married.

Barbara: Yes, but nobody ever said to me, say, Barbara, you think as straight as anybody else; maybe you should go to graduate school. It was like, eh. Of course, he did have six of us rumbling on through at the same time, so I guess maybe there was an interest in—

Brennan: And you did go to school back east, you wanted to. And I don't know if he helped get you through that and all that kind of stuff. So it was not a barrier.

Barbara: It was a barrier. I had to get over it.

Bill: Barbara, do you remember Mr. Lorenzo, the—

02-00:39:17

Barbara: [chuckles] Oh, gosh!

Bill: —vacuum cleaner salesman?

Barbara: The man that was dead for forty years before we knew it.

Bill: The Hoover salesman. Mr. Lorenzo. Came over one day to sell my mother a new vacuum. And he sat down. I think he suffered from sleeping sickness.

Barbara: Yes. Narcolepsy.

Bill: And he was talking about the vacuum and he said, "I think it's time for you, Mrs. Newsom, to consider the possibility of a new vacuum." And he said, "Because we have . . . " zzzzzzz And I came in from playing, and my mother said, "Ssh! Mr. Lorenzo's sleeping." That's a true story.

Barbara: It happened every day that I was around him.

02-00:40:09

Bill: But anyway, getting back to your original question, Barbara said that the start of the political involvement grew out of the kitchen table discussions. Maybe he can tell you, or she can, better than I can. My father had some relatively minimal contact with organized politics in the late thirties and early forties, right?

Brennan: Really got started with Pat Brown.

Bill: Pat Brown, yeah. Running for DA.

Meeker: What year did he first run for DA? Do you recall?

02-00:40:45
Brennan: Maybe '46.

Bill: Yeah, I think so.

Barbara: It must've been earlier than that, because on VJ Day, I slept over at his house. And he was the DA then.

Bill: '44, I think it was. [note: Pat Brown was elected DA of San Francisco in 1943.]

Barbara: And he had to go downtown to stop the riots.

Brennan: I think it was '44. And I think he—

Brennan: He ran against a guy by the name of Matthew Brady isn't that right? Who was sort of an inept Irish fellow and Pat was the selection of the inner group of the Democratic party. In those days, a good friend of my father's was Al Stern, who I mentioned to you before. Who else was involved in the selection of Pat Brown?

Bill: I don't know.

Brennan: Was it Rudden or Malone?

Barbara: Could've been Rudden. Definitely was Malone.

Brennan: Bill Malone, yeah. And Brown was a wonderful guy, Pat Brown.

Bill: But he certainly wasn't a Cicero.

Meeker: Well, how was your father involved with Pat Brown? What was the nature of their relationship?

02-00:41:57
Barbara: He loved to be the treasurer of campaigns.

Bill: Yeah.

Barbara: He liked that. I went to all the Jefferson Jackson Day Dinners, they didn't. My father always, even when I was five, six, seven, in other words, and he told me early on what a shill was. And I told him, "What are you doing?" And he said, "Well, I go there and I shill." In other words, I say I'll—

Bill: I'll commit 500—

Barbara: —“I’ll commit 10,000 for Old Mike or something.” And then everybody else would feel they had to commit what they had to commit. But everybody knew—

Brennan: Somebody had to start it.

Barbara: Yeah, somebody had to start it.

Bill: That was shilling.

02-00:42:34

Brennan: Brown was, as Bill said, no Cicero. And he was a graduate of night law school, and certainly, not a member of the Plymouth Rock Society or anything like that. And actually, at the time, he started practicing law as an assistant to a very able or competent blind lawyer in San Francisco. And frankly, I think my father began to think of himself as a little bit of a maybe a king maker or something like that. And he and Al Stern and others got together and said, “Who’s Brady? He certainly is no— didn’t help draft the Magna Carta and stuff. We’ll run this Pat—” And at first—

Barbara: No, he’s not doing anything our way.

Brennan: “He’s not doing it our way. We want our boys.” And so what happened was the first time out, Brown ran against Brady, he lost, right?

Bill: Yeah.

Brennan: And the second time out, he won. And my father was pretty proud of himself and his fellows, Al Stern and the rest of them, for having put this guy in office.

Barbara: I went to Bill Malone’s funeral years and years and years later, just because I read it was happening, in the paper, and it was a figure out of my childhood, actually. And so I went to the funeral and I sat at the back of the church. And I always remember, [whispers] “Who is she?” [laughs]

02-00:44:02

Brennan: They didn’t know?

Barbara: They had no idea who I was. But it was pretty funny because who did they think I was? Some—

Brennan: He really was a sort of a king maker in San Francisco. And my father was assistant king maker.

Meeker: Well, what was their relationship? Do you know how they met and what the nature of their partnership was?

02-00:44:20

Barbara: Well, Bill Malone had no personality at all. My father had an enormous personality. Al Stern had a wonderful personality. They were just a group of young men—It was— Come on, give me the name of that club.

Bill: Cincinnatus?

Barbara: The Cincinnatus, the Order of the Cincinnatus. And it had been an old club here. They've got them everywhere, I think. And so they decided to get together and run someone for political office. And that's what they did. And it went on from there. Who else did they get— Tom Feeney. Was he the district attorney?

Bill: No.

Brennan: No. No, but they ran Frank Havener's campaign. Dad was a treasurer. Frank Havener was a Democratic congressman.

Barbara: Then Harry Truman.

Bill: And then he was treasurer of the Harry Truman campaign.

Barbara: Oh, my God.

02-00:45:05

Brennan: That was a big deal.

Barbara: Oh, that was a big deal.

Bill: That was very big.

Barbara: I used to lick stamps for the Harry Truman campaign.

Brennan: People used to laugh at me when I suggested that Harry Truman would win.

Barbara: My father adored Harry Truman.

Meeker: What did he like about him?

02-00:45:19

Barbara: What anyone would like about Harry Truman, which is that he was the—

Brennan: Last honest man.

Bill: Plain-spoken guy.

Barbara: Simple. Seemed to make the right judgments, according to my father's judgment, anyway. But not flamboyant, not a patrician, nothing like that. Just a little guy from the Middle West.

- Brennan: He integrated the armed forces in the United States. *Integrated*. And then in retaliation, Strom Thurmond ran, and that's why everyone knew he could never beat Dewey. Because Strom Thurmond, well, that's where the term Dixiecrats came from. Strom Thurmond took six or seven states. He was a tremendous guy, Truman.
- Barbara: My father was on the—
- Bill: He was chairman of the Electoral College—
- Barbara: For Harry Truman.
- Bill: And he went back on the train to Washington.
- Barbara: Played poker the whole time, from here to Washington.
- 02-00:46:13
Brennan: He got a reasonable amount of patronage. Saw that a number of people were appointed—
- Barbara: We all got jobs in the post office.
- Brennan: Christmas jobs at the post office.
- Bill: There was a post master with the unforgettable name of Fixa.
- Barbara: John Fixa!
- Bill: F-I-X-A.
- Barbara: I was fifteen years old and I was working in the middle of the night down on Howard Street.
- 02-00:46:36
Bill: Yeah. But how times have changed. You got a green card. If you had a green card, they had to hire you on the spot.
- Barbara: Yeah, on the spot. I do have a great story. It's an aside, but it's a great story. There were a group of us young girls who were working there together. And we arrived. And of course, being convent girls, we were ready for our first job. And it was a government job, at that. So they give you this pile of mail and they say, "See, these are all the states." And you say, "Oh, I know that." Alabama, California, Delaware, so and so. And after about an hour, California, Delaware, Alabama— Anyway, given a certain level of intelligence.
- Bill: You could do the job if you really applied yourself. [they laugh]

02-00:47:26

Barbara: They said to two of us, "Come here, you two." We said, "What?" They said, "You're doing very well, so we're going to put you over here." So then they took us to another thing, which was all the cities in America, or all the cities in the Western United States. San Francisco, LA. "Come here, you two. Twice in one day." Okay. "So tomorrow morning when you report, you're going to report into the next floor up." So what's the next floor up? I don't know. All the cities in the Western United States or something like that. So we go down there, do the same darn thing. "Come here, you two." [laughs] We got upstairs to the army post office. Now, that was harder. But we did that one, too. We were very sharp.

Bill: On the rise.

Barbara: [laughs] On the rise. But he raised us again, and they had us on the top floor of the post office. And there was a table out there and women or men would walk up every once in a while and say, "Let's see. I think that's the South Pacific."

Bill: That's the what?

Brennan: South Pacific.

Barbara: [laughs] That's the South Pacific. And then somebody else would say, "Get that one. That one's for the Gulf of Hormuz." [they laugh] US Synch Pack RTLTV.

Bill: Yeah, the fleet.

Barbara: You got sixty-four letters, you put two letters a day in the right place. And of course, right about the—

Bill: You were a celebrity.

Barbara: No, do you know what happened?

Bill: No?

02-00:49:07

Barbara: We were causing a speed up.

Brennan: Oh, yeah. You didn't want that. Working too hard, eh?

Meeker: So they were moving you to more complex jobs so that hopefully, you would slow down.

02-00:49:18

Barbara: Boy, we were really good.

- Brennan: The important part is when you showed up for work, Christmastime— Because this was not a permanent job, so you were a two- to three-week deal. You gave the card—my father’s card, as I recall. No, it was a green card. And it says, “Hire this guy now.”
- Bill: Hire this guy now.
- Brennan: Now, right? So I handed a few of those out at school, in high school, and I was a person of some influence.
- Barbara: You were making, what, three dollars an hour, five dollars an hour.
- Bill: It was good money.
- Brennan: It was very good money.
- Barbara: It was good money.
- Bill: You could buy your mother and father, and even once in a while, your brother or sister, if they were kind to you, a present.
- Barbara: Listen, I still had the money saved when I got married.
- Bill: Yeah?
- Meeker: So there’s only a few more minutes left on this tape, and I want to ask, I guess, one final question for today in our conversation. And that is, it sounds like you were really born into a very blue, as we would say, Democratic family, right?
- 02-00:50:18
Bill: Oh yeah.
- Meeker: And that you probably never really had any sort of choice about— I don’t know, maybe you did have a choice about what—
- 02-00:50:24
Brennan: No, we had no choice at all.
- Meeker: Okay, you had no choice at all. I’m wondering how being a Democrat was communicated to you. What were the values that came with that? Maybe in opposition to Republicans, maybe in opposition to other kinds of Democrats. Do you want to elaborate?
- 02-00:50:45
Bill: You know, compassion, a big factor with my father.
- Brennan: Dignity.

Barbara: No color barriers.

Bill: No color barriers, yeah.

Brennan: Dignity for workers. The dignity of the working man was really of great importance. My father was—

Barbara: Union labor. You think I'd cross a labor union line?

Bill: Never.

Brennan: Never.

Barbara: Never.

Brennan: Never.

02-00:51:01
Barbara: I don't know how he said it. He didn't say, don't you ever dare. He'd just say, "Do you realize the fight they had to get where they've gotten?"

Bill: Yeah, the coal strikers and all that lore. John L. Lewis.

Barbara: Yeah, we grew up with that.

Bill: We grew up with that.

02-00:51:20
Barbara: We grew up with the newspaper, and then he would interpret the newspaper and it made sense to us.

Meeker: So these are positive Democratic values. Were there things about perhaps Republicans that were seen as negative? Like, we're not like that?

02-00:51:35
Barbara: Yeah.

Brennan: My father's closest friend, however, or second closest friend, was a guy by name of Chester McPhee, who was the chairman of the Republican party in San Francisco.

Barbara: I know, but he was an idiot.

Brennan: He may have been an idiot, but he was a good friend to my dad.

Bill: No, they were just acquaintances. They never—

Barbara: They were never close friends.

Bill: Never close.

Brennan: Just a minute. Chester McPhee went to Hawaii, you may recall. He asked Dad to represent him on his business thing when he was going to Hawaii. And that's more than passing acquaintances.

02-00:52:10

Barbara: Yeah, it's more than a passing acquaintance—

Bill: He was not a close friend. They weren't close friends.

Brennan: Well, anyway, they were friends. And so there was no barrier that my father laid down on us saying, oh, he's a damn Republican.

Bill: Oh, I disagree. I disagree.

Barbara: But we definitely knew that whatever we had, we were never to lord it over anyone else. If we learned to play tennis at the Cal Club, we didn't know that that was such a great thing. I took ballet at San Francisco ballet. I didn't know that was such a great thing. Nobody ever told us that we were grand. Nobody ever told us that we were patricians in any way. We were Irish, Catholic, San Francisco, Newsom, Marina, French-school people.

Meeker: So the Republicans would've been those that would've been banking at Crocker Anglo Bank, those—

02-00:53:14

Bill: God, I don't think I knew five Republicans.

Barbara: We probably did, but we didn't know it.

Bill: We didn't know what they were.

Barbara: Yeah, yeah. And I had always got the idea very clearly that there were those people who cared about social status and then there were us. With us, it wasn't so much— It was strongly, strongly political, but it was more socially, too. It was like you're not in here for any debut parties or anything like that. Our family doesn't do that stuff. It was very clear from the beginning. It was just never— Not crossing a line, feeling it was much better to be on this side of the line.

Brennan: When I went back to Washington and went to work for Jack Shelley, who was a congressman, I used to deliver the mail to Bill Maillard. He was a Republican, of course, and from a prominent family in San Francisco. But he had kind words to say about my father.

Barbara: Of course.

Brennan: So I don't think there was quite—

Barbara: Father would not be inimical to them or anything like that but he just—

Bill: He wasn't one of them.

02-00:54:28
Brennan: For sure. For sure.

Bill: My father had an accountant. And I'd like not to forget this. His name was Dave Byers.

Barbara: You keep bringing up these people.

Bill: He was, at all times, drunk.

Barbara: In the bag.

Bill: In the bag, as they say. And he once drove me, when I was about twelve years old, from San Francisco to Guerneville—

Brennan: Russian River.

Bill: —in second gear.

Barbara: Oh! [they laugh]

Bill: All the way up. And the car was smoking and chugging. And he said, "What the hell's wrong with this contraption?" I said, "I don't know, Mr. Byers." We stopped at a gas station and the guy said, "For Christ's sake—

Brennan: "You goddamned fool."

Bill: "—you're in second gear!"

Brennan: "You damn fool. You've got to take it out of second gear."

Barbara: He should've been dead ten years.

02-00:55:22
Brennan: He always had that hat up like Walter Winchell, too. He was so funny. But he was part of our life.

Barbara: All these people were part of our life.

Bill: Yeah, yeah.

Barbara: We didn't ask any questions, nor were we *anything* but courteous to Mr. Byers. That was like, oh, no, no, no. That's the bottom line.

Bill: Yeah.

Barbara: You could never say, well, who is that man? He's drunk, or he drives in second gear, or anything like that.

Brennan: But with [inaudible], you couldn't tell he was drunk because that's the way he always was.

Bill: *Always* was. Exactly.

Brennan: There are people like that.

02-00:55:59
Barbara: He gave us free tickets to the—

Brennan: Fights. We used to go to the fights.

Barbara: I didn't want to go to those, but the—

Brennan: Who did?

Barbara: Dave Byers. The ice hockey.

Bill: Yes.

Barbara: I became a great ice hockey fan for a year or two.

Bill: Yeah, Winterland, yeah.

Brennan: And we'd go to the fights a lot of the time with Pat Brown. And who was his best friend there? The investigator there?

Bill: I knew.

Brennan: Huh?

Bill: I can't remember the name—Cusack.

02-00:56:19
Brennan: Ed Kenny, I think, or it was another one we'd go to the fights with. There used to be fights at Winterland. And we always used to box {inaudible}

Barbara: Lessons you learn from your father: There is never a hotel that doesn't have a room available. Trust me. Anywhere you are in the world, there is—

- Bill: They keep one room open.
- Barbara: There's one room. My father taught me that, and proved it again and again, when he'd arrive with six children somewhere—
- Brennan: At two-thirty in the morning.
- Barbara: —and they'd say, "We don't have a reservation." "Oh, yes, you do." It was interesting.
- Meeker: Well, we're about to wind up the tape, so why don't we call it a day? And thank you very much. I appreciate it.
- 02-00:57:07
Barbara: I'm not sure we stayed on the subjects you wanted to hear about, or the serious—
- Meeker: You talked about what you wanted to talk about, and that's the most important thing.
- 02-00:57:13
Barbara: This serious political stuff, I can't get a handle on. In other words, I wouldn't know where to start or where to end.
- Bill: Yeah. Well, it ended in 1948, or '44 or '46, with Pat Brown's election.
- Barbara: No, but I'm saying other than where it all came from to start with and went from there, I'll never know.

Interview #2: 01-16-2009

Begin Audio File 3 newsom_bill_3_01-16-09.mp3

03-00:00:00

Meeker: Today is the January 16, 2009. This is Martin Meeker interviewing Judge Bill Newsom for the Politics, Law, and Human Rights series, and we begin these interviews—we've already done two hours with your brother and sister, but I'd like to start afresh and think of that session, maybe, as a prologue to the interview that we're going to do here.

03-00:00:36

Newsom: Good.

03-00:00:36

Meeker: And what we usually do is start out by just asking you to state your name and your year and place of birth, and then maybe tell me a little bit about the circumstances into which you were born.

03-00:00:51

Newsom: My name is Bill Newsom and I was born in 1934 in San Francisco, I think at Mount Zion Hospital, but I'm not positive of that. And I was born into a family which eventually consisted of six children. My mother was born in San Francisco, as was my father. And my mother's name was Christine Brennan, and my father was William Newsom. And he was the son of a banker who was one of the founding fathers of the Bank of Italy, later the Bank of America. And he died the year of my birth. My grandfather died in 1934. And so my father was one of, I think, seven or eight children. I can't quite remember now. But he was a building contractor by profession. He'd had a lot of different positions, and he was in the flower business with the Zappatini family for a while, and then he wound up building homes in San Francisco. He built a lot of the houses in the Marina District, which I'm looking at right now from the window here at Vallejo Street.

03-00:02:32

Meeker: You're William Alfred Newsom the Third, yes?

03-00:02:42

Newsom: I'm not sure how that goes. I'm either third or I'm just William Alfred Newsom. I had the same name as my father and he had the name of his father, but who makes the rules on that third stuff?

03-00:03:01

Meeker: So you were never addressed as—?

03-00:03:03

Newsom: I never called myself the third.

03-00:03:05

Meeker: Were you ever called junior?

03-00:03:06
Newsom: It always seemed rather boring and pretentious to claim you were a third. You might say, "So what? How about the fourth?"

03-00:03:12
Meeker: Were you ever called junior?

03-00:03:14
Newsom: No. I escaped both those sobriquets.

03-00:03:20
Meeker: Well, when you were growing up, was your father known as William or Bill and you were known as Billy or anything?

03-00:03:27
Newsom: My grandfather was well-known in the Mission District as Billy Newsom. My father was Bill and I was always Bill. Lack of imagination in the family to name people the same names generationally. Doesn't make much sense. But that's one of the reasons his mother and I named [our son] Gavin, Gavin Newsom. At least it's interesting and it wasn't that common. Bill's pretty boring, I think.

03-00:04:00
Meeker: So you said that your father was in the construction industry.

03-00:04:05
Newsom: Yes.

03-00:04:08
Meeker: What was his education?

03-00:04:10
Newsom: None.

03-00:04:11
Meeker: None, okay. Was he born in San Francisco, too?

03-00:04:12
Newsom: He had had a couple of years of grammar school and ran away from home. There was a lot of turbulence at home. His mother was a tense figure and I knew her in a more benign way as Grandma Newsom, but I think she was a tough act at home, and my grandfather was a well liked fellow, but there was a lot of domestic strife. And my father took off and he went to Arizona at the age of thirteen, worked on the railroads there. He told me a lot of stories about that. He told me once he was in a boxcar in a poker game when he was about fourteen years old, and a Mexican laborer leaned over—he had been arguing with a friend—and stabbed his friend. And they just threw the guy out of the boxcar and went on with the game. My father said, "I was too frightened to ask any questions."

He remembered also—I heard this story a couple of times from him—that when they got up in the morning at dawn and went to work laying track, the entire contingent of laborers would stand up and say in unison, "Good morning, boss," and the boss was an Irishman. He would say, "Good morning, men." That's the way they started the day. Anyhow, my father was a runaway and I don't know how long he stayed away from home. But he came back eventually and lived in the family home again. But he had no formal education to speak of.

03-00:06:11
Meeker:

He was born in San Francisco, too?

03-00:06:13
Newsom:

Yes, in 1902 in the Mission. Guerrero Street. Yes.

03-00:06:21
Meeker:

How was it, then, that when he returned to San Francisco to live in the family home, that he got into building, contracting?

03-00:06:35
Newsom:

Well, as I mentioned, his father was a banker and very well connected in San Francisco. He was also a builder. He built Commerce High School, he built Polytechnic High School. He built Lowell High School, the old brick pile. And so my father gravitated to the building business. And my father came through the Depression, 1929, which didn't end for a long time. I guess the Second World War was the event that cured the Depression. Good thing for us to remember this time. Anyhow, my father was building a lot and so in the early forties, and just after the war, there was a big building boom. Credit was incredibly easy to get and my father had some great years in Santa Rosa and places like that. He built tract homes and he did very well. But he had been in other businesses, too. I mentioned the flower business. He had a partner named Zappatini and they had a very interesting business. They had at one point, my father told me, a corner on the chrysanthemum market and there were big gangster funerals in the thirties. They would get that business. Business of furnishing mums, they called them, and my father went back several times to Chicago to big gangster funerals because they were the guys who required the mums. So he had other businesses, but basically was a building contractor all his life.

03-00:08:38
Meeker:

And he built the home in which you were raised in the Marina?

03-00:08:42
Newsom:

Yes.

03-00:08:43
Meeker:

What year did your family roughly move into that place?

03-00:08:48
Newsom:

I'm trying to remember.

03-00:08:49

Meeker:

Was it before the war or—?

03-00:08:50

Newsom:

We lived on Fillmore Street in the thirties, when I was born. We lived in a flat on the 3700 block of Fillmore. I think it was thirty-seven. Near Marina Boulevard. And we lived in that flat and we left there when I was, I would say, about six or seven years old. So just about the outbreak of the war. And that would have been in 1940 or forty-one, when I was six or seven years old, my father built that house. And by then we had, I guess, five children going on six. I'm not sure whether it was five or six at the time. But it was a two-story home, beautiful home, at Baker and Jefferson. And right down by the Palace of Fine Arts. And my father built a lot of the first homes down in the area. It was a landfill and there were some beautiful homes there. Mostly Italian people. But in those days, everyone could afford a home. Completely changed now. These same homes that my father built and sold for \$8,000, \$12,000, eight to twelve, in that range, now sell for a million-plus. I find that astonishing. They're still working-men's houses. Small, maybe a thousand square feet, one story, and they were owned by fruit salesmen from Wunners on Chestnut Street, by cable car operators, Muni-bus men—no buses then—street cars. And everybody had his own home and a bunch of kids, and a wife at home. No women worked in those days. So, halcyon days for my father. He was making a lot of money.

03-00:11:21

Meeker:

Well, that land down there, of course, the landfill, I believe, came about as a result of the Pan Pacific Expedition?

03-00:11:30

Newsom:

Yes. 1915, yes.

03-00:11:34

Meeker:

Yes, 1915. And do you know if your father purchased the land immediately thereafter or had it already gone through others?

03-00:11:40

Newsom:

I don't know, but I do have a little anecdote about that I think is worth recounting. My father told me one day—we were driving around the Marina, and he said, "Your grandfather, my father, wanted to buy the Marina from all the way down to what would now be Marina Boulevard. From Fort Mason to Marina Boulevard to the Presidio and back up to about Chestnut Street, and he had the chance to buy it for \$50,000." And my father persuaded him not to do it. He said, "Pa, this is crazy. This is not going anywhere, this land." Now if you could get a lot there, it'd be 500,000. The dollars are different, but the point remains it was a catastrophic decision by my father to talk his father out of doing it. And he did. My father really wanted to do this and he said, "Just forget about it. It will be worth some money some day." My father said, "Forget it."

- 03-00:13:01
Meeker: Was this recounted as a family lesson?
- 03-00:13:05
Newsom: No.
- 03-00:13:06
Meeker: That perhaps it makes sense to take risks sometimes or—?
- 03-00:13:07
Newsom: No, my father thought it was funny later on. That, yes, we could have been contenders instead of what we are, plain people.
- 03-00:13:20
Meeker: In the interview that we did last summer with your siblings, it seemed clear to me that your maternal grandmother and that family, the Brennan family, maybe had more influence on you as kids?
- 03-00:13:40
Newsom: Yes. My mother's family. The Brennans were a large family, eight children. Most died young. There was an alcohol problem in the family which was shared by everybody on that side of the family and a very mild similar problem on the Newsom side. But the Brennans were Irish from Ireland, and my grandmother, Anna Brennan was born Burke. Was married to John Brennan. And I think we recounted this in the last interview. But he disappeared sometime around, oh, it could have been 1920 or so, and just was never heard from again. I always think that if there'd been anything but some kind of disgrace involved, we would have talked about it. But I couldn't ever get an answer from anybody in the family what happened to my grandfather. He was gone by a long shot by the time I was born. Yes.
- And so my grandmother lived with us on Jefferson Street in the family house. And I must say, it's worth my mentioning that my father treated her like a queen. He was very fond of her, and all the in-law jokes are inapplicable in his case. He thought my grandmother could do no wrong, and he was right. She was a saintly woman.
- 03-00:15:32
Meeker: What were some of her attributes?
- 03-00:15:35
Newsom: Well, she worked as a domestic and raised eight children.
- 03-00:15:43
Meeker: Was it a pretty hardscrabble life for your mother?
- 03-00:15:45
Newsom: Oh, hardscrabble. Very much so. But everyone in the family, in a single-parent family, was sent to school. Some kind of trade school, secretarial school. My mother, she was a secretary and one day he stopped at the French

Church, NDV on Bush Street. The school's on Bush and the church is on Pine, I think, or vice versa.

03-00:16:20

Meeker: Is that Notre Dame des Victoires?

03-00:16:21

Newsom: Yes. Notre Dame des Victoires. And they met through Father Le Bihan, the pastor down there. I think he actually introduced my mother to my father. Anyhow, getting back to my grandmother, she was a semi-invalid. I don't know the cause of it, but she couldn't walk very well. But she worked very hard and she raised eight kids. One of these uncomplaining marvelous people. She had one vice, which was playing the horses. I shared that with her. I have a great story to recount about that.

My grandmother, who lived in the room next door to mine in the family house—God forgive me for the noise that I and my brothers made that kept her awake most of the nights. Anyhow, my grandmother used to dope out the horses. We had a green sheet in those days. The *Chronicle* had a green sheet. Literally green in color. That was the sports section. And she would dope out the horses in the morning, and sometimes she would pray to Saint Theresa to give her a tip on horses, and she'd go up to Chestnut Street where there was a bookmaker whose name was Moon. What his real name was, I don't know. Moon was selling newspapers up there. And one morning, my grandmother came in, knocked on my door with her cane and said, "Billy, I had a dream last night, and Saint Theresa appeared to me and she held up one hand with five fingers, and on the other hand held up four fingers. And I took that to mean she was giving me the fifth horse in the fourth race." I said, "Why not the fourth horse?" She said, "Saint Theresa, I know. It was the fifth horse in the fourth race. So I should go up and make a big bet. Will you come with me?" She couldn't walk very well. I was about ten years old, I think, maybe twelve years old. And we went up and we made the bet and we also stopped at Saint Vincent de Paul for Mass on the way back. And to make a very long story short, the horse won and paid about fifteen to one, as well it might have, since the source was miraculous.

03-00:19:18

Meeker: It would have been less dramatic if it was five to one.

03-00:19:22

Newsom: She came down to my room and said, "Billy, as you can imagine, Saint Theresa is right. Could you go with me to get the money?" So I said, "Sure." It was Saturday, I think. Had the day off. So I went with my grandmother to pick up the money and she got up and we went up to see Moon to collect and my grandmother walked up and said, "Moon, you owe me some money.

"Terry's Choice"—please believe me—was the horse's name—"finished first, and you owe me fifty bucks or something." And Moon said to my

grandmother, "Get lost, Mrs. Brennan. And she thought he was welshing on the bet, if I may use that racist term, welshing. Affront to the Welsh. But anyhow, it's the only word I can think of, to explain my grandmother, her belief that Moon was welshing on the bet. He said, "For God's sake, Mrs. Brennan, get lost." He was under surveillance from the cops. He wasn't welshing at all, he just didn't want to get arrested. So the cop swooped in, arrested him in front of my grandmother's aghast eyes, and they took him away on the spot. My grandmother was distraught. She came home. We took the F car home and we arrived. It was Saturday morning.

Through all these years, I remember my father was sitting there and he said, "What's the matter with your grandmother? What's the matter with Mrs. Brennan?" And I told him the story. He said, "Oh, for God's sake, I'll take care of that." He got on the telephone, phoned the judge, whose name was Eddie O'Day. Different times, right. He called Eddie O'Day. He called Jake Ehrlich, overkill, hell of a lawyer, and said, "Jake, I want this taken care of right away. I want this guy bailed before he's arrested." They didn't quite manage that, but he was released while he was being booked. And my father had a resort in those days, the early forties. I think this might have been forty-six or so. And so they took Moon and his wife up to the resort for an all-expense paid vacation to assuage his anguish. And my father asked me to ask Moon how much he owed my grandmother. He said, "Tell Moon I'll pay it, Billy." I was back on the street corner, then. Moon was back selling papers. So he gave me the money and I gave it to my grandmother, and my grandmother gave me five dollars or ten dollars, which taught me at an early point in my life that crime pays. Everybody came out well. Moon did fine. He got a free weekend and didn't have to pay the bet. My grandmother got the money and it was a miraculous occasion.

03-00:23:10

Meeker:

Did Jake Ehrlich get a retainer or something?

03-00:23:12

Newsom:

I doubt it. He owed my father money, I think. Yes. He owed a friend of my father a lot of money, and so he was being very nice to my father. An amazing tale, but absolutely, literally true.

03-00:23:32

Meeker:

How and when did your parents meet?

03-00:23:36

Newsom:

It's obscure in my memory. I think, as I mentioned, I connected with NDV, the French church. My father was very active in the French church. It must have been as a result of my mother attending mass there all the time on her way to work. Her work was a block from the French church, so she was a daily attendee at mass. And I know that later on my father was a huge supporter of the school. He built a lot of the annex to the school. I think the meeting was maybe brokered by Father Le Bihan. Louis Le Bihan, who was a

pastor of the French church. It was all French priests in those days, and French Canadian nuns. Very small school in those days. Now it's hard to get in, like all good schools. I think they met under the auspices of Father Le Bihan. In those days, you had to have somebody like that introduce you.

03-00:24:54

Meeker: You said that your mother was a secretary?

03-00:24:56

Newsom: Yes.

03-00:24:57

Meeker: Okay. Where was she working? Do you know?

03-00:24:58

Newsom: At the PG&E, I think. But she was only about seventeen or eighteen when she met my father.

03-00:25:07

Meeker: And how old was he?

03-00:25:09

Newsom: I think thirty. She was a child bride. I emulated my father by marrying Tessa, Gavin and Hilary's mother, when she was nineteen. I was accused of cradle robbing because I was thirty-two. I had my father's example before me. My father was doing very well in those days and I remember being told that as a wedding present he bought my mother a Pierce Arrow convertible, one of two in San Francisco. The other one belonged to Helen Wills, the tennis star. It was part of family lore, but it's true. And my father was, by that time, affluent even though it was the Depression. So my mother did very well in terms both of a solid man and a reliable source of support.

03-00:26:17

Meeker: What year were they married? Roughly.

03-00:26:22

Newsom: Oh, I'm going to guess my sister Carol was born in 1932, so I think it must have been in the 1930s.

03-00:26:43

Meeker: So I imagine she probably left her secretarial job?

03-00:26:47

Newsom: Yes, because married women simply didn't work in those days. Categorical statement. Married women didn't work. It was not accepted. I never knew a mother, except a single mother, who worked. A man would be embarrassed to have his wife work. Interesting sociological change, you know.

03-00:27:19

Meeker: So you were born in thirty-four, which means that, I imagine, some of your earliest memories coincide with World War II.

03-00:27:29
Newsom:

It started seven years later, but I remember I was on Chestnut Street and Moon was selling papers. And I remember Moon shouting out, "War declared." I remember my father's shock at that. I have a clear memory of that. At Scott and Chestnut Street where Moon presided, making book, and where Jack's Cigar Store was located a few doors away, and Maurie was the guy who owned Jack's. And Maurie booked bets, too, on anything. I made a big bet on Adlai Stevenson for my father with Maurie. That was 1952, I think. So I would have been eighteen. By that time, I was able to make bets. I made that big bet on Adlai Stevenson. And I said to my father, "He has no chance, Dad, at all." And he said, "Billy, make the bet." He pointed at his heart. So I said to Maurie, "Maurie, I want to bet \$1,500 on Adlai Stevenson. What kind of odds can you give me?" And he said, "Billy, don't do it." I said, "Maurie, I have to. My father said to do it." And Maurie said, "Look, I'll make a deal with you. If Stevenson wins, I will pay you five to one, all right. If he loses, he's going to lose, I will say I didn't book the bet, you got here too late. You can bring the money back to your father." And I did.

03-00:29:35
Meeker:

Well, it's interesting. From what I understand, back in the era before scientific polling, it actually was bookmakers who created knowledge about who was going to win a political contest.

03-00:29:50
Newsom:

Exactly. In 1948, Martin, my father made a big killing on Harry Truman. He had bet \$13,000. I remember the exact amount—he had bet \$13,000 on Truman with the "Greeks" at One Opal Place. One Opal Place was run by Tom Kyne, K-Y-N-E, whose brother, Bill, ran the racetrack at Bay Meadows. But Tom was a betting commissioner of San Francisco. I was then fourteen years old. I never saw my father drunk—he had a terrific capacity, unlike my mother, God rest her soul—he had a great capacity for drink. Didn't drink a lot. But I never saw him drunk, except one time I thought he was tipsy after the Truman election. He had bet the "Greeks" \$13,000 at, I think, five or six to one, and he came home at about three or four in the morning, because in those days there were no exit polls, no TV immediate returns. Just the radio and you had to wait for polling to end in Kansas City and places like that. And so it wasn't until three or four in the morning that you could collect the bet. Kyne was a stakeholder, and so these guys paid off my father. My father came home with a few drinks aboard, and I was waiting up because I was very excited about it. And my father came in and said, "Billy, get me my half pint." He kept a half pint of Seagram's Seven in the cupboard, and he said, "Pour me a drink." I poured him a drink. He said, "Look, we did pretty well tonight." He said, "Is your mother awake?" I said, "No, she's sound asleep." He said, "Go up and see." I ran up. Out cold. And so my father said to me, "Billy, here." He gave me twenty bucks. I'd never seen a twenty before that easy. And so he said, "Help me count the money," and I did. A lot of money. Like 50,000 bucks.

03-00:32:39

Meeker:

So it's a five to one or a four to one sort of deal?

03-00:32:41

Newsom:

Had to be five to one anyhow. And he told me later, he said, maybe racially a little insensitive to say, but he said, "Billy, the Greeks have to get a bet down. They have to. They can't not bet." Couple of hours before Kyne closed, I knew the Greeks would be there (whoever "the Greeks" were). They had to put together a bunch of money. And they said, "Two to one, three to one." Finally my father said, "It's off the charts," and they gave him five to one or whatever it was. Four to one. I can't be sure. A lot of money. So he was crafty and we were in Clover for a long time after that. This is funny. My father told me later on that morning, he said—forgetting that he'd given me twenty before. He said, "Billy, your mother doesn't have to know exactly how well I did, all right?" And he gave me another twenty. Now I had forty bucks and my silence was purchased as a done deal. And so my father, about a week afterward, bought my mother a new Cadillac, which was probably three or four thousand dollars. He had plenty left over. And so my mother said to me, "You know, Billy"—Saint Theresa again—my mother said, "Billy, I made a novena to Saint Theresa, and of course she came through, and of course we won and I don't want anybody to know this, but you can know it. Your father bet \$1,500 on Truman and he won about \$6,000." I said, "Wow. Amazing, Mom." True story.

03-00:35:01

Meeker:

Yes, that's great. So did she generally approve of him making these wagers?

03-00:35:09

Newsom:

She had no say in the matter, Martin.

03-00:35:10

Meeker:

She had no say. Yes.

03-00:35:11

Newsom:

None at all. She was, I hate to say it, an Irish wife. Meek. And she went along with the program pretty well.

03-00:35:25

Meeker:

But he protected her from the knowledge that he risked \$13,000 in savings.

03-00:35:29

Newsom:

Exactly. And it wasn't a woman's right to know. Women's rights weren't extended at that point that far, to know how much your husband was gambling. My father was a gambler. He loved gambling. Made a lot of big bets.

03-00:35:51

Meeker:

What were some of the other wagers that he made that you knew about?

03-00:35:55
Newsom:

Well, I'm just saying big bets.

03-00:35:56
Meeker:

Maybe some of the big ones. Some of the riskier ones.

03-00:35:59
Newsom:

Nothing to compare with that amount of money, betting that amount of money on Truman. Five thousand, six thousand was a lot of money in those days. Like five times that amount in today's dollars. And he used to bet a lot of money in those days. When I say the clubs, I mean Tahoe. He used to get in big card games up there, and I knew he was winning or losing five grand, ten grand. But only when he was making money, had a lot of money, did he ever take chances like that. Because otherwise, he was very prudent. Until much later in his life, he had no financial problems. But he developed financial problems, too.

03-00:37:02
Meeker:

Well, your father also is well known for being a confidante of people like Pat Brown and a lot of politicians in San Francisco.

03-00:37:10
Newsom:

Yes. I can tell you, he raised all the money for Pat Brown, and I can tell you something that's in the nature of a sensational discovery. I suspect that Tom Kyne put up a lot of the money for Pat Brown's campaign, but Pat Brown never knew that because my father never told him. So probably my father went to Kyne, who was a dear friend, and said—in forty-six, the first campaign—"We're taking on Matt Brady." And Kyne said, "You can't beat Brady." And my father said, "We're going to try." And so I think Kyne put up at least half the money for the campaign—the first one—and he did very well, Brown did, so the second time Kyne was a much more modest contributor. But Kyne didn't care and wasn't looking for any favors. Kyne, in 1946, was put out of business by the Kefauver Commission. Until then, the chief of police, the mayor, the DA, everybody, was at Kyne's office every Election Day. You had to be. That was where the action was. And it was completely, grossly illegal. As illegal as it would be now. But it was okay.

03-00:38:43
Meeker:

Did Kyne have a cover business or was it quite obvious what—?

03-00:38:48
Newsom:

Nothing. He had scads of money. Single man. He had a huge paternity case against him. His son, Willy Kyne, died some years ago, but I think he in fact was the illegitimate son of Tom Kyne. And Tom Kyne was one of these old Irish types who lived in a hotel. I remember my father saying that Kyne had a standing order. The families of anybody who needed burial expense could apply to Kyne. He would pay it, no questions asked in those days. If some poor guy died in the streets, was out of the house or something, Kyne would pay for the funeral. My father had a great regard for Kyne. He said it was a

type that had disappeared now from the earth. But a solid guy, solid. His word was his bond. He ran an honest place and people trusted him absolutely. And I don't know why nobody's ever written his story. It's a great story.

03-00:39:59

Meeker: When you say that anyone could have applied for him, do you mean people, part of the sort of Irish Catholic community or was it—?

03-00:40:08

Newsom: Irish Catholic community, yes.

03-00:40:10

Meeker: Okay, all right. The city, of course—and this is something I'd like to get more of your perspective was—

03-00:40:15

Newsom: Is completely changed ethnically.

03-00:40:18

Meeker: Yes. I mean, there was a difference then between Italians and Irish.

03-00:40:20

Newsom: There were Irish Catholics and there were Italian Catholics. That was the city. And Germans. In the early days, Germans, but they were dying out by the time I was growing up.

03-00:40:32

Meeker: Dying out or assimilating, I guess?

03-00:40:35

Newsom: I can't tell you the difference. Disappearing.

03-00:40:40

Meeker: Well, in the 1940s, right, when war breaks out, those old ethnic attachments, German, Italian and Irish, did they come to mean more or less in the context of the war, considering what was going on on the continent?

03-00:41:01

Newsom: You make a good point. I think the Germans kept a lower profile in those days. I remember one of my close friends who's still around, Lou Felder, it's F-E-L-D-E-R. Lou Felder, his father was a big shot in the Bundt, the German-American organization, and there was a lot of pressure on him. And I had a lawyer friend, Nick Alaga, who told me many years later—he was an FBI agent who was assigned to the German Bundt and he had a tape recording or phone tap.

03-00:41:50

Meeker: Tapping. Yes.

03-00:41:52
Newsom:

He had a tap on their phone and people were very, very frightened of Germany when the war broke out. I was a little boy, but I remember that there were German people next door to us, and we were convinced that they were sending coded messages to Germany. My sister and I used to listen at the wall. Little realizing that they were German Jews. Goldberg. Simon Goldberg. Fabulous man. He was the founder of the Prix Unique Stores. I think P-R-I-X unique. Prix Unique. Like five-and-ten stores in US. He was chased out of Germany and he lived right next door to us. A wonderful man. He was German, after all, and we didn't make the distinction as little children between Jewish Germans and German Germans. Anyhow, Germans started to disappear around that time. By the end of the war, they were not very visible in San Francisco.

And a lot of Italians, lot of Irish. That's changed now completely. I heard some figures just the other day from Nancy Pelosi. I think there is something like five percent Italian names in San Francisco now in the phonebook. Maybe ten. And maybe that many Irish. And the Irish principally because coming back. Irish contractors in the city and things like that.

03-00:43:51
Meeker:

Recent immigrants, you mean?

03-00:43:53
Newsom:

Yes. It's all Asian now. The whole city. Latin American and Asian. Seventy-five, eighty percent of the population, I would say.

03-00:44:05
Meeker:

But there's also a key difference. I mean, not only are there numerically and proportionally fewer Italian and Irish names in the phonebook, but I would venture to guess that equally importantly, those five or ten percent remaining would identify much less thoroughly with that national or ethnic heritage.

03-00:44:30
Newsom:

Exactly. Half the Irish Americans are Italians and vice versa. It's meaningless nowadays. There's no Irish identity. I shouldn't say that. In terms of immigration, the last few years, there's a new crop of Irish people who are married to other Irish people. But the Italians are not a defined group any longer in San Francisco. Look at the North Beach. It's about two blocks long.

03-00:45:03
Meeker:

Well, Italians and Irish these days would just be considered white, I suppose.

03-00:45:07
Newsom:

Exactly.

03-00:45:09
Meeker:

That's one of the things that I'm kind of interested in getting your perspective on as we go through and talk about your experiences in politics. I imagine that when politicians, for instance, were seeking votes and seeking support, they

would go to these various ethnic groups in San Francisco and communicate with them on their terms. Communicate with the Irish in San Francisco, communicate with the Germans in San Francisco to think about ways in which they can address their particular concerns.

03-00:45:44
Newsom:

Very much so, especially Italian circles. When I ran for office, I campaigned vigorously in the Italian circles and Irish circles, but the Italian circles were larger and the German circle was gone by the time I ran for office.

03-00:46:09
Meeker:

So that was sixty-seven, sixty-eight?

03-00:46:11
Newsom:

Yes, yes.

03-00:46:13
Meeker:

Well, we'll get to that. I do want to get back to your father and his political interests. I mean, obviously you mentioned, you know, 1948, his wager on Harry Truman and learning about—

03-00:46:33
Newsom:

He was the chairman of the Electoral College for Truman. He was offered many high positions by Truman, but they didn't pay enough.

03-00:46:43
Meeker:

Again, you're a youngster at the time, so this would have been things that you would have learned, I suppose, later on. But do you see that his, I guess, integration into the political scene in San Francisco was primarily through his relationship with Pat Brown or—

03-00:47:02
Newsom:

No.

03-00:47:02
Meeker:

No, okay.

03-00:47:05
Newsom:

He brought Pat Brown into city politics. Yes.

03-00:47:08
Meeker:

So he had already had an interest in it?

03-00:47:10
Newsom:

Exactly.

03-00:47:11
Meeker:

Do you know how that came about? Was it through his own father?

03-00:47:16
Newsom:

His father was connected in the best sense of the word. Financially, a major figure in San Francisco until the crash. According to the Marquis James book,

Biography of a Bank, my grandfather was the second-largest shareholder in the Bank of Italy, so that put him right next to [A.P.] Giannini in terms—he had 2,000 shares. It was a big deal in those days. And so my father had connections through his father with both communities. My grandfather was a bigwig in the Irish community and connected politically. Enormously well-regarded from what I've heard. I mentioned that he died the year I was born. So I know this only by anecdotal evidence.

But I've heard that my grandfather was a very respected figure and a completely trustworthy person, as was my father. He worked for Mayor McCarthy, P.H. McCarthy, and he was Commissioner of Public Works under McCarthy. McCarthy, I should never forget, was called Pinhead McCarthy. P.H. Pinhead McCarthy. He might have been a very brilliant guy, but that's what they called him.

In those days, if you were well connected politically, you got to build schools like Poly and Lowell just because you were connected. Nowadays, you know, if my son who's the mayor were to get a contract with the city, it would be the scandal of all scandals. So is it a better world or worse, I can't say.

03-00:50:08

Meeker:

Well, there're different kinds of preferences now.

03-00:50:10

Newsom:

Different, yes, yes. Exactly. And so my father was established politically. And by the way after the 1906 earthquake, my grandfather was the head of disaster relief in the city. He was very well liked and very well connected politically, and that's why Giannini brought him in on the bank, because he wanted an Irish connection. And so my father was connected in politics to start with. Always interested and always on the liberal side of things, which was very unusual for his day. Not liberal-liberal. Harry Truman liberal, a different kind of thing.

03-00:51:10

Meeker:

Well, sure. I think that our modern conception of liberal comes from the 1930s and the New Deal.

03-00:51:18

Newsom:

Exactly. My father was a huge fan of FDR. That was a name that you could not take in vain in my house. And then later, Harry Truman. My father loved Truman, too, and Alban Barkley, and then Stevenson. Things were getting more liberal, and my father was going along with it

03-00:51:43

Meeker:

But it's interesting. During this period of time, the thirties, forties, and fifties, from what I understand about San Francisco political history, Democrats were certainly on the outs. I mean, the Republicans dominated at least the mayor's office.

03-00:52:04
Newsom: Lapham?

03-00:52:05
Meeker: Lapham was maybe the one Democrat, right?

03-00:52:08
Newsom: No, Republican.

03-00:52:08
Meeker: Oh, he was Republican, okay.

03-00:52:10
Newsom: Yes, Roger Lapham.

03-00:52:10
Meeker: Okay. Yes.

03-00:52:11
Newsom: And before then Rolph, “Sunny Jim” Rolph was a Republican. So you're right, they did dominate the city.

03-00:52:19
Meeker: Well, in the fifties, you also had Christopher and—

03-00:52:24
Newsom: Elmer Robinson.

03-00:52:24
Meeker: Robinson, sure.

03-00:52:27
Newsom: What a piece of work he was. Anyhow, yes. All Republicans, now that you mention it.

03-00:52:35
Meeker: I apologize for this line of questioning. It's difficult because it's asking you to remember what you probably learned about your father and it's not first-hand experience and so it's probably much more speculative and second-hand. But can you give me a sense of what his interest in politics was? Why was it—

03-00:53:14
Newsom: He was a protégée of Ed Heller, E.S. Heller, who founded Schwabacher and Company in San Francisco. The Schwabachers were one of the wealthiest families in San Francisco. And like all Jewish families in San Francisco in those days, I think without exception, they were Democrat and liberals. That's changed. Louis Lurie came along and he was a Republican, but in those days, Heller was a king of kings and a man of enormous dignity, and my father got in politics as a result of Heller and Bill Malone. Bill Malone being the Irish connection, and also a tax lawyer and a highly esteemed person. And my father thought that Malone was one of the great men he'd ever known. And so

my father was in the Malone stable. There was another stable. That was the stable that eventually became Phil Burton and the Burtons, the liberal side of the Democratic Party. But it's a hard dichotomy for me because Heller was an early-day liberal, a very prominent member of the Jewish club here in San Francisco.

03-00:54:54

Meeker: Concordia-Argonaut?

03-00:54:55

Newsom:

Yes. My father was a member of the Concordia club through Heller. He didn't like the Olympic club because they didn't admit Jews. And that's an interesting thing, looking back on it now. I had a hard time persuading my father to let me join the Olympic club when I was a kid because my father said, "You know, these fellows are mostly Irish Catholics, but they don't want Jews in the club and some of the best people in San Francisco are kept out of it." Now it amazes me to read about Jewish people being accepted in the Bohemian Club, even. So there are no barriers any longer.

Anyhow, in those days, there were a lot of anti-Semites in San Francisco and my father, he was not somebody who had any such feelings. I'm trying to think of examples. I guess his closest friend and business associate was Al Stern, who was Jewish. And Al Stern was also a Concordia-club member, and in those days, there was a lot of prejudice against the Jews and a lot of sympathy for the Germans.

03-00:56:43

Meeker: Well, it's interesting that you mention that, because San Francisco, from what I understand, also incorporated Jews into at least the municipal power structure through city commission appointments—

03-00:56:57

Newsom: Early on?

03-00:56:57

Meeker: —in a much more thorough way than it would have been in New York or Los Angeles or almost anywhere yes.

03-00:57:04

Newsom: Yes, exactly. That's true. I can't explain that.

03-00:57:10

Meeker: You had mentioned the other stable of Democrats in San Francisco is what eventually coalesced under Phil Burton. But if you read the biography of Phil Burton, the biographer—and I could be reading it incorrectly—kind of talks about Phil Burton as springing from Zeus's head. I mean, just kind of coming up on his own and challenging the Malone machine. Did you see that maybe Phil Burton also was a protégée of someone else instead of just kind of being an insurgent on his own?

03-00:57:49
Newsom:

I think it's accurate to say that Phil Burton was *sui generis*. But he had a mentor. His mentor was George Miller, the father of the current congressman. Another was Frank Havener, a congressman, a liberal. Helen Gahagan Douglas, another liberal. These were people on the fairly far left for the times, as opposed to the Malones. And Heller was a singular figure because he had a lot of money. I can't categorize him, but he was a big supporter of Jewish causes, as was my father.

03-00:58:47
Meeker:

Historians try to put all these individuals into pretty distinct categories and I think the nature of politics is that there are two major parties in the United States, but there's a lot of gray.

03-00:59:07
Newsom:

Oh, a lot of gray, yes.

03-00:59:08
Meeker:

And that if politics is the art of compromise, then you're going to have individuals who are maybe difficult to categorize along those lines.

03-00:59:16
Newsom:

Exactly.

03-00:59:18
Meeker:

I'm going to try to, on the one hand, be a historian and get a sense of what the intellectual history and the political history of these various groups, like the Burton machine and the Malone machine is, but—

03-00:59:33
Newsom:

The Burton machine was the machine that got behind George Moscone—and the other side was Quentin Kopp, who came from New York, I forget when, and Ron Pelosi, my brother-in-law, whose brother, Paul, married Nancy. But, ironically, those differences are so blurred now. Pelosi is the liberal and—

03-01:00:07
Meeker:

Yes. She's seen as a protégée of Brown, right, to a certain extent? Of Willie Brown?

03-01:00:15
Newsom:

No, I don't see it that way. John Burton. And Willie Brown. Yes, I think so. Willie Brown. That's true. And on the other side, Quentin Kopp, Leo McCarthy, wonderful guy. But a little stiff and formal, and in modern political terms, quite conservative. But that was the other side: Kopp, Pelosi, McCarthy; and then [on the other side]: Burton, Moscone, et cetera. Clear division in those days.

[End Audio File 3]

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04-00:00:10

Meeker: Well, rather than asking you to try to recall your father's political career, maybe you can give me a sense of how you first became aware of the political sphere, for lack of a better phrase.

04-00:00:30

Newsom: Dinner table as a child.

04-00:00:31

Meeker: Dinner table. Okay.

04-00:00:32

Newsom: My sister, Barbara, I think, mentioned last time we met that you couldn't have dinner at the Newsom house without there being fairly serious discussion of issues, political issues. So my father was a Democrat, it's clear, and for his time a liberal, and a person who was really concerned about not simply doing well himself, but concerned about how other people did. And around the dinner table, we had a lot of people, looking back on my life, like Gordon Getty and many friends, Kevin Cottrell, who came in and out of our dinner table, sort of a part of the forum, you know. And my father presided. He was a very good cook. And Sunday was a day when, as always is the case with the Irish, you would have a big roast lamb or something like that. And several kids from the neighborhood came in. And we were six kids. And so there was a big, big group having dinner. And there was constant discourse and dialogue, my father presiding, as he did, in a benign way, leading by example. And we had discussions of political things across the spectrum. Race relations, the economy—toned down, for kids—and how things were going. Even there crept in some discussion of the environment in those early days. My father was concerned about that. He wasn't sophisticated, nobody was, in those days, about the threats to the environment. We know a hell of a lot more about it now. But he cared about it. And so he was the presiding genius.

My mother didn't fully participate, and didn't have much to say. My father had a lot to say. And he was very influential because all the kids, and their friends, too, admired him. For example, I was just reminded of the fact that Mark Getty's father, Paul Getty, kept a picture of my father in his house in London. Not London, but Wormsley. It was his country house. He kept a picture of my father and he and Gordon Getty referred to my father, as people did in those days, as "Boss." My father was the boss. And they wouldn't say Mr. Newsom, they would say, "Boss, let me ask you a question." Paul Getty was around a lot, Gordon Getty.

04-00:04:22

Meeker: Did you think of him in the same way?

- 04-00:04:25
Newsom: No. It was too august a title and implied too much. For me, it was insufficiently benign. I didn't think of my father as boss. But his word was—without his decreeing anything, it was sort of law if he said something. He would never say it in a way that wouldn't allow for disagreement, but on the other hand, when he made a pronouncement, it was a pronouncement and you knew it and you wouldn't lightly disagree.
- 04-00:05:16
Meeker: It almost sounds like the dining room table, then, was—
- 04-00:05:22
Newsom: A school.
- 04-00:05:24
Meeker: Yes. Not just any kind of school. It was a school where you got your education about what it meant to be a Democrat or a liberal.
- 04-00:05:29
Newsom: Exactly. A citizen.
- 04-00:05:32
Meeker: A citizen?
- 04-00:05:33
Newsom: Seriously. He was kind of an ongoing lesson in deportment. Civic duty and that sort of thing. A good sense of humor at the same time, but a serious man.
- 04-00:05:49
Meeker: I know that it's difficult to recall specific conversations from so long ago, but do you ever—on the off chance you might—ever recall moments in which maybe one of the people present would have offered an opinion or made an argument that was out of bounds, that it was called out? Whether it was really conservative or—?
- 04-00:06:16
Newsom: Yes. Somebody would refer to the Jews and my father would say, "Ah, wait a minute. What are you talking about?" And he would make a correction on that subject on the spot and say, you know, "We don't use that language around here." There's a way you can use it, but we don't use it in that insulting sense around here." He was a little on the stern side about that.
- 04-00:06:55
Meeker: You graduated high school in 1951. You went to Saint Ignatius and then you got your BA at USF. Did you live at home during your undergraduate years?
- 04-00:07:06
Newsom: Yes.

04-00:07:07
Meeker: Okay. So that means, I assume, that these dinner conversations would have continued on through your undergraduate years.

04-00:07:15
Newsom: Yes.

04-00:07:17
Meeker: I mean, in say fifty-one to fifty-five, it's like any, I guess, five year period of time. There's significant things that happened. Everything from really the big element of the McCarthy era, right, when he starts his Senate hearings and so forth to *Brown v. Board of Education*.

04-00:07:48
Newsom: My father was violently anti-McCarthy. Yes.

04-00:07:52
Meeker: Would it have been out of bounds for someone at the dinner table to say, "Yes, we disagree with McCarthy, but communists are a threat." There's—

04-00:08:02
Newsom: That would have been inadvisable—

04-00:08:05
Meeker: Inadvisable?

04-00:08:05
Newsom: —to say anything in defense of McCarthy or Roy Cohn. My father was an inveterate TV watcher in those days and he followed all the hearings. And he, of course, was ecstatic when Joseph Welch made that great comment, asked that great question. Do you recall what it was?

04-00:08:28
Meeker: Oh, it was, "Have you no dignity or decency?"

04-00:08:30
Newsom: "Have you no decency, sir?" My father was euphoric after that. It wouldn't have been a good idea. He would have tolerated it, of course. He was courteous to everybody. But it wouldn't have been a great way to get invited back for dinner.

04-00:08:54
Meeker: Okay. Well, there's also a tradition, particularly in the forties and fifties amongst American liberals, also being anti-communist. And I'm wondering if there was also a line that said—

04-00:09:09
Newsom: No, no. No tolerance for communism at all. In other words, my father was just against red-baiting. He didn't like communists at all, and he worried about them, and he thought they were subverting the country. But he thought we

were in control and it was being exaggerated for political reasons, which I think is the case.

04-00:09:37

Meeker: As a contractor, did your father have much interaction with labor unions in San Francisco?

04-00:09:43

Newsom: Yes. He got along well with the unions, always, and we had a connection also, because his cousin, Jimmy Newsom, was secretary of the building trades. My father was always pro-union, so he never had big problems. He thought it was important, that unions should be there, and that people should get decent wages. He always felt strongly about that; he said, in effect, "I'm doing fine, how's everybody else doing?" That was a recurrent theme in my house.

04-00:10:25

Meeker: What about the more left-wing unions, like the ILWU?

04-00:10:28

Newsom: Didn't like them. Didn't like the Burtons. They became friends later because John Burton and I were good pals, but my father was always of the mind that the Burtons were too far left.

Which reminds me of a great story. My father was, I said, by the standards of his time liberal, but he wasn't that open-minded on some subjects. So just before he died, I was driving him down Polk Street on a hot day and kids were out there with shirts off and a lot of gay stuff going on on the street. People [were] selling marijuana, and my father was appalled. He looked at me smoking his fifty-eighth Sano cigarette of the day, and he said, "Look at this, Bill." He said, "You're welcome to what's left." He thought the city was falling apart. So it's probably a good idea that he didn't last to see my son as the author of the gay marriage thing.

04-00:11:53

Meeker: Sure, sure. Times change, I guess.

04-00:11:56

Newsom: Yes, yes. They have.

04-00:11:58

Meeker: I think in our previous meeting you had mentioned something about walking precincts as a youngster, maybe in high school. What were some of your initial hands-on political activities?

04-00:12:15

Newsom: Well, I didn't start that early on the whole subject. I really didn't get involved in politics. I was involved on the Brown campaign as a kid, but I didn't see the larger picture that well.

- 04-00:12:37
Meeker: When would you date your engagement with politics to?
- 04-00:12:40
Newsom: After college.
- 04-00:12:41
Meeker: After college.
- 04-00:12:42
Newsom: Yes.
- 04-00:12:43
Meeker: Well, let's hold off on talking about that, then. I want to spend a little time talking about high school and your friendships, because you've kept a lot of those friends lifelong.
- 04-00:12:57
Newsom: We had a luncheon a week ago with thirty people from the 1951 class of Saint Ignatius. We have a first-Friday-of-the-month luncheon. It regularly gets twenty-five, thirty people, even now.
- 04-00:13:17
Meeker: Amongst those thirty, you've kept close relationships with a few?
- 04-00:13:23
Newsom: Gordon Getty. Paul Getty, and I were great friends right to the end. Jim Halligan, John Mallen, Lloyd Fabri, who now lives in Atlanta. Chris Mullarky, who was kicked out of Saint Ignatius about five times, but always got back in. And when the class pictures were taken, he always managed to get his face in the picture. Mullarky was an amiable troublemaker. And that's about it. Many others, but those are the ones that come right to mind.
- 04-00:14:08
Meeker: What is it about these friendships that have endured for so many decades?
- 04-00:14:18
Newsom: It's amazing to me. It must have been that we had a really strong bond through St. Ignatius. And I think that's the case. It's hard to explain otherwise. Why do people drift apart and then sometimes stay together? What affinity is it that keeps them together? It's obviously geographical to one extent, but also, it's, I guess, the pride they take in having gone to Saint Ignatius. It's a bond. It's a better school now, I've heard, by far, than it was then, but it was pretty good then. In other words, you took four years Latin. And if you were a very good student, you could get the privilege of taking two years of Greek. And they had good teachers and we were all taught well and all went on to some kind of success in material terms based on the training we got there. Very few losers that I remember from that school. That must be the general reason why we still get together. It's a pride factor, I think.

04-00:15:49

Meeker:

So you really tie it closely to what happened at that school?

04-00:15:53

Newsom:

Yes. And you kept your interest in people who were your classmates.

04-00:15:59

Meeker:

What were some of your interests and involvements during high school?

04-00:16:04

Newsom:

Well, I was a football player. I played JV football in my third year. In my fourth year, I was a regular on the varsity football team.

04-00:16:15

Meeker:

What position were you?

04-00:16:18

Newsom:

I played guard, and I must have had an awful temper, because I am told that I was thrown out of every game all season long. Maybe it was a way I used to escape from harm.

04-00:16:28

Meeker:

You were told that? You don't remember the instances?

04-00:16:30

Newsom:

I do remember that. I had a bad temper and so I remember that I was rather undistinguished as a student. Did fairly well if I liked the subject. English I did well. Latin I tried but failed. Didn't fail, but—. Math I had a tough time with it. Chemistry I found impossible. They had a couple of tough prefects of discipline. One that comes to mind was Father Solon. There was no fooling around. You had to learn. I remember a couple of times being suspended for wisecracks and things, and my father being forced to come out to the school to be told and be shown my disgrace. My father did not take lightly to going out in the middle of the business day and spending three hours listening to the prefect of discipline inveighing against me. He really got upset with me.

04-00:17:52

Meeker:

With such a strict prefect of discipline, as you mentioned, did most students run afoul of it at some point in time?

04-00:18:00

Newsom:

If you had any hell in you, you did. But Father Solon and Father Cosgrove had no problems taking care of us. I remember one day we were giving a new ROTC sergeant a terrible time. The poor guy didn't know what to do about the religious practices of the school, the crucifix and all that. He was intimidated. And so somebody—it could have been me—decided it would be very amusing if we, when we got up to say a prayer, kept saying prayers, and kept him there for half an hour while we prayed. He didn't know what to make of it, and all of a sudden the intercom started creaking and Father Cosgrove came on and said, "This is Father Lloyd Cosgrove. Could I please see the following

students in my office forthwith. Mr. Newsom, Mr. Mullarky, Mr. Somebody else." And we were all suspended from school for mocking this teacher. He was listening every day.

04-00:19:23

Meeker: So it's almost—

04-00:19:22

Newsom: Big brother.

04-00:19:25

Meeker: Oh, really. Gosh. Sounds like an interesting job. Did you have a sense when you were in high school of what it was that you wanted to go on and do?

04-00:19:40

Newsom: No. None whatever.

04-00:19:43

Meeker: Did you know that you didn't want to go into building contracting?

04-00:19:48

Newsom: Yes.

04-00:19:49

Meeker: You did?

04-00:19:50

Newsom: I had no interest in business, whatever, even though I had on vacations sold Christmas trees on a couple of occasions and made some money. I liked money but I had no business plans at all. You know, I finished up as a judge. A lawyer and then a judge for twenty years by default. I had no idea what to do and I still don't. I like to read books and talk and think about things, but I've never been ambitious in the sense of really wanting to compile some business success or a lot of money.

04-00:20:35

Meeker: An entrepreneurial sort of spirit.

04-00:20:36

Newsom: No, no. My father was an entrepreneur. He was a good one, a great one. And he used to say, "You worry about Shakespeare, I'll worry about making a living," that sort of thing.

04-00:20:48

Meeker: So it sounds like you had conversations with your father about your lack of interest in entrepreneurial pursuits.

04-00:20:57

Newsom: He didn't press me at all. He was a very indulgent father. Six kids and he thought they were all terrific. Very supportive emotionally, financially. Completely a pushover.

04-00:21:19

Meeker:

I know that he wasn't a first-generation immigrant, but it almost sounds like he was doing his business work so that you would have the luxury to go to school and study Shakespeare.

04-00:21:27

Newsom:

Exactly, exactly. He got up at five in the morning and headed out on the job. Drove to Santa Rosa or something like that and worked like hell all day long. It was family, the whole thing.

04-00:21:46

Meeker:

So when you were wrapping up your high school career, was there any question about, one, would you be going to college, and then, two, what college that would be?

04-00:21:56

Newsom:

No question that I would go to college. No question. So I went to college.

04-00:22:04

Meeker:

And was there any other option aside from USF?

04-00:22:10

Newsom:

Not really. I wasn't good enough athletically to get any kind of scholarship, and USF was a natural transition from SI. The Jesuits. It was the easy thing to do. My friends, like Gordon and Paul Getty, were going there. John Mallen, Halligan. So our little group stayed together.

04-00:22:34

Meeker:

You didn't have any interest in going back to Notre Dame University?

04-00:22:36

Newsom:

No. Nor was it ever put before me as an option. My father was, as I mentioned, not sophisticated in intellectual terms. Very smart. I think probably a mathematical genius. I've seen examples of it. Enormously quick mathematical mind, but not an abstract thinker. More a meat-and-potatoes guy.

04-00:23:08

Meeker:

Do you remember any of your classmates heading across the bay to the University of California?

04-00:23:14

Newsom:

Yes. The best student at SI in every subject was a man whose name I can't forget. La Forest Ethelbert Phillips. He was an outstanding student in high school, Cal, and Boalt Hall, and many of my classmates went to UC Berkeley. That was the other place. And some went to Yale and Harvard. Not many. Most [went] to USF.

04-00:23:55

Meeker:

And I understand that you studied French literature?

04-00:23:58
Newsom: Yes.

04-00:23:58
Meeker: And was that a degree in French or English?

04-00:24:01
Newsom: English. Minor in French, yes.

04-00:24:04
Meeker: And you said your father was indulgent, so there was no steering you towards getting a degree in business or anything like that?

04-00:24:13
Newsom: No. Finally, years later, I was in graduate school in English putzing around and he said—things were not going that well financially for him, so he said, "Can you get some kind of student aid or something?" I finally was forced to look into that. Up to then, he'd been paying the bills. For six kids, [it] gets tough.

04-00:24:39
Meeker: Sure, sure. So as you're an undergraduate studying English, or French literature in the English department, you're not thinking of a particular career path that you're going into?

04-00:24:53
Newsom: Teaching.

04-00:24:54
Meeker: Oh, so you wanted to be a teacher?

04-00:24:57
Newsom: I conceived the idea, maybe in college somewhere, that I would like to be an English teacher on the high school level. Which, thinking back, I would like to have done. I think I would have been very good at that. Better at that than I was as a judge. But being a judge was pretty easy, too, because everybody did what you said. That made it pretty damn easy.

04-00:25:32
Meeker: Well, also during this period of time, when you're at USF, this is when the Korean War is raging, correct? Did I get it right?

04-00:25:41
Newsom: Yes. I was in ROTC and so I beat the Korean War.

04-00:25:44
Meeker: Okay, all right.

04-00:25:46
Newsom: I almost flunked out. Casey Jones, who was a basketball player, later a famous one with the Celtics, he was an All American at USF with Bill Russell. Casey

Jones and I were the only two people at USF ROTC who flunked ROTC. I couldn't, neither could Casey, assemble and then disassemble, and then assemble the BAR rifle. I couldn't do it. I forget how I achieved that. I think I was helped by somebody to get through. That was the difference between my flunking out and not, and maybe winding up in Korea.

04-00:26:32

Meeker:

Well, you'd think that not being able to assemble and disassemble a rifle would also make you immune from front line service.

04-00:26:40

Newsom:

You would think so, but the contrary was probably the case. They would have thrown you in the front line as cannon fodder.

04-00:26:49

Meeker:

Sure, sure. Did any of your friends serve in Korea?

04-00:26:53

Newsom:

Paul Getty. He told me once that he came fairly close to freezing to death in a trench over there, and also he told me once that he had fallen asleep during guard duty in a guard post and he got in a hell of a lot of trouble. It's hard for me to think of Paul Getty as a soldier, but he was a wild man. Anyhow, several served in Korea and several died over there. I can't think of the names now.

04-00:27:34

Meeker:

After coming out of the good war, World War II, which there seemed to be consensus in America was fully justified, there was an emerging criticism of US military adventures beginning with the Korean War. Do you remember—

04-00:27:53

Newsom:

Much less. Much less vigorous, the criticism of the Korean War. I think it was a good war in the same sense that the Second World War was. Almost that good. Completely different from the Vietnam War because it was thought to be justified because it was thought that North Korea invaded South Korea. I'm no longer too sure on any of those subjects. But looking back on it, it was much less opposed. I never heard anybody really criticize the Korean War at the time.

04-00:28:42

Meeker:

So it wasn't something that you were actively opposed to?

04-00:28:45

Newsom:

Never, never. But the Vietnam War is completely different.

04-00:28:49

Meeker:

Okay. Well, we'll get to that. So after you graduated in fifty-five, you were in the Army Reserve?

04-00:28:57
Newsom:

Yes.

04-00:28:59
Meeker:

Tell me about that period of service. I guess two years.

04-00:29:04
Newsom:

I served six months. I went to the guided missile school at Fort Bliss.

04-00:29:14
Meeker:

Where's that?

04-00:29:15
Newsom:

Texas. And I was one of forty-two students, of whom twenty-six were engineers in the guided missile school. An English major, I had no chance of success at all, and I damn near flunked out. But there's a very funny story about how I stayed in. Dare I tell it?

04-00:29:45
Meeker:

Please do. I don't think you're going to get reinitiated.

04-00:29:51
Newsom:

I was a second lieutenant. You were commissioned, but you had to finish the school to keep the commission. If you flunked out, you lost your commission. And I was on the verge of flunking out when I had this run in with a captain, whose name, through the mists I recall as McMillan. McMillan carried a swagger stick and he noticed that I was applying some fake stuff to my shoes to make them look shiny and he caught me on that and put the swagger stick on my chest. And I said, "Look, get that goddamn phallic symbol off me." So I made his day. He said, "You're out of here. You'll hear from us later." I was despondent. And I had a friend down there named George Pasha. P-A-S-H-A. George is and was the head of Pasha Truck Ways. Enormously successful company. And George was an enlisted man. In defiance of Army rules, I kept George's clothes, civilian clothes, when he was in basic training at my officer's quarters so he could change. We'd go into Juarez at night and have some fun.

I called George and said, "George, let's go into Juarez and get a few beers. I'm in bad trouble." And so we drove through El Paso. I came to an intersection and a car in front of me hit another car. It turns out the car in front of me that hit the other car was carrying the intoxicated chief chaplain at Fort Bliss, whose first name was Steve O'Kane. Anyhow, he was in the bag. He'd been offering some advice to a couple that were getting divorced and had a few drinks and he went through the red light and hit this other car—nobody injured, but he himself was knocked out. So I said to George Pasha, "George, let's get him out of here. This is El Paso. They'll nail this guy to the cross. He's a Catholic chaplain born in Ireland. Get him out of here." And George said, "Where?" I said, "Just get him out. Drive my car away. I'll get his wallet." I took his wallet. "I'll tell the cops we took him to the hospital." So that was the

story. And later that night, I went back to the MP post and asked where O’Kane was located. I went to his house and the phone rang. I said, "Hello, this is Colonel O’Kane." "This is the El Paso police calling." And I said, "Well, Colonel O’Kane was in an accident tonight and he was sedated and he's not competent to talk right now." And they said, "Well, have him call us in the morning." That was quick thinking on my part. It was quick thinking to get him out of there, too. Also grossly illegal, but that's okay—it served a higher purpose.

04-00:33:58
Meeker:

So he was driving the cars?

04-00:34:00
Newsom:

He was. And he went through the light and hit this other car. And I went over and saw that nobody was hurt. And I gave the lady in the other car my card and said it was his fault, I'll be glad to testify as a witness, and then with Pasha I got him out of there. I thought probably the fact that he was a chaplain would spell huge trouble. I'd met him once or twice. If he had been a rabbi, I think I would have done the same thing. So I got him out of there. The next morning—I'd left my number—he called me. He said, "Could we meet?" And we met and I told him what happened. He said, "I can't believe this. You saved my career. I'm up for brigadier general next week. I was counseling the people and I had a couple of drinks and I don't know what happened after that. I hit my head and my nose was bleeding." The El Paso cops didn't know what to do. I said, "You know, the guy insisted upon leaving his license and here's his license. "Here it is," and I gave it to them. They were confounded.

So O’Kane said, "If I can ever do anything for you, let me know what it is. Sky's the limit." I said, "I hate to mention this. I swear to you this is not the reason I helped you. I would have helped you under any circumstances, but I do need help. This guy is giving me a bad time." I recounted the story. And he said, "Well, we'll take care of that right now." Gets on the phone, calls the base commander. "Dan, this is Steve O’Kane. I have a big problem to discuss. Call me right back." Two days, three days later, the captain came up to me and said, "Lieutenant, I think I overreacted. Let's let bygones be bygones." And I said, "No, it's my fault. Completely my fault. I went too far, I said too much." And he said, "Let's shake hands." We did, and the next week I was given all the answers to all the test questions and I graduated nicely from the school. End of story. Right place, right time.

Miracle? I don't know. I don't believe in miracles, but pretty close to being one. O’Kane and I never met again, but we thought it'd be best probably not to talk about this too much. So I'm recounting it for posterity.

04-00:36:55
Meeker:

Well, that's great. Great story.

04-00:36:56
Newsom: It was the result of remembering O’Kane, because I had been to mass once during the time that I was there. That one time I saw him enabled me to recognize him again in the car. Maybe it was fortuitous. But I don’t believe in miracles.

04-00:37:21
Meeker: Well, it demonstrates some quick thinking on your part at this point. It protects someone from—

04-00:37:30
Newsom: It demonstrates, as well, that I’m not a strict construction man on the law. In other words, I’m willing to bend the law if I think it prevents what I consider to be great injustice.

04-00:37:49
Meeker: Interesting.

04-00:37:48
Newsom: I did a few things like that as a judge.

04-00:37:53
Meeker: Which we’ll get to. Hopefully you’ll get those on the record, as well.

04-00:37:56
Newsom: Yes, I hope so.

04-00:37:59
Meeker: So once you finish your period with the Army Reserves—

04-00:38:03
Newsom: By the way—

04-00:38:03
Meeker: Yes?

04-00:38:04
Newsom: If you need to verify the story, George Pasha would like to verify it someday. He thinks it’s going to be lost without a witness to say that it was true.

04-00:38:15
Meeker: Whatever happened to O’Kane?

04-00:38:21
Newsom: He got to be a brigadier general, retired the next year, and lived happily ever after. He sent me a couple of notes over the years saying—

04-00:38:30
Meeker: He was a priest or a—?

- 04-00:38:32
Newsom: Yes. And also an officer. And the commanding officer who called me in said, "Lieutenant, I would like to tell you that you saved the career of the most decorated chaplain in the Army, one of the greatest soldiers I've ever known, and I would like to say thank you."
- 04-00:39:02
Meeker: Well, with the military's predilection for maintaining paper trails, there might very well be something in the National Archives about this particular incident. You never know.
- 04-00:39:14
Newsom: Could be. Could be. It certainly facilitated my Army career. It got me right through. And I wound up out of the artillery because they didn't need me for six months. I wound up as a training officer at Fort Ord. And at Fort Ord, my commanding officer was an alcoholic, so I was in effect the commanding officer. He was *non compos mentis*. Nice guy, too. So I had a great time down there.
- 04-00:39:49
Meeker: In Monterey?
- 04-00:39:50
Newsom: Yes.
- 04-00:39:54
Meeker: So that ends your two year period in the Army Reserves.
- 04-00:39:59
Newsom: Six months and a year and a half in the Reserve doing nothing.
- 04-00:40:03
Meeker: Oh, okay. So six months in training.
- 04-00:40:03
Newsom: Yes, exactly.
- 04-00:40:06
Meeker: Then a year and a half at Fort Ord. Is that—?
- 04-00:40:08
Newsom: First Fort Bliss, then Fort Ord. Yes.
- 04-00:40:13
Meeker: All right. You had also mentioned that you went to graduate school to study literature, but you eventually ended up studying law.
- 04-00:40:27
Newsom: Well, I went to Boalt Hall and I fell in love with Donna Long, who's Gordon Getty's half-sister and I took off with Donna. So that meant that I didn't take the final exams. I was flunked out.

04-00:40:45

Meeker: Okay. So after your period in the Army?

04-00:40:48

Newsom: This is 1955. After high school. Pardon me, after college. After USF in fifty-five. I went to law school at Boalt Hall and quit.

04-00:41:03

Meeker: How many years of coursework did you do?

04-00:41:07

Newsom: Of law?

04-00:41:09

Meeker: Yes. The full three years?

04-00:41:09

Newsom: A month. No, there's a sequel to this. Also in the realm of the incredible. One of the trainees in my basic training company was a man named Grant Spaeth. He's now a well-known golfer. He came to me one day and said, "Lieutenant, I need a favor, if you can do it." He didn't put it that way. He didn't have favors coming, but he said, "I'm getting married next week and it would be great if I could get the day off." And I said, "Why not take a couple of days off. Saturday and Sunday and come back Monday." Unbelievable. "That's great of you." I said, "Go ahead." I was not a martinet by a long shot. So time goes by, I flunked out of Boalt Hall. I want to get into Stanford Law School. I finished an MA in English and I can't get into law school because I flunked out of a law school.

I learned that Carl Spaeth was the dean. I talked to Ed Heller, who I earlier mentioned as my father's friend, and Ed Heller said, "Well, I'll talk to Carl Spaeth and maybe since you never got around to taking any exams or anything else, they'll let you in." And I heard the name Spaeth and I said, "That might be connected with Grant Spaeth." So I called Grant Spaeth and Grant Spaeth said, "Bill? May I call you Bill instead of lieutenant?" And I said, "Sure." And he said, "I'll make a call in the morning to my father and remind him what a good lieutenant you were." I got into Stanford forthwith in the middle of the school year.

04-00:43:36

Meeker: So both from above and below.

04-00:43:36

Newsom: It worked out well.

04-00:43:38

Meeker: From the son and from Ed Heller.

04-00:43:42
Newsom:

It was the second really fortuitous thing in my life. I got into Stanford. Had no problems in school at all. I found it easy. I was a little more mature. And I went through an accelerated program in two and a half years. I remember that I got the only A in the contracts class. I wasn't one of the top students in the school, but I had no problems the second time around. No distractions, either, like Donna, who was a great looking girl. A fabulous looking girl. Anybody might be forgiven for quitting law school over her.

04-00:44:50
Meeker:

What happened? Did you two just run off for a period of time?

04-00:44:54
Newsom:

Very funny story. It's too funny to be believed, but I have no reason to lie. My roommate at Stanford, who had introduced me to Donna, and whose name was John Upston. He lives in Washington, D.C. now. I said, "John, I should tell you, as my great pal, I'm getting married to Donna Long." And he said, "You are not." I said, "Why do you say that?" He said, "I'm engaged to her, Bill." I said, "You're engaged?" She's engaged to both of us. Neither one married her.

04-00:45:38
Meeker:

I could imagine.

04-00:45:41
Newsom:

True story. There were other details, but I won't go into them. The bottom line story is as I tell you.

04-00:45:49
Meeker:

So I assumed you had met her for—

04-00:45:53
Newsom:

I had a long-standing engagement with her. Not engagement, but dare I say, [an] affair.

04-00:46:02
Meeker:

And then while you were at Boalt you decided that you couldn't pursue her and a law degree at the same time?

04-00:46:08
Newsom:

Yes.

04-00:46:12
Meeker:

Maybe before we talk about this, maybe it makes sense to go back and talk a little bit about your father at this point in time, because by the late 1950s and early 1960s during this period of time, I assume that the relationship between your father and Pat Brown has matured and transformed in some ways. He has gone on to be attorney general and then governor of California.

04-00:46:47
Newsom:

Yes. And when he became governor, my father—I think we alluded to this when my sister and I were talking to you. And we were talking about Brown becoming governor. My father aspired to be superintendent of banks, and the banking industry was very upset when they heard this, opting instead for a quite pedestrian appointee named—the same as the colonel—O’Kane. He was a muni court judge who would prove to be the puppet for the banking industry. Brown caved in to the banking industry and my father never spoke to Brown again as long as he lived. He did, however, being by then in financial distress, for the sake of the family, take an appointment to the Unemployment Appeals Board, which was a good-paying, easy job. And ever afterward, when Brown wanted to communicate with my father, he would call me and say, "Bill, would you give your father a message." That's pretty strange, isn't it.

04-00:48:14
Meeker:

What was your father's agenda for being the superintendent of banking and why was that deemed unacceptable by bankers?

04-00:48:21
Newsom:

He would have been hell on wheels to the industry. He was a no-nonsense guy and he saw all the b.s. involved in the banking industry and he would have been a flaming crusader.

04-00:48:38
Meeker:

So a regulator, in other words?

04-00:48:40
Newsom:

Exactly.

04-00:48:42
Meeker:

With contemporary resonances.

04-00:48:42
Newsom:

Yes. If he'd been head of the SEC, Madoff would never have happened. Christopher Cox is another matter. Did I show you a letter I have from Brown? It would be worth putting in the record.

04-00:49:03
Meeker:

No, I haven't seen it.

04-00:49:07
Newsom:

He wrote me a letter about my father. And the gist of the letter was, he said, "I owe your father more than I owe any other person in my life," and that was a fact. And my father never got over the fact that Brown caved on this. But that happens in politics. My father was a very strict constructionist, so to speak. He said, "You may say that, but I don't." So anyhow.

04-00:49:45
Meeker:

What was the source of your father's financial troubles at this point in time?

04-00:49:53
Newsom:

A couple of really bad investments, including a garden supply outfit in which his partner took off and left him with the store. Big losses. I forget how big, but enough to bring him low. And he was no longer vigorously in the contracting business. He was in his fifties and wasn't keeping up with it. The business was changing. After the war I said that easy credit, things were changing and getting more complicated and he didn't like it anymore, so he was happy to take a job with the state. Happy is the wrong word, but he took it.

04-00:50:43
Meeker:

And this is the insurance commission position? So this was after 1958 that this happened, when Brown was elected.

04-00:50:53
Newsom:

Yes.

04-00:50:55
Meeker:

There's also the matter of the concession at Squaw Valley.

04-00:51:00
Newsom:

Yes.

04-00:51:01
Meeker:

Did that happen simultaneously with this?

04-00:51:05
Newsom:

It happened in sixty. Fifty-nine, sixty, and that's very complicated. But to put it plainly, my father was told of the concession by Al Stern, who was a state parks commissioner, a Brown appointee. Stern was my father's closest friend. He had a huge debt to my father. Not financially, but for help over the years. I remember one night, Al Stern, who was a building contractor, couldn't make his payroll and my father got together, through Tom Kyne, the payroll. Five grand or something. Drove it down there in the middle of the night. That's what kind of a friend he was. And Stern was a great friend of my father. And Stern said, "I think this could be done. It's a bid situation. You have the experience in the resort business. If you got a strong financial partner, like Gordon Getty, who had come into a lot of money by then, that could get past the financial hurdle." And they, to make a long story short, got it. And Brown was very upset to hear this, because he feared that it would become the big issue in the governor's campaign. It did.

04-00:52:39
Meeker:

Nixon brought it up.

04-00:52:41
Newsom:

Nixon brought it up. My father was pretty feisty. He also loathed Nixon. At one point he said, "Well, have Nixon pick somebody out and I'll sell to his nominee for a buck." Nixon found this guy, who turned out to have a felony record and my father had the extreme pleasure of saying, "Couldn't they find a

friend of Nixon's who wasn't a convict?" Brown forgave a lot for that. At one point he wanted to appoint me a judge by way of diverting my father from getting involved in Squaw Valley, but I was too young and my father would never trade that way anyhow. So my father said, in effect—I remember him saying that—"Just let him take me on in this one." We'll see what happens. I think everything would have been on the table. Anyhow, Brown went along with it and my father got the concession. Nixon failed. They turned the whole thing, in PR terms, against Nixon, which was very satisfying to my father. And we went on and did very well in Squaw Valley. He sold it out years later.

04-00:54:20

Meeker:

It is sort of ironic, because you go back and look at the newspaper accounts, and it really is cast as this potential instance of cronyism, whereas Brown is giving his buddy Newsom this.

04-00:54:32

Newsom:

It wasn't.

04-00:54:33

Meeker:

But the irony, of course, is that they weren't even speaking then.

04-00:54:35

Newsom:

Exactly.

04-00:54:35

Meeker:

And that Brown was kind of against the decision of the parks commission.

04-00:54:40

Newsom:

I'd love to see those newspaper articles. Can you dig them up?

04-00:54:45

Meeker:

They're available online.

04-00:54:45

Newsom:

They are?

04-00:54:46

Meeker:

Yes.

04-00:54:47

Newsom:

How do you do it?

04-00:54:48

Meeker:

I can print some up for you.

04-00:54:50

Newsom:

Can you? Great. Anything having to do with Newsom and Nixon on that subject, I'd love to see. Al Stern did engineer the whole thing. And Gordon Getty was the guy who had the money. And Gordon had so much money by that time that there's no question that they had the financial means to do this. So from my point of view is it ended well.

04-00:55:17
Meeker: Well, I see that you were listed as VP of this enterprise?

04-00:55:22
Newsom: Maybe. I wasn't a working VP, I assure you.

04-00:55:25
Meeker: Okay. You were a letterhead VP.

04-00:55:29
Newsom: Letterhead, entirely, yes.

04-00:55:35
Meeker: From your vantage point as somebody on the letterhead, what did your father do to help create Squaw Valley? Because obviously the Olympics—

04-00:55:46
Newsom: He had a background in the resort business. We didn't get around to that, but in the 1950s, he built and operated a resort in the Russian River. Sixty, seventy rooms, and saunas and a beautiful place, with a very good restaurant.

04-00:56:11
Meeker: Is it still there?

04-00:56:12
Newsom: Yes, it's there, but other uses now. It's right outside Guerneville. He had that for years.

04-00:56:23
Meeker: It's up the road, so it's not on the river.

04-00:56:26
Newsom: It's off the road. You're driving past Guerneville toward Monte Rio. It's 200 yards out of town to the right. It's down in a depression. It's a beautiful site. So he had a background in the resort business. This is not easy. The first few years lost money, but eventually it turned out pretty well. It's easy for me to believe that people believed about Squaw Valley generally that it was a payoff to my father. What else would it have been, you know?

04-00:57:14
Meeker: Well, that was the way the newspapers presented it.

04-00:57:16
Newsom: Oh, sure.

04-00:57:18
Meeker: So it sounds like this falling out between Brown and your father was not well known.

04-00:57:24
Newsom: It was not. That's why I value this letter from Pat Brown to me after my father died. My father was adamant but Pat Brown always felt contrite and upset that

he had backed down on this subject. But I think being governor is a different matter, and my father hadn't played in that league.

04-00:57:55

Meeker:

He was a local as opposed to a statewide actor.

04-00:57:56

Newsom:

Exactly. Yes. He was, for years, the treasurer in Northern California of the Democratic Party. Yes.

04-00:58:08

Meeker:

Well, the CDC, right? Or was it the party itself?

04-00:58:12

Newsom:

No, no. The CDC was the left wing group and this was the Malone faction.

Interview #3: January 27, 2009

Begin Audio File 5 newsom_bill_5_01-27-09.mp3

05-00:00:05

Meeker:

Today is the January 27, 2009. This is Martin Meeker interviewing Judge Bill Newsom and this is tape number five. So I believe last time we finished off talking a little bit about your law school experience at Stanford, and that's probably a good place to get started. I'm wondering if you can just give me a little bit of a sense about what your law school experience was like, if there were any, perhaps, influential instructors you interacted with, or if you met any people who later became influential in your life during law school.

05-00:00:52

Newsom:

I don't recall any teachers very clearly, except one, and I had a deep affection for him because he gave me an A+ in contracts. His name was Shepherd, Professor Shepherd. And I was the only A+ in the class and it certainly was the only class in which I got an A+. But I just thought he was a great teacher and I got enthusiastic about it. I don't mean to suggest that I could easily excel just by enthusiasm, but I loved that class and I loved the teacher, Shepherd. And I had another teacher, Herbert Packer, who was a criminal law teacher, and I took a couple of seminars from him, and he also did something unusual for me. That is to say, he made me enthusiastic about law, because most of it didn't interest me at all. And I do recall that somewhere around the middle of law school, I fell for a girl named Shirley Lindholm, and we decided to get married. I think I told you about that. We got as far as Emeryville and the car broke down. A long story with a happy ending for both of us: we never married!

05-00:02:27

Meeker:

What you had said before was that you were studying law at Boalt and then you—

05-00:02:31

Newsom:

That's right.

05-00:02:32

Meeker:

—met her at some point and then eventually you headed back to law school to Stanford?

05-00:02:40

Newsom:

Yes, exactly. And so I went back and forth between English lit, the master's program and law school, and the Army got somehow involved. It's not clear to me now exactly what year I'm talking about. 1956 or 57. I graduated Stanford in the half-year class and I'm trying to remember which class it was. I can't at this point.

05-00:03:31

Meeker:

Well, I have down that you—where do I have this down?

05-00:03:35
Newsom:

I started at Boalt Hall in fifty-five and then I left.

05-00:03:41
Meeker:

I see you were admitted to the bar in sixty-two.

05-00:03:44
Newsom:

Exactly. So I was in the class of sixty-one at Stanford Law School. But I was not a great student and I never loved it. I was simply putting in time to avoid the reality of working. And so I have no idea to this day why I became a lawyer, except by default. I couldn't think of anything else to do. I think I mentioned to you, looking back on my life, I think I would have been very good as an English teacher, especially at the high school level. And if I had any strength academically, it was in that field, not law. But one had to make a living and this was a way to make a living.

05-00:04:36
Meeker:

And so it sounds like you didn't enter law school either at Boalt or Stanford with a goal of going into law even before starting law school, and wanting to do, for instance, social justice law or corporate law or contracts.

05-00:04:59
Newsom:

No. Nothing like that whatever. Just a way of killing time and staying out of trouble and avoiding boredom.

[The following story was added in the editing process]

As a graduate student in English Literature I took courses from Newell Ford—an eminent Shelley scholar—who became a friend. This must have been around 1956 or so, just before I entered military service.

I was still living in San Francisco, and seeing less of my old friend, Paul Getty, than had previously been the case—perhaps because he was now married to Gail Harris and living in Marin County, with several small children as part of the household.

In fact, Paul had been grounded by Gail in the cause of temperance. And it was at just about this time that I was alerted to a modest financial opportunity which arose at the Palo Alto Mental Health Facility operated by Dr. Russell Lee. The Clinic offered \$200 per day for those brave souls willing to submit to experiments Lee was conducting with the drug LSD, then barely known and still quite legal. I was, as usual, flat broke, and accepted the offer to spend two days under the influence of LSD, prompted by the doctors to recite Gerard Manley Hopkins and other tactile poems, and to recite relevant insights derived from the drug into a recording device.

Time passed. Newell Ford, who had heard of my exploits at Lee's clinic, called to say that his good friend Aldous Huxley was coming to dinner. Huxley had heard from Ford of my LSD experiments and since he was then

engaged in the writing of *The Doors of Perception* expressed an interest in our meeting at Ford's home.

Few of my friends knew as much about Huxley as did Paul Getty, and I was anxious for the honor of introducing my old friend to one of his literary idols. I called, Paul first, then Gail, imploring her to lift her edict against all occasions of sin by her husband, and assuring her fervently that we would not touch even the weakest of spirits if she would relent.

Gail relented.

At the end of a spirited evening at which feeble attempts were made to resist several irresistible wines, it came time to leave. Newell Ford made the unwise request that we might like to drive Huxley—who was blind—to a nearby guest house, and both Paul and I found the request—like the wine—irresistible. We would be delighted! We would be honored!

I cannot through the mists of ancient memory remember who was driving, but as it was my automobile that was later that evening impounded, it is probable that I was its driver.

I drove as well as I could manage in the circumstances, but the pressures of escorting a world-famous author proved too great, and I (or Paul) jumped the curb in front of the Stanford bookstore, and were struck by the venerable oak tree which still stands (I believe) on that site, somewhat the worse for the collision.

Huxley, from the back seat, uttered an expletive which sounded like “Dear God!” I tried to reassure him, observing that fortunately after such a grand collision he appeared unharmed.

We were spared further embarrassing conversation by the arrival of the Stanford Police Department, who now took control of the interrogation.

I explained that as a grad student at Stanford, and a friend of Professor Ford, I had been given the honor of driving the eminent author of *Brave New World* home after a quiet (and temperate) dinner at the Fords when we inexplicably encountered the oak tree above the curb in front of the bookstore. I explained, further, that if I were by chance to be arrested, dire consequences might follow: i.e. my expulsion from Stanford and the disgrace of a Stanford student having endangered the life of a celebrated man of letters.

The officer's reply was decisive and melodious to my ears. It went something like this: “You guys get the hell out of here and I'll get the writer home... *Brave New World*? No kidding? *Brave New World*! I read it!”

Strangely enough, I never heard from either Huxley or Ford again. And neither did Paul.

[Return to interview]

05-00:05:10

Meeker:

Throughout the course of your law school education, then, did you develop a particular interest or goal in practicing a particular kind of law?

05-00:05:19

Newsom:

No. I gravitated toward environmental law, which hardly existed then. But I moved up to Lake Tahoe in the mid-sixties, after law school, and I found myself hearing about environmental law, and I was always enthusiastic about the environment. I was a major birdwatcher in my day, and I loved nature. I loved the outdoors. And so as it became clear that you could make a living in that area of the law, I tried to. I represented the Sierra Club and other groups up at Tahoe when I lived there starting in sixty-five.

05-00:06:17

Meeker:

So around this time, sixty-five, were you already a member of some of these organizations? Sierra Club and those things existed at that time?

05-00:06:24

Newsom:

Yes. Yes, I was. I no longer recall which, but I was certainly active in the Sierra Club and later in the Sierra Legal Defense Fund in Vancouver, in Canada. And I helped found the Mountain Lion Foundation. I can't remember the year, but with my great friend Sharon Negri, who's now married to Mark DuBois. And I had another friend who lived in Big Sur. Margaret Owings, a major environmentalist. She was another founder of the Mountain Lion Foundation. Those were just a few of the groups I belonged to. Later on, I joined the Sierra Legal Defense Fund, which is now Earth Justice Legal Defense.

05-00:07:30

Meeker:

Was that an outgrowth of the Sierra Club?

05-00:07:32

Newsom:

Yes, it was. They changed the name because the Sierra Club itself and the Sierra Legal Defense Fund were too similar. Earth Justice emerged as a separate entity, and it is now the principal lawyer for the environment in the United States and it has been a bastion of strength for the environment in the last few years in holding the line against the atrocious Bush Administration attempts to subvert the environment. I can't think of a group in the United States that did more on every front, wild life, wild places—the road-less rule they upheld in every circuit of the United States. A great organization. I'm still very active in it.

- 05-00:08:34
Meeker: So in the mid-sixties, when you became interested in environmental law—can you recall any of the particular specific issues that you were interested in?
- 05-00:08:45
Newsom: Well, yes. There was a lot of Tahoe litigation going on. Tahoe was being trashed in those days unmercifully.
- 05-00:09:01
Meeker: How so?
- 05-00:09:02
Newsom: There was a lot of dumping in the lake and they really didn't have a strong organization, a state organization safeguarding the lake. It's much stricter now. But still, over the last twenty-five years or so, I've seen an enormous degradation around the lake. But I understand the water quality is still pretty high and I give a lot of credit to people like Jerry Brown. He surrounded himself with people who really love Tahoe, even though Jerry didn't particularly know where it was. We had a couple of funny meetings at Sacramento. He would call me and ask me what to do about the lake. He had led a very insular life and so he really didn't know very much about the lake at all, hadn't spent much time there, but he knew its value. He cared about it. So I went up a couple of times when Gavin was a little boy, and we met with Jerry and talked about things at the lake. I was living up there by then, in Squaw Valley, and I've seen enormous changes in Squaw Valley, too. All change nowadays is the worst, pretty much, in terms of construction. There were just a few houses there and now there's a patchwork of development.
- 05-00:10:51
Meeker: Well, in the 1960s, this time, when you were initially up at Tahoe and becoming interested in environmental law, also coincided with the period of time your father was in charge of the Squaw Valley concession, at least, you know, the facilities on the Valley floor.
- 05-00:11:07
Newsom: Yes.
- 05-00:11:10
Meeker: Did your budding environmental interests ever clash with your father's interest to develop that area?
- 05-00:11:19
Newsom: No, because he took over the state park and the facilities were already in place. So he simply managed them. He wasn't looking to build new units. He took over a 300-unit hotel, which was the Olympic Athlete Center, and it was pretty much built just for the games—it had no individual bathrooms.
- 05-00:11:54
Meeker: It was like a dormitory.

05-00:11:56
Newsom:

Yes. Shared bathrooms. Pretty Spartan. So I had no conflict with my father on that subject at all. And he understood and appreciated the fact that I was interested in the environment always. He was a man of action with a big family to feed and he didn't know much about it, but what he knew, he approved.

05-00:12:26
Meeker:

Did your father also enjoy the outdoors, go skiing and that sort of activity?

05-00:12:30
Newsom:

We had a wonderful ranch in Kenwood, California, which later became the Kenwood Winery and Saint Jean Winery. He had a couple of hundred acres up there and he was a tremendous enthusiast for birds. Had a big collection of pigeons. We had every farm animal you can imagine. He rode a lot of horses. My father was a big horseman and there were always a lot of animals on our ranch. And so I came to my interest in wildlife naturally through my father. I'm sure that was the reason I was so enthusiastic about it.

05-00:13:19
Meeker:

So you said that you moved to Tahoe about 1965?

05-00:13:24
Newsom:

Yes.

05-00:13:25
Meeker:

Was there a period of time, then, before that and then between your Stanford education and when you moved to Tahoe that you were practicing law?

05-00:13:33
Newsom:

Yes.

05-00:13:36
Meeker:

Did you move back to San Francisco? Where were you living during that period of time?

05-00:13:40
Newsom:

I was living in San Francisco and I went to work sometime around sixty-one or two as an assistant court commissioner of the San Francisco Superior Court.

05-00:13:54
Meeker:

What does that do?

05-00:13:57
Newsom:

That was the research clerk for the entire court. It was a wonderful job. You worked for all the judges and in those days, if I might say so, almost all the judges were Irish-Americans and almost all the judges had a drinking problem. So I used to often, in the morning, be invited to have a glass of whiskey or brandy with my coffee in the morning, and I would beg off saying,

“You know, it’s a little early, Your Honor.” But there are some terrific judges who were terrific drinkers. Maybe I shouldn’t mention the names.

And there was one tyrannical judge. This was before you had the rule that you could disqualify a judge, one judge, which had changed things entirely. Because if you were stuck in the wrong courtroom, you were just doomed if the judge didn’t like you. And particularly if he was alcoholic and didn’t like you. I saw a few beautiful examples of that. And there was one judge who was a complete tyrant named Timothy Fitzpatrick. I remember working for Fitzpatrick one morning and being in the court room, and it was a major, major case, and they were arguing about fees. Even the big downtown lawyers had to be deferential toward Timothy Fitzpatrick. And they were extremely careful not to offend him. So they were quietly arguing about fees and protesting that he hadn’t been sufficiently generous with them. And all of a sudden, in the middle of a conversation, Fitzpatrick said, “Shut up.” This distinguished San Francisco lawyer said, “I beg your pardon, Your Honor?” I said, “Shut up. Wait a minute. Is this Charlie Leahy coming up the aisle?” And it was Charlie Leahy. And he said, “Charlie. Charlie. Come in. You guys shut up. We’re in recess. Come back, Charlie.” He said, “Let’s have a drink.” An hour and a half later, they emerged and the lawyers were waiting around to argue fees again.

But he absolutely ruled the courtroom in the probate department. And there were several judges like that, but nobody who had the power of Fitzpatrick. He either had an interest in the Market Street Railway or somebody close to him had an interest in it and you couldn’t get a judgment against the Market Street Railway unless he consented to it. I know my later partner, James Martin MacInnis, told me a story in which he said that he was allowed to get a \$10,000 judgment against the railway. And I said, “Why is that a big deal?” He said, “Bill, nobody got judgments against that railway while Tim Fitzpatrick was around.” And Tim liked me and he said, “You can keep \$10,000 of the judgment.” He had received a verdict of twenty-five or something, and Tim took it down to ten and left it there. Amazing in those days.

05-00:17:44

Meeker:

This was the superior court or muni court?

05-00:17:46

Newsom:

Superior court.

05-00:17:48

Meeker:

Superior Court of San Francisco.

05-00:17:48

Newsom:

There was a muni court, too, in those days. Now they are consolidated, but they weren’t in those days. It was great fun working for the court. And I met, later on, a lot of good judges and several who were very friendly and close

friends afterwards. I worked a lot of the time for Joe Karesh, who was a rabbi. And he handled the remarkable law—

05-00:18:21

Meeker: He was a rabbi and a judge?

05-00:18:24

Newsom: Yes, yes. A terrific guy. Very benign and sort of folksy—from South Carolina. And we had a major case while I was there. It was the Miller Lux litigation and there never was a more interesting case in California.

05-00:18:59

Meeker: It's land policy, right?

05-00:19:00

Newsom: Yes, exactly. There were about twenty clients and even the losers stood to make a fortune. The winners would make two fortunes, and so nobody could get hurt. And all the lawyers were going to be amply paid enormous fees. So there was an atmosphere of benignity in the courtroom I'd never seen duplicated. Everybody was in a good mood because they were all getting rich on the case. There's a famous case in *Bleak House* called Jarndyce v. Jarndyce, and this is kind of like Jarndyce v. Jarndyce. In Dickens, it went on for 150 years. This didn't last that long, but it was comparable. Anyhow, it went on forever, it seemed. And Karesh was presiding, and I'll never forget. There was a lawyer from Modesto, I'll think of his name in a minute, and he didn't like MacInnis, who was one of the lawyers in the case. And MacInnis kept goading him all through the trial. I remember there was a moment in the trial—yes, I recall now the lawyer's name was C. Ray Robinson from Merced. MacInnis kept referring to him in flowery terms. He would say, "Mr. C. Ray Robinson, whose presence adorns our courtroom this morning," and then he'd bow toward him. And Robinson's face would glower and become ruby red as a ruby. He couldn't stand the sight of MacInnis, and MacInnis just gave him the—what shall I say? Just took every chance he had to annoy Robinson.

There was a moment in the trial involving a lawyer from San Francisco, from Pillsbury, Madison & Sutro, and there was a discussion of the meaning of the term *per stirpes* and *per capita*, whether one took by right of representation the family's one share for four children or four shares for four children. It was a big factor in the case, *per stirpes* and *per capita*, and this lawyer from Pillsbury got up and said, "Your Honor, I was a Rhodes Scholar and I make some small claim to knowledge of the Latin language, and I'd like to say a few words about this," and he did, and it was quite boring. And MacInnis rose up like a whale coming out of the water, and he said, "Your Honor," he said, "may I be permitted a few fragmentary remarks in rejoinder?" And Karesh said, "Go right ahead." And he said, "*Quousque tandem abutere McBain*"—that was the name of the lawyer—"patientia nostra?" And the reporter said, "What?" MacInnis translated: "How long, O'McBain, will you abuse our patience?" And he added: "And the Court's patience?" And he said, "That is

from Cicero's second Catalinian oration." Attorney McBain got up and clicked his heels and bowed slightly and said, "A scholar." MacInnis rose again and said, "Turner, a mere snippet of high school Latin." Wonderful put down, wonderful rejoinder.

I had a great time in those days. This is right after I got out of law school, sixty-two or so, before I went to Squaw. But I loved the job and I got to know every judge on the San Francisco Superior Court. It later stood me in very good stead.

05-00:23:50

Meeker: Were you interested in joining a law firm in San Francisco at that point?

05-00:23:54

Newsom: Yes, I did, for a while. I joined an admiralty firm. Lillick, Geary—

05-00:24:14

Meeker: Wheat?

05-00:24:15

Newsom: Wheat, exactly. You knew the firm.

05-00:24:19

Meeker: I have it written down.

05-00:24:20

Newsom: You do?

05-00:24:22

Meeker: [laughter]. Yes. Yes.

05-00:24:23

Newsom: I worked there for a short time, but then I got a call from George Harris, the federal judge whose daughter was getting divorced from Paul Getty, my friend. And Gail was a friend, too. And J. Paul Getty called me, too, and they both joined in asking me to go to Rome to represent Gail and Paul—you could do that in those days. Both parties, one lawyer.

05-00:24:59

Meeker: They were living in Rome when they were getting a divorce?

05-00:25:01

Newsom: Yes, exactly. And Paul was working for Getty Oil Italiana.

05-00:25:06

Meeker: Can you clarify the Getty family? So Paul Getty would have been a junior, as well, or no?

05-00:25:13

Newsom: Gordon's brother. Both sons of J. Paul Getty, the oil man.

05-00:25:16

Meeker: Okay, all right.

05-00:25:19

Newsom:

Paul was a great pal, I've mentioned, at Saint Ignatius, and he went on to marry Gail Getty—Gail Harris Getty, whose father was Judge George Harris in San Francisco. They lived at 1812 Broadway. She was the only child and the apple of George's eye. So I was called to go there and I remember that one of the senior members of the firm, I think it was Wheat, called me and said, "Bill, this is a very odd thing. You haven't been here long. We like you. We think you have a good future here. But could I talk to you off the record?" I said, "Sure." He said, "This is a great opportunity. How much money are they offering you?" and the figure was a big one, like 50,000 or something to go there and do this, which was about two years salary for me. And he said, "Bill, you're making a big mistake, but you should certainly do it."

05-00:26:35

Meeker:

Why was it a mistake? Because it would interrupt your career?

05-00:26:38

Newsom:

A career mistake, yes. He said, "At your age, a single man, I'd just do it. Go for it." You know, they didn't say that in those days, but he said, "Do it." And so I did and I went over and I lived in Rome. I literally wrote out the settlement on the back of a few envelopes. Took them both out to dinner and made a settlement of the case, which was very complicated because there were a number of children involved and the amount of money that Paul Getty was receiving was only after taxes \$56,000 a year, if I remember, but he was going to inherit a much larger sum of money. And it was very difficult to come up with a rational figure for four children. I remember to this day, out of the fifty-six net he had, I took \$18,000 for child support plus education, then a sliding-scale percentage of his income, and that finally reached the point where it was an astronomical sum. Very complicated.

But looking back on it, it worked out pretty damn well because both were living with other people. At the time, this was semi-scandalous, you know. Gail was living with Lang Jeffreys and Paul was living with an actress named Talitha Pol, P-O-L. Talitha Pol, I remember, was related to the painter Augustus John. She was perhaps the most beautiful woman I've ever seen. That sounds extravagant. Put it this way: I've never seen a better looking woman. And she was very, very nice. A lovely woman. And died terribly young at age twenty-seven or twenty-eight, leaving one child, Tara Getty, who is living in South Africa now. We're very close. And Tara Getty was an infant when she died. She died of an accidental drug overdose. I don't think she was "a user", but she overdosed accidentally one night and died as a result and Paul had to leave the country.

05-00:29:40

Meeker:

Had to leave the country because he had some legal culpability?

05-00:29:43
Newsom:

Yes, exactly. The Italians were looking very closely at him.

05-00:29:48
Meeker:

Oh, she died in Italy?

05-00:29:49
Newsom:

Yes, in Italy. In Rome. Paul was working for Getty Oil Italiana, and so they got me a job there while I was living and working on the settlement. But it was a fascinating job for me and a wonderful time. Paul's friends were people like Gore Vidal, whom I got to know pretty well, and Dado Ruspoli, who was a strange, strange fellow. An older man with a teenage wife and a lot of rich stories about them. Some crazy interesting people. So I saw the world and really got around and had a marvelous time. I'm glad I didn't stay with Lillick, Wheat.

05-00:30:45
Meeker:

Because that would have been a conventional career path.

05-00:30:47
Newsom:

Exactly.

05-00:30:49
Meeker:

You mention Gore Vidal and you also mention Getty's younger wife and this other man's much younger wife. Was Gore Vidal's personal life well known to you?

05-00:31:02
Newsom:

No, I really knew little about him. He said to me one day, just to give you the flavor of the times, Gore Vidal said, "Bill, you've met Dado Ruspoli." I said, "Yes." "And you met his wife?" I said, "I have. Very attractive woman." And he said, "Well, let me make a suggestion to you. Do you want to be in the movies?" And I said, "No, not particularly. I don't see myself having any future there at all." He said, "Good. Then don't accept Dado's invitation to spend any intimate time with his wife." And I said, "He hasn't invited me yet." "He will," Gore Vidal said, "and when he does, if you accept, you'll make the movies. Do you follow my drift?" And I said, "Thank you very much."

05-00:32:01
Meeker:

Well, how about if you spell it out for me. What did it mean?

05-00:32:06
Newsom:

It meant I would be invited to share the bed of this lady, who was quite irresistible, and Dado would be there filming it in another room.

05-00:32:18
Meeker:

So [he meant] private films, not Hollywood.

05-00:32:19
Newsom:

Yes. I thought it was amazing that Gore Vidal gave me that heads-up and I thanked him for it afterward when I confirmed that that would have been my fate.

05-00:32:38
Meeker:

You were invited.

05-00:32:39
Newsom:

And I wondered why they were so nice to me. But there were a lot of freakish people. There was an actor named Ian Dallas who was in every Fellini movie. He was a cadaverous-looking person with a bald head and very long hair in the back, and he must have weighed about a hundred pounds, and [was] about 5'11, which is probably the reason he was in all the Fellini movies, because he was freakish looking. Very odd person. All I recall is that he was very odd. And I remember going to Paul Getty and Talitha's apartment on the Ara Coeli. They had a beautiful place on the fifth story in a narrow, narrow sixteenth-century building. I arrived there and there was a canary out of a cage and Talitha looked up. I had never met her. Looked up and shushed me and said, "Quiet." And for the next five minutes crawled around with a very skimpy costume, very skimpy indeed. A bikini or something. And crawled around trying to trap the canary and finally did it. And then only after that did everybody say hello. It was a very odd entrée for me. Anyhow, it was a lot more interesting than working at the Lillick firm in those days.

05-00:34:33
Meeker:

I can imagine. Back to the invitation to come adjudicate the divorce. Was the divorce to be governed by California divorce laws or was it an extralegal kind of arrangement?

05-00:34:49
Newsom:

When I finally wrote it up formally—I had a friend who had an office in Rome. He's now in Paris. I mentioned his name. La Forest Ethelbert Phillips. He was the top student in my class. Brilliant guy and still is, wherever he may be. In Paris, I think. And he provided me his office to draw up formal documents once I had Paul and Gail's signature on the basic agreement. We made reference to California law. It was litigated in California later on because Paul tried to break it, understandably, since it was pretty tough on him. I was pro-child, you know.

05-00:35:44
Meeker:

And it was understood that Gail would be taking the children?

05-00:35:47
Newsom:

Yes, yes. It was.

05-00:35:50
Meeker:

Before you agreed to do this, obviously there are attractions of moving to Italy and accepting a high fee. But the Gettys had been your close friends ever

since high school. Did you ever have any second thoughts about entering into a business relationship with family friends?

05-00:36:13
Newsom:

I became the trustee for the Getty children.

05-00:36:20
Meeker:

That was later on, though, yes?

05-00:36:22
Newsom:

No, early on, before I became a trustee for the Ronald A. Trust. And much later on, in eighty-eight, the litigation over the various trusts, when J. Paul Getty died, came to fruition, and that's when I was named to be a trustee with Christopher Getty and his sisters. And that was a different trust. So I had two stints, one as a trustee for the small children, Gail and Paul's children for a few years. I resigned from that as a result of my dispute with Paul, and later, as a result of Gordon's appointing me to his brother, Ronald Getty's, trust. I became a trustee of that trust.

05-00:37:20
Meeker:

The dispute with Paul was regarding Paul's son, J. Paul the Third?

05-00:37:25
Newsom:

Yes.

05-00:37:28
Meeker:

Well, we're getting ahead of ourselves chronologically.

05-00:37:28
Newsom:

J. Paul the Third is my godson.

05-00:37:35
Meeker:

We're getting ahead of ourselves there. So we'll get to that stuff a little bit later on.

05-00:37:38
Newsom:

Sure.

05-00:37:39
Meeker:

So you were in Italy at this point and then you decided to return and you moved to Tahoe. Am I getting the chronology correct?

05-00:37:49
Newsom:

Yes.

05-00:37:50
Meeker:

Okay. When you went to Tahoe, did you join a small firm or did you just hang out your shingle?

05-00:37:56
Newsom:

I hung up my shingle in Tahoe City, yes.

05-00:38:00
Meeker: And so this was William A. Newsom, Attorney-At-Law?

05-00:38:03
Newsom: Exactly. I had a great time. I had a quarter horse and I rode my horse every day and worked on weekends.

05-00:38:12
Meeker: Where did you live when you were there? Where did you live?

05-00:38:15
Newsom: On Squaw Valley Road.

05-00:38:18
Meeker: Okay. So you lived in the Valley itself?

05-00:38:18
Newsom: Yes. Beautiful house.

05-00:38:22
Meeker: Well, I guess I understand about this time, also, you would have met your wife Tessa, correct?

05-00:38:30
Newsom: We married in sixty-six.

05-00:38:32
Meeker: So when did you meet her?

05-00:38:35
Newsom: She was babysitting for my sister Barbara when we had met at Squaw Valley. And that was, I guess, sixty-five or around then. No, sixty-four. And I just fell for her. She was quite young. She was nineteen when we married in sixty-six and I was thirty-two. Scandalous.

05-00:39:12
Meeker: Was it scandalous?

05-00:39:13
Newsom: No, no. I don't think it was. Other people thought she was too young, but I used to jokingly remind people Virginia Clem was thirteen when she married Edgar Allen Poe; that was probably unseemly, but nineteen wasn't that bad. I think Tessa was eighteen when we met, possibly even seventeen, and going to Chico State. We got married when she was nineteen.

05-00:39:47
Meeker: What was her background?

05-00:39:49
Newsom: A twin whose mother, Trigger Addis—that was her stage name. Jean was her real name, Menzies [was her] married name. She was an actress whose father was a famous liberal. Dr. Thomas Addis. He's very much a prominent figure

in a current biography of Oppenheimer. He was a famous radical leftist figure in San Francisco. Apparently a fantastic man. The inventor of a new kidney count called the Addis Count. My nephew, Michael Shearer, who's a political correspondent for *Time* magazine, did some interesting research on Addis. He was a phenomenal man, famous in San Francisco. Famous for being left-wing, compassionate, always virtually penniless, and a brilliant surgeon and consultant in the realm of general medicine. I've drifted away from the question, which was—?

05-00:41:28
Meeker:

Well, I was just seeking some background on Tessa.

05-00:41:30
Newsom:

Yes. They were twins, and Arthur Menzies, whom I know well, was a celebrated amateur horticulturalist and worldwide expert on California wildflowers. A very, very nice but troubled fellow who committed suicide when Tessa and her twin sister were still quite young. I can't remember exactly when that was. It was after Tessa and I married. He remarried and then committed suicide at his home in Stinson Beach. He had a serious drinking problem, I recall. Wonderful guy but unhappy. He had made the Bataan Death March. That will make you unhappy. Guaranteed, you know, and he never got over it.

05-00:42:39
Meeker:

So her background was San Francisco, as well?

05-00:42:42
Newsom:

San Francisco. She went to Lowell High School and then Chico State. She was beautiful, very beautiful.

05-00:42:51
Meeker:

So when you were during this period of time, living in Tahoe, courting Tessa, and you were practicing law under your own auspices, what sort of cases were you doing? Were you like a country doctor, I guess?

05-00:43:07
Newsom:

Yes.

05-00:43:09
Meeker:

Kind of a general practitioner?

05-00:43:10
Newsom:

The war on drugs, the laughable war on drugs, was just starting. It was, if possible, not as much a failure then as it is now. It's ludicrous now. But even then it was a joke. But people took it a little bit more seriously. So if you, for example, were caught with a small amount of marijuana, you could get in terrible trouble. So I had a lot of those cases. I knew all the DAs in Auburn, assistant DAs, and I could make deals that not many people could make just on the basis of personal friendship. And made a good living with that in criminal law to begin with.

05-00:44:04
Meeker: So the area that you covered was the entire bit of Placer County, it sounds like.

05-00:44:07
Newsom: Exactly. I was one of maybe three or four lawyers—my guess is there would be seventy-five or a hundred now.

05-00:44:26
Meeker: And so it was mostly criminal defense then?

05-00:44:28
Newsom: Yes. And some civil law and some early environmental law.

05-00:44:37
Meeker: How many superior court lawyers were there in Placer County? Or were there like country judges then?

05-00:44:45
Newsom: There were two judges up there when I was practicing. Two. One was Ron Cameron, the other one was Leland Propp.

05-00:44:56
Meeker: I had the opportunity to interview Richard Arnason, who is a superior court judge. He still sits on the bench.

05-00:45:02
Newsom: Still?

05-00:45:05
Meeker: He is long retired, like fifteen years, but he still presides over capital cases.

05-00:45:10
Newsom: Yes, a very good judge I've heard.

05-00:45:13
Meeker: Yes. And he has so many decades experience. He had some very interesting perspectives to tell about how the practice of law has changed in California, and he was a lawyer, I guess, in Solano County at the time when—I don't know if there were superior court judges. I think it was setting up a courtroom in the back of a bar or in the back of a dry goods store or something like that and kind of adjudicating cases in that way, to the point that now it's a highly formalized, very institutionalized practice.

05-00:46:01
Newsom: Oh, yes. That was very informal in those days. Not in San Francisco, but over his way. How old would he be now?

05-00:46:08
Meeker: He's in his mid-nineties.

05-00:46:10
Newsom: Is he really?

05-00:46:12
Meeker: Yes.

05-00:46:13
Newsom: Amazing. And still lucid?

05-00:46:17
Meeker: Yes, yes. I just finished an interview with him in August and we did it in his chambers.

05-00:46:25
Newsom: I never met him, but I always heard he was a great fellow.

05-00:46:28
Meeker: I think he gained most renown, or notoriety—I'm not quite sure what the term would be—by presiding over the Angela Davis trial in Santa Clara.

05-00:46:38
Newsom: Yes. I remember. Reputation of being a hell of a good judge. I've never heard any disagreement with that assessment.

05-00:46:50
Meeker: Well, it's clearly his life.

05-00:46:53
Newsom: His life. Now and then you hear there's somebody who's certain he was doing the right thing. I never was myself.

05-00:47:05
Meeker: Well, the reason I bring him up is during this period of time in the 1960s, practicing in Placer County with just two judges. When you were practicing law before these judges, did it feel like a fairly informal practice?

05-00:47:21
Newsom: Yes, very much so. But one of the judges was a miserable person. I didn't like him, he didn't like me. The other was a great guy, Ron Cameron. Brilliant, too. Order of the Coif. And we got along very well, but the fact that I didn't get along well with Propp made it difficult.

05-00:48:10
Meeker: Judges in California being appointed by the governor brings up this question of the degree to which the judiciary is independent or it's politicized. And obviously you have a much longer history after this period of time. But when you first started working with these judges in a rural county, did it feel like you were engaging with individuals who were attuned to the politics of the day or did it feel like you were interacting with individuals who were removed from the dirty work of politics?

05-00:48:50
Newsom:

The latter. There were a few one-judge counties. In Alpine County the judge was Hillary Cook, and before him, a judge named McGee. I remember hearing a story about McGee in my time, that in the middle of a trial a different version of the truth emerged and McGee became convinced that one Mr. Jones was the culprit, we'll say, in a civil suit. And he said, "Go get Jones. Bring him over here."

And he said, "Mr. Jones, you know you owe Murphy here \$4,800. Fork it over," and settled the case in the middle of trial. Highly irregular. What choice did Jones have? Alpine County was a tiny county. We didn't have anything quite that informal but it was pretty informal. And there were several mountain counties. Nevada County was another one. I was a judge in Placer and by appointment in Nevada County, too, and I used to enjoy going over there. It was very slow, easy practice.

05-00:50:34
Meeker:

Nevada County, is that Nevada City?

05-00:50:35
Newsom:

Exactly. It's changed a lot recently. Placer, Nevada, Alpine. I sat on a number of counties up there. And also, I think I told you that I was a judge by appointment in seventy-five in Eureka.

05-00:51:01
Meeker:

No. Well, we haven't gotten to that point yet.

05-00:51:04
Newsom:

Yes. When we do, make sure you ask me about the sheriff up there. I presided over his trial. He was the bigwig of the county. Gene Cox. That's when I first became a judge in seventy-five. I was in Placer but they called me and said, "Could you go up to Humboldt County for a month?" It turned out to be four months. That was great duty because in those days, abalone was three dollars a serving. Not a pound, three dollars a serving, which is about two pounds. Great restaurants, too.

05-00:51:57
Meeker:

Interesting. You had mentioned that during this period of time in the sixties, you had represented a few environmental cases. Can you recall any of those, or in general, what they were about? I assume that you would have been representing—

05-00:52:14
Newsom:

The League to Save Lake Tahoe, for example. I represented them in several cases.

05-00:52:20
Meeker:

Who would they have been fighting against? Developers or—?

05-00:52:23

Newsom:

Yes. Developers. I was always on the anti-development side when I could be, unless I had a very rich developer client who wanted some advice. But I liked being on the environmental side very much more.

05-00:52:41

Meeker:

How was it that during this period of time, you know, before most of the environmental regulations that lawyers would now have recourse to existed, how would you have tried to slowdown or stop development on top of—?

05-00:52:58

Newsom:

The Sierra Club would hire me. The legal theory might be a nuisance or something like that. Pollution based nuisance lawsuit, and we would do our best to hold back the tide of development. But you were usually on the losing side You actually, ironically, today have a better chance of stopping things than in my day.

05-00:53:30

Meeker:

I mean, the history of environmental law is something I don't have an expertise in, but I understand in California some of it comes from suits against mining companies and tailings coming down rivers. You would have, I guess, used some of these arguments?

05-00:53:46

Newsom:

Exactly. I think the bedrock theory was nuisance, public nuisance, pollution comprising some kind of nuisance lawsuit. Poisoning the water, things like that. Things that the Bush Administration still loves: arsenic and stuff like that.

05-00:54:15

Meeker:

Which we now have to speak about in past tense.

05-00:54:20

Newsom:

Thank God.

[End Audio File 5]

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06-00:00:03

Meeker:

So during this period of time in the mid to late sixties, when you were living up in Tahoe, I assume you maintained relationships with folks in San Francisco?

06-00:00:21

Newsom:

Yes.

06-00:00:22

Meeker:

Who were some of your main contacts, then? Where to begin?

06-00:00:29
Newsom:

In the sixties?

06-00:00:29
Meeker:

Yes. Well, so I guess what I'm getting at, just to give you a sense of where I'm going with this—I'm interested in getting a sense about how you came back to San Francisco and ran for public office twice. And so I'm interested in talking a little bit about your interest in starting a political career. So with an eye to getting into those discussions, when you're in Tahoe, what sort of contact did you have with San Francisco's political world at that time?

06-00:01:03
Newsom:

Well, I must have kept active in politics because I ran for two offices in sixty-eight.

06-00:01:14
Meeker:

Well, sixty-seven was—

06-00:01:16
Newsom:

Sixty-seven and sixty-eight. And sixty-seven for the board of supervisors. So I kept very active in San Francisco politics. Ironically, as you know, I wound end up running against my brother-in-law, Ron Pelosi, for supervisor in sixty-seven.

06-00:01:37
Meeker:

But it was an at-large election, so—?

06-00:01:52
Newsom:

Anyhow, my father, through Jack Shelley—my father was Shelley's treasurer.

06-00:01:59
Meeker:

Oh, I didn't know that.

06-00:02:02
Newsom:

Yes. He got Ron Pelosi a job on the planning commission through Shelley, and my father, being a fair-minded fellow, didn't want to advantage Ron Pelosi over me, but on the other hand, I couldn't quite compete with the fact that Ron had the advantage of being a planning commissioner. So he won and I lost. But I think I got 57,000 votes, which is just out of the money. And then John Burton and George Moscone talked me into running for the state senate. And the problem with running for the state senate was that nobody could ever beat Milton Marks. I list just a few victims: Bill Blake the supervisor, Ron Pelosi, John Burton. Everybody ran against him and everybody lost. And why that was so, I can't say, because it's a Democrat city, then, as it is now, but Milton was a Republican. But he was a completely liberal Republican. The joke used to be that he would wait in the state senate for Moscone's vote, which came after him, and he'd pass until Moscone had voted. He'd vote that way. A really nice guy. My father had said to me one day, "Bill, why in the world are you running against Milton? Everybody likes Milton."

So the Burtons wanted me to do it and Willie Brown was the other guy who talked me into it. And looking back, it was a big mistake because it was a major factor in the failure of my marriage in sixty-eight. Tessa was just devastated by, first, the sixty-seven loss and financial problems it caused, and then following that with the Senate race immediately, which I did, because I thought the iron was still hot. I was still fairly well known. And that really did it to the marriage.

06-00:04:42

Meeker:

Well, let's talk a little bit more about sixty-seven. You're living in Tahoe. Presumably you just got married. Did you and Tessa move back to the Bay Area?

06-00:04:54

Newsom:

Yes. We lived in Stanyan Street in Tessa's family home.

06-00:05:00

Meeker:

What brought you back to San Francisco?

06-00:05:03

Newsom:

I'm not sure I had really left. I'd sort of drifted up there and back because of the Squaw Valley thing that my father was doing in sixty-one and two. And so I was spending a lot of time up there and I never really moved full-time there. Continued to live in San Francisco on Stanyan Street with Tessa, and the kids came along just about then. Sixty-seven and sixty-eight.

06-00:05:47

Meeker:

Why did you want to run for supervisor in sixty-seven?

06-00:05:51

Newsom:

I had a political background and I was always involved in politics. My father was as well.

06-00:06:07

Meeker:

Who was counseling you?

06-00:06:09

Newsom:

I must say, it's probably nobody, because it was such a foolish thing for me to have done.

06-00:06:17

Meeker:

Why do you say that?

06-00:06:20

Newsom:

Because I lost, because I had my father's divided support, because whatever he did for me he would do for Ron Pelosi and my sister. It created unnecessary frictions in the family and when I lost, a lot of people felt that the reason I lost was Ron. We came from the exact same background, and the same family, so to speak, and it was just a bad mistake. And then an even worse one to run against Milton, although I did pretty well. I was fifty-

three/forty-seven. Not a landslide by any means. A fairly close election. And that got me rather deeply in debt. It took me years to get out of debt. I borrowed a lot of money and really the worst part of it was Tessa had no interest in being the wife of a candidate, perennial candidate, and so it was a bad mistake, looking back on it. I'm sorry I did it. But it was a compressed time frame. All happened in about a year or a little more. But I think the Burtons and Willie Brown, their support went to my head. And I won the primary rather handily and beat John O'Connor, who was a fairly popular figure in San Francisco. That also is heady stuff and got me sort of euphoric and clouded my judgment. Anyhow, that was that.

06-00:08:26

Meeker:

Well, you might say that I'm profoundly interested in San Francisco politics, particularly during this period of time. Do you mind if I ask more questions about it, just from your perspective about what was going on then. The board of supervisors in 1967 was elected at large, meaning that you wouldn't have gone head on with any other person. I guess it would have been the top five or six vote getters would have been elected into office.

06-00:08:56

Newsom:

That was it.

06-00:08:57

Meeker:

By tradition, the top vote getter would have been the president of the board for that two year period of time. Where was Ron Pelosi living, I guess, at that point in time? You couldn't have been running head on head against him, so how—

06-00:09:18

Newsom:

I wasn't.

06-00:09:19

Meeker:

—was it that you see that there was a competition?

06-00:09:23

Newsom:

Well, financially. All Ron's support came from my father's friends, and so did mine, but less of it, because Ron was a much better known figure in San Francisco politics and a much likelier person to win. That's the reason he attracted more support.

06-00:09:45

Meeker:

Who were some of the supporters?

06-00:09:47

Newsom:

Bill Malone.

06-00:09:50

Meeker:

So he was still a figure at that point in time?

06-00:09:53
Newsom: Oh, yes, yes. Very much so. And Shelley and all Shelley's cadre. I can't think now but if I had a list of names, I remember—

06-00:10:13
Meeker: Well, McAteer probably.

06-00:10:14
Newsom: McAteer was a big supporter of Ron's.

06-00:10:18
Meeker: Yes. He was a big name before he died.

06-00:10:20
Newsom: Yes. You name it and Ron had them, because he had been a very efficient member of the planning commission. He might have been the president of it. A very smart man.

06-00:10:33
Meeker: The way in which you would run for a city office in San Francisco then must have been much different from now, especially when you have district elections. You just focus on your small constituents and your relatively small constituency. How did you run for a citywide office then? Did you look at sheer numbers or were you trying to look at specific constituencies and bring them to your side?

06-00:11:02
Newsom: It was a very complicated task and I don't recall that I had any campaign manager. I really don't. I think Ron did. I was sort of foundering from the beginning, I thought.

06-00:11:21
Meeker: So you didn't approach it with like a clear strategy, it sounds like.

06-00:11:25
Newsom: No, I didn't.

06-00:11:27
Meeker: It was an interesting election. Not only was Ron Pelosi elected, but I think was Dianne Feinstein's first election, as well.

06-00:11:36
Newsom: Yes, yes.

06-00:11:38
Meeker: Ten years later, right, politics in San Francisco had changed immensely, and that's when you have Harvey Milk and that generation elected. Where on the spectrum of people who were elected in that election would you have placed yourself politically?

06-00:12:05
Newsom:

Somewhat left of Ron Pelosi. Slightly left of center. Very much opposed to the Vietnam War, which was obviously not a city issue, but became one. And yes. Left of center. At that time, San Francisco, the board was comprised of people who were—Peter Tamares, Bill Blake. Not liberals at all. And Byron Arnold. Conservative business types. And the city was changing radically. So in those days, I was very much left of center and Ron was a little right of center. Republican background and much more palatable to my father's friends. Much more. And so looking back on it, it was a terrible mistake for me to run at the same time Ron was running. Stupid.

06-00:13:24
Meeker:

Speaking of changing parts of the city, right. I mean by sixty-four, sixty-five you have the creation of the Human Rights Commission in San Francisco, which is in response to the civil rights actions at the Sheraton Palace and Auto Row, and you have the appointment of the supervisor? The African American guy's name I'm totally forgetting.

06-00:14:02
Newsom:

Terry François?

06-00:14:03
Meeker:

Yes, Terry François.

06-00:14:06
Newsom:

Yes. Rather conservative guy.

06-00:14:06
Meeker:

Conservative guy, but nevertheless changing the face of what the board of supervisors, at least, looked like. And then you also have some appointments of Chinese Americans to important positions around the city. I don't know that there were any supervisors at that point in time. Like the postmaster, I think, was—

06-00:14:25
Newsom:

Might have been one. But the first Chinese Americans really got involved in those days.

06-00:14:30
Meeker:

And so I guess one of the things that I also learned that you did was actually campaigned in that election for the gay vote.

06-00:14:44
Newsom:

I did?

06-00:14:46
Meeker:

Yes. How did that come about?

06-00:14:48
Newsom:

I don't know. I was always supportive of gay rights.

06-00:14:55

Meeker:

But that concept didn't really exist, then, did it?

06-00:14:57

Newsom:

Barely. It was emerging. Yes. And I had friends. What was his name? Dorrwin Jones was one. And I crossed over to the gay community, which was obscure in those days. Anyhow, that made me left-wing in San Francisco, I think. But I had strong feelings about it.

06-00:15:32

Meeker:

How was it that you developed strong feelings about it?

06-00:15:35

Newsom:

I don't know. I never liked discrimination, mindless discrimination, and I saw that as mindless discrimination. And I never thought of being a precursor of anything. But I just thought it was the right side to be on.

06-00:16:04

Meeker:

Forgive me for thinking like a historian, thinking conceptually about eras. And I've looked a little bit into, for instance, commission appointments in the history of San Francisco, and from what I understand in the teens, there was this informal but widely accepted arrangement whereby many commissions in San Francisco, the mayors would work with the rabbi at Temple Emmanuel, the dean of Grace Cathedral, and the archbishop to determine an acceptable slate of candidates to be appointed to the school board and the other commissions in San Francisco.

06-00:16:49

Newsom:

I heard that. But I only heard it.

06-00:16:55

Meeker:

But then thinking historically, this begins to change a little bit in the fifties, but mainly in the sixties, when then there's acknowledgment that, oh, there is another voting constituency out there. African Americans in Hunter's Point and Western Addition, and then there's also Chinese Americans in Chinatown. And so there is kind of a reorientation, to a certain extent, away from the Protestant/Catholic/Jew configuration to more white, black, Asian, Latino, I guess, if you're looking at the Mission District. And then by the 1970s, you have this gay constituency. And it seems to me that by going and seeking the gay vote in 1967, you maybe also played a role in creating that new constituency. Do you see that? Or did it seem like it already existed?

06-00:17:59

Newsom:

It seemed conceivable. Just as conceivable to me that I did, but I wasn't really conscious of it.

06-00:18:08

Meeker:

Yes. Not that you in particular would have done it, because I think Diane Feinstein also went and courted the vote. But I guess I'm trying to just get insight into how a politician looks at a city. There were 700,000 people here.

And how do you say, other than going door to door, how do you say, “I’m going to get 60, 70,000 people to vote for me?”

06-00:18:40

Newsom:

I never figured that out. I never really gave it careful thought at all. Never did. I just went out every night and rang doorbells and made speeches. But I had no systematic approach at all. Ron Pelosi would have been very much loathe to court the gay vote, if there was one then. He just ran as a business guy, a stockbroker. And that was an okay thing to be in those days. It was all just about to change.

06-00:19:20

Meeker:

Well, from your perspective, then, how did it change? What were some of the things that you noticed as far as the change?

06-00:19:26

Newsom:

I didn’t notice them. It was just happening. I was up in Tahoe more and more after that, after my marriage collapsed in sixty-eight. I pretty much moved to Tahoe and stayed up there and stayed out of San Francisco. And so I missed the scene here.

06-00:19:51

Meeker:

So it sounds like then, in advance of you running for state senate in sixty-eight, you fell in more with Burton and Brown. Were you interacting with them in sixty-seven when you ran for supervisor?

06-00:20:11

Newsom:

Yes, but more in sixty-eight. They came to me and said, “Look, there’s a great chance to beat Milton.” And I kept vacillating and I changed my mind because Tessa didn’t want me to do it. I told Moscone I’m not going to run and he then opted to support Marks. And the best I could do at that point was secure his neutrality. And that was the kiss of death for me. If I’d had Moscone, I would have won the election in sixty-eight.

06-00:20:82

Meeker:

Because he was the other state senator representing San Francisco?

06-00:20:51

Newsom:

Yes. Very popular. Very. And a good friend.

06-00:20:57

Meeker:

When did you first meet Moscone?

06-00:21:04

Newsom:

When he first ran for office. He came to my house and met my father with Burton. My father liked them. He was not on their side. He was more a Malone man.

06-00:21:24

Meeker:

So your father accepted Phil Burton but wasn’t a huge supporter?

06-00:21:29
Newsom: Yes. He thought he was too left. Too liberal.

06-00:21:33
Meeker: A *Los Angeles Times* article actually contrasted you with John Burton, who had run against Milton Marks in a special election.

06-00:21:44
Newsom: Really?

06-00:21:45
Meeker: Yes.

06-00:21:46
Newsom: I never read it.

06-00:21:47
Meeker: I mean, it was just a little passage, and it was saying that you had a good chance of beating Marks, because it described Burton as ultra liberal, whereas it described you as having some success in uniting the sort of liberal and moderate parts of the Democratic Party.

06-00:22:09
Newsom: Well, that's a fair statement, because John [Burton] was decidedly left. I was amused the other day when somebody called me from one of the mountain counties and said, "Is this guy Burton really a liberal?" And I said, "Are you kidding me? Is the Pope really Catholic? Burton is a liberal's liberal." Anyhow, they weren't sure.

06-00:22:42
Meeker: Interesting, yes?

06-00:22:41
Newsom: In Modoc County, or something. Yes.

06-00:22:46
Meeker: Well, how would you have differentiated yourself from Burton at the time? Do you know?

06-00:22:53
Newsom: I was much more across the board conservative. More sympathetic to centrist ideas. And Burton was very much tied in with the [Jack] Morrison's and that side of the party. I wasn't. I was somebody who got along with Ron [Pelosi], and Quentin Kopp and Leo McCarthy. That was the other reason Ron did so well. He had those guys all backing him. They were a considerable force in San Francisco for a long time.

06-00:23:34
Meeker: Why do you suppose Ron never went beyond a supervisor position?

06-00:23:42
Newsom: I forget what he did that was seen as foolish. He ran against Milton. He lost to Milton, right. And he came out against marijuana, which is a bad mistake.

06-00:24:02
Meeker: In San Francisco.

06-00:24:02
Newsom: Yes. And Milton was pro-weed. And I heard from a lot of people that really did Ron in.

06-00:24:13
Meeker: Interesting.

06-00:24:14
Newsom: Interesting, huh?

06-00:24:15
Meeker: Yes. What does it mean to come out against marijuana?

06-00:24:18
Newsom: It was foolish. He spoke in favor of increasing penalties and putting an end to marijuana use. Why would you do that in San Francisco? I heard that was one of the reasons. I don't remember anything else, but he made some very bad decisions running against Marks. I thought he was going to crush Marks.

06-00:24:49
Meeker: Yes. Well, eventually Marks did change parties in the eighties.

06-00:24:54
Newsom: Yes, yes. And he was almost defeated as a judge and couldn't ever win any other office. He ran for Congress, I think, against Phil [Burton] and got crucified. Just crushed.

06-00:25:10
Meeker: But was able to keep the state senate?

06-00:25:13
Newsom: Yes, always. He's the house state senator, you know.

06-00:25:20
Meeker: Yes. I'm wondering if you can comment on Dianne Feinstein. Who knows what would have happened to Phil Burton if he had lived? But clearly Dianne Feinstein has been the most successful politician to come out of San Francisco during the 1960s.

06-00:25:43
Newsom: Yes. Phil, as you know, lost by one vote to become the speaker and they had a terrific future. He was a genius politically and what can I say except that his demise was, as it turns out, the opening for Dianne [Feinstein].

06-00:26:13
Meeker: How so?

06-00:26:15
Newsom: Well, I don't know.

06-00:26:17
Meeker: Kind of as a political boss, in a sense?

06-00:26:20
Newsom: No, no. I can't account for Dianne's emerging popularity. I can't. I haven't paid that much attention to it.

06-00:26:33
Meeker: So you wouldn't attribute it to being an accident of Moscone's murder? When she becomes mayor?

06-00:26:44
Newsom: You could. Yes, I can't say. Right place, right time. And Ron Pelosi I thought was going to be the mayor at that time. And he and Quentin Kopp had some kind of a deal, but something happened. I think Dianne was a compromise candidate. I'm not sure.

06-00:27:16
Meeker: The question of political deal making is central to the success of politicians. Do you feel like that was something that you weren't interested in engaging or that you just never really got into?

06-00:27:32
Newsom: I never got into it. Seriously. Ron was much more adroit than I was and we had those two factions in San Francisco, Kopp and McCarthy, and Ron was on that side, and John, and Morrison and Phil and the other, Willie, they were pretty evenly balanced, but something happened along the line and one side went out. Leo became the speaker. I don't know. Kopp kept getting more strident and more conservative and finally took himself out of San Francisco politics, I thought, completely. Yes.

06-00:28:18
Meeker: Yes. Well, I also interviewed Quentin Kopp. Maybe it was like a three- or four-hour interview. And I was really interested in asking him about his politics and interested in trying to figure out if, from his perspective, he thought his politics had changed or the politics of San Francisco had changed.

06-00:28:45
Newsom: He changed.

06-00:28:47
Meeker: You think he changed?

- 06-00:28:48
Newsom: Yes. He became very close to [John] Barbagelata. He was a newly-arrived Jewish liberal from upstate New York when he got here, to San Francisco, and he came way, way to the right. I've seen that over the years. And even now he's very conservative. I'm not sure. Would he have been for—certainly for McCain over Obama and probably for Bush. He was probably a Bush guy. Very conservative.
- 06-00:29:36
Meeker: I don't know. I won't ask more speculation about his politics. Do you have any insight into the end of Shelley's term and the selection of Alioto to run instead of him? I mean, Shelley only was there for one term.
- 06-00:30:01
Newsom: He had a drinking problem. A major-league drinking problem. And I'm trying to remember how he left.
- 06-00:30:08
Meeker: The decision for him not to run again is only really whispered about, I guess, and I don't know how many people are willing to say things specifically.
- 06-00:30:20
Newsom: Booze.
- 06-00:30:21
Meeker: Booze, okay.
- 06-00:30:23
Newsom: What was your read on it?
- 06-00:30:25
Meeker: I had no idea. I assumed it was something along those lines.
- 06-00:30:27
Newsom: I think it's booze. Yes. I think liquor. He was, by the end of the day, in bad shape, you know.
- 06-00:30:36
Meeker: Well, there were also a lot of things going on in San Francisco at the time. I've done a little looking into the War on Poverty that comes to San Francisco in 1965 and sixty-six, and he is constantly confronted by basically a new power block in the city, which is beyond radical, I guess you would say.
- 06-00:31:06
Newsom: Burton. Phil Burton.
- 06-00:31:07
Meeker: Well, it was even—
- 06-00:31:10
Newsom: He intimidated Shelley, I think.

06-00:31:12

Meeker:

Yes. But even beyond Phil Burton, you had the emergence, at this point in time, of all the community activists in Hunter's Point and Western Addition. They were getting all this money from the federal government, and Shelley basically proved himself impotent to manage that money himself. It was given to the community activists.

06-00:31:46

Newsom:

My read on Shelley, looking back and reminiscing with my father, was that he was no great shakes. A man of modest abilities. Unlike, for example, a prior congressman, Frank Havener. My father thought Havener was an excellent man, a tough guy, very efficient. Nobody ever talked to me about Shelley in glowing terms or said, "What a guy. What a mind," or anything else. He was just putting in his time. He had a drinking problem.

06-00:32:30

Meeker:

Do you have any thoughts about the two terms of Joe Alioto?

06-00:32:46

Newsom:

Did he serve two terms? Alioto?

06-00:32:50

Meeker:

Yes. He was mayor from sixty-seven to seventy-five, I think. Yes.

06-00:33:08

Newsom:

I don't have any thoughts.

06-00:33:10

Meeker:

Or sixty-eight to seventy-six, I guess. I don't know. The odd and even years of San Francisco get confusing.

06-00:33:18

Newsom:

I was not paying attention. I was living up in Tahoe and I never thought that McAteer was a particularly gifted person. Alioto was very gifted, but he was also—what can I say and not say too much? He was a person very much obsessed with his own success, financially and otherwise, and he was always either in big trouble financially or on the verge of it. He thought big, he played big as a lawyer. I saw him in court—very brilliant. He wound up deeply in debt and leaving his wife, who worships him, in terrible financial shape. I guess his first wife's alive and probably puts voodoo pins in his doll all the time. An astonishing guy. Somebody once described him as a steam engine in trousers. Like Mussolini. Brilliant, articulate, but I think ultimately unscrupulous. I wouldn't say that lightly, but I've known people who knew him well and were used horribly by him financially. I remember his cousin Frank telling me once they had a deal on a guaranty and it was open and shut with [Ben] Swig. And Frank just stepped to the plate and said, "We owe the money." And Joe said, "I wasn't there, it's not my signature. I don't know. What are you talking about?" He would do anything to sidestep an obligation when times were tough.

06-00:35:39

Meeker:

Interesting. You mentioned this kind of Mussolini character, and I'm wondering if it's possible to comment on the different styles of Italian politicians versus Irish politicians. You moved from a Shelley to an Alioto and I think that now, forty years later, people would just look back and say, "Oh, they were all white men," but I wonder if at the time there were thoughts about how an Irish-American versus an Italian-American administration would be different?

06-00:36:20

Newsom:

Well, Alioto was one of a kind, seriously. I don't think we ever had anybody as brilliant as that as mayor. But his brilliance was not matched by his principles at all. As you know, he came to a sort of bad end in politics with that *Look* magazine stuff. He was indicted, however, unfairly—in Washington State while running for Vice-President with Humphrey.

06-00:37:02

Meeker:

Oh, yes, Humphrey.

06-00:37:10

Newsom:

So he was a very bright guy, but always on the edge of things. And I know some stories that I really shouldn't tell. But I think he was a charming rogue. That's the way I sum him up. A brilliant rogue.

06-00:37:33

Meeker:

So you wouldn't necessarily characterize an Italian American administration versus an Irish American administration?

06-00:37:39

Newsom:

No. Joe was Sicilian, which I consider different from most Italian people. And he had a really harsh Sicilian lineage. It's hard to compare him to anybody. I never saw a really strong Italian strain in San Francisco politics. Angelo Rossi was not Italian, really. He was Italian, but he was a San Franciscan and a benign fellow. But Alioto was a tough, ruthless guy, and quite brilliant, quite efficient. I'm not sure whether he was a great mayor or not, because I never heard that about him. He came out of nowhere. As you know, when McAteer died, he stepped right in. Such an eloquent guy. He was hard to stop. Who ran against him? Dobbs, I think.

06-00:38:44

Meeker:

I believe so. Yes.

06-00:38:47

Newsom:

Anyhow, that's all I know.

06-00:38:50

Meeker:

Okay. During this period of time, on a state political level, we see the emergence of Ronald Reagan as a figure to contend with. Did anyone, either left or moderate Democrats, see him coming?

- 06-00:39:08
Newsom: See who coming?
- 06-00:39:10
Meeker: Reagan.
- 06-00:39:10
Newsom: No. I remember my father telling me that they were all supporting Reagan because they thought Christopher was a much stronger candidate than Reagan. All the Democrats. Malone, my father, Geller, all of them said, "This is a guy who's a clown. No future at all."
- 06-00:39:39
Meeker: Yes. Well, George Murphy had already been elected to the Senate, who was also a star or sorts.
- 06-00:39:43
Newsom: They didn't get the message. They didn't, seriously. But nobody gave Reagan a chance. A bunch of car dealers like Tuttle got together in Southern California and said, "Let's run the guy. He's charming, he's affable, photogenic." He got a brilliant guy to come up with a brilliant slogan. It's morning in America. Hal Riney. And they got a bunch of money and they ran him. And Pat Brown was a much, much abler guy, but he blew Pat Brown away and blew everyone away. I think he was and is a complete fraud.
- 06-00:40:27
Meeker: Well, the conventional wisdom historically is that it had to do with Brown's linkage to the Free Speech Movement at Berkeley and riots at Watts.
- 06-00:40:45
Newsom: Had to do with the force of Reagan's charisma. I remember George Miller, the congressman, saying to me one day he'd gone out to see Reagan because Miller had spent a morning with Gorbachev. And he said, "Gorbachev said some intensely interesting things to me, and very frank things to me. And so I said to Gorbachev, 'Would you mind if I passed this on to our governor, Reagan?' He said, 'No, you're welcome to do it. I wish you would.'" So he gets back to California and he calls somebody like [Michael] Deaver and arranges an interview with Reagan. And George Miller told me the story. He said, "In the middle of the morning, at about ten o'clock, in the middle of my conversation about what I was told, it was important stuff by Gorbachev, Reagan was smiling, suddenly slumped over and fell sound asleep." George said—I can't remember now if it was Deaver or somebody like that—"Does this happen often?" And he said, "All the time." He was *non compos mentis*. He was suffering already from incipient Alzheimer's, I think. That's what George thinks. And he was just a smiling robot. And everybody liked him and they told him what to say and he said it and people liked it and he could say it well. But I think he was a complete fraud.
- 06-00:42:31
Meeker: Who governed when he was the President, then? Was it Bush?

06-00:42:34
Newsom:

No. You want to remember about Reagan—when he started out, he had Norman Livermore, Resource Secretary. An ardent environmentalist. So Reagan was an ardent environmentalist. There was no talk about, “You’ve seen one redwood, you’ve seen them all.” On the contrary, he stopped the Dos Rios Dam, for one thing, because Livermore said to do it. And as I told you a while ago, he was the first governor in the states to come out for a woman’s right to choose on demand. He said there should be no limit on a woman’s right to choose. This is a guy who’s sixty-two or sixty-four years old, not a teenager who had a sudden onset of sanity thirty years later. He just was an opportunist. Complete opportunist. Look at his early record. He was a liberal.

06-00:43:46
Meeker:

He also came out in opposition of Prop Six in seventy-eight, which was the anti-gay teacher’s initiative.

06-00:43:53
Newsom:

Yes.

06-00:43:56
Meeker:

Which is peculiar. People still don’t have a clear understanding of why that happened.

06-00:44:00
Newsom:

He had people like Battaglia working for him, who were gay and got in big trouble and resigned in a hurry. Look that up sometime.

06-00:44:08
Meeker:

Yes. That was a big controversy in his cabinet—

06-00:44:10
Newsom:

Yes. So Reagan was completely different when he was first governor from where he was at the end when he positioned himself to run for president. When they positioned him to run for president. So the idea that he should now be spoken of as one of the handful of great presidents is a joke, a terrible joke. He took this country down financially. Nobody until Bush has ever been a worse disaster. And he still gets high praise from the conservatives for being a great manager of money. I spoke to somebody yesterday and reminded them that when Bush left office, the national debt was something in the area of eleven, twelve, thirteen trillion. But when Carter left office, the national debt of the United States was the same as the interest on the debt under Bush. Think about that. It was 600 billion dollars, ninety percent of which was owed to ourselves. This country was in a very sound condition and Reagan wrecked it and Bush finished it off. And if it doesn’t recover, and it might not, they are the two who wrecked it, I believe. Clinton was a good manager of the economy. Ran a tight ship. And these idiots who are talking about tax-and-spend Democrats, what a fraud. It’s a massive PR machine, nowadays run by Fox and by Brit Hume types, and what’s this idiot, Rush Limbaugh, who’s run by corporations who pay him millions of dollars a year to spout the right-wing

line. And they've taken this country to a terrible, terrible point. I'm not sure that Obama, who seems smart as hell to me, can do anything about it.

06-00:46:27

Meeker: Well, he's going to try.

06-00:46:30

Newsom: That's my tirade for today.

06-00:46:32

Meeker: Okay. Well, we just got a few more—do you want to continue the tirade?

06-00:46:39

Newsom: No, I'm done. I've tired myself out.

06-00:46:45

Meeker: Okay. Well, I hate to end on a sad note for you, but you had mentioned that because of your desire to pursue politics, Tessa decided that she wanted to leave.

06-00:47:02

Newsom: Yes.

06-00:47:05

Meeker: I'm not quite sure actually how to ask about this. But how does the marriage end? You have two very small children?

06-00:47:17

Newsom: Not with a bang, with a whimper, as Eliot said in another context. But it was very sad. Look, I was very much in love with Tessa and she was a child, seventeen when I met her, and I was sort of a goofy playboy hobnobbing with a lot of wealthy people and having a lot of fun. And we were ill-suited to one another because I think Tessa wanted a plainer sort of person. A guy with a steady job and a steady income. She had a different agenda in life. So we were not well-matched. And that's a sad thing. But the good thing is that in spite of everything, we remained very good friends. I never remarried. I had several opportunities to remarry, [there were] women I cared a lot about, but every time it came down to the point where I almost did it, I said, "I won't do it because I don't want to offend Tessa." And I thought then, and I still think I was right. So I concentrated on the children. She did the heavy lifting with the children, but I think you can talk to my kids and they will both say that I was, as a divorced father goes, a very good father. Around all the time. At every basketball game, at every performance, tooting the clarinet or whatever it was. The piano. My daughter, my son. And I think as divorces go, it was pretty amicable. Very amicable. A long-term divorce, but we remained very close friends. I was with Tessa on her deathbed for five hours before she died, [I was there] with my children. And so I did the best I could, but it wasn't nearly good enough.

06-00:49:46

Meeker:

Well, when you said that you didn't remarry because you didn't want to offend her, I think that's a sensibility that very few people have. I'm wondering where that comes from.

06-00:49:59

Newsom:

It comes from the corny old saying that my father used to say to me. You go home with the girl you brought to the dance. I believe in that. I seriously do. And I think in my case it was redoubled by my realization that if I brought somebody else in between myself and my children, that would be harmful to them. I didn't want to do it, and I'm glad I didn't. And I wish Tessa had found somebody, but she never quite did. The one guy she went out with was separated from his wife. Nice guy but it didn't work. Anyhow—I'm not at all sorry that I never remarried.

06-00:50:57

Meeker:

Did you immediately move back up to Tahoe upon separation?

06-00:51:00

Newsom:

Yes. I had a tough time after 1968. I had, in effect, a kind of breakdown, nervous breakdown. My marriage was ending, I was in financial tatters, I'd lost two elections, and I thought, "Get me out of here," or something. We went to marriage counselors for a while, didn't work. I remember one marriage counselor whose name was Dr. Khlentzos, and every time I would go in to see him, he would fall sound asleep through the entire session.

06-00:51:37

Meeker:

Like Reagan.

06-00:51:40

Newsom:

Yes, like Reagan. I remember once that Tessa said to me, "Bill, let's leave and save the money." But I was in bad shape, emotionally, and that is the principal reason I moved to Tahoe. I needed a complete change of scenery.

06-00:51:57

Meeker:

What did you do to get yourself back in shape when you lived in Tahoe?

06-00:52:02

Newsom:

Practicing law. I met a couple of attractive ladies who helped to take my mind off my grief, and little by little I made my way back. And then five years ago I had this major surgery, an aneurysm and a stroke and I got myself in the same kind of depression.

06-00:52:32

Meeker:

And what are you doing now to work yourself out of that?

06-00:52:37

Newsom:

It seems my grandchildren are playing a major role in that. I'm exceptionally fond of them. My daughter's marvelous, and my son, too. Marvelous. My grandchildren are great, so they help to take the mind off mortality. It's easier

to get depressed when you think of how short it all is. I read something great by Hilaire Belloc recently—I'll bring it with me next time we talk—about the curse of mortality. It's a brief statement, but wonderful. So even he, a man of great faith, was despairing toward the end. It's easy.

06-00:53:35

Meeker:

Forgive me if this is too personal. But do you maintain a really strong faith?

06-00:53:41

Newsom:

No, none. I'm a skeptic.

06-00:53:47

Meeker:

Well, that makes the confrontation with mortality more profound.

06-00:53:51

Newsom:

Of course it does. Yes, it really does. My skepticism has eroded to the point where I'm not arrogant enough to say I know that there's nothing beyond here, but that's my strong hunch.

[End of Interview]

Interview #4: February 24, 2009
Begin Audio File 7 02-24-2009.mp3

07-00:00:57

Meeker: Today is the 23rd of February 2009. This is Martin Meeker interviewing Bill Newsom and this is tape number seven. So what we're going to focus on today is your career in the judiciary. And I guess the place to begin, then, is your appointment by Governor Jerry Brown in 1975 to the Superior Court in Placer County. How did this appointment come about?

07-00:01:33

Newsom: Well, I moved up to Squaw Valley in the sixties, after the Olympic games. My father was involved in Squaw Valley, as you know, so I resided in Squaw Valley, which is part of Placer County and the county seat of Placer County is Auburn. When Jerry Brown ran for governor, I was the chairman in Placer County of the Democratic Party, for the Brown campaign. He ran against [Joe] Alioto and a few other people. As a matter of old friendship, I opted into the Brown campaign. There weren't a lot of people up there in Placer County able to do it. I did it enthusiastically.

07-00:02:37

Meeker: And Placer is a fairly conservative county?

07-00:02:40

Newsom: Yes. Very much so. So when Brown won and became governor, I was the logical choice to be appointed to something. To make a long story short, I came very close to being the Fish and Game Director, but there was a lot of opposition to that in hunting and fishing circles because of my known conservation tendencies, environmental tendencies. So they were happy to see me become a judge instead, and I was, too. It was a good point in my career. My marriage was on the rocks. I was anxious to spend more time with the children. It was hard doing that in Squaw Valley, easier from Auburn. So they offered it to me and it seemed like a good choice for me at the time. Seventy-five, I was forty. It was the right time.

07-00:03:47

Meeker: Could we maybe just go back a little bit, because the last time that we discussed the relationship between the Brown family and the Newsom family was between your father and Jerry Brown's father.

07-00:04:00

Newsom: Yes.

07-00:04:01

Meeker: And at that point in time, that was in relation to the controversies brought up by gubernatorial candidate Nixon in nineteen—was that sixty-two?

07-00:04:17

Newsom: Around then.

- 07-00:04:17
Meeker: And about the relationship and the Squaw Valley contract, and what you said was at that point in time, your father and his father were—
- 07-00:04:30
Newsom: Sort of on the outs.
- 07-00:04:31
Meeker: Were on the outs.
- 07-00:04:31
Newsom: Yes.
- 07-00:04:32
Meeker: So maybe you can talk about your relationship with Jerry Brown vis-à-vis your father's relationship.
- 07-00:04:40
Newsom: Well, I was always friendly with senior Brown.
- 07-00:04:47
Meeker: Pat Brown?
- 07-00:04:48
Newsom: Yes. When my father was estranged from Brown, it put a certain strain on the relationship. But I still stayed friendly with the governor, and Jerry was an old friend. Four years younger, but an old friend. It was a natural thing for me to gravitate to the Brown campaign, that of the younger Brown for governor. Time had passed and wounds had been healed by then, and the Browns and Newsoms were friendly again. Yes.
- 07-00:05:26
Meeker: Okay. What did working on the Brown campaign in 1973 and '74 entail in Placer County?
- 07-00:05:39
Newsom: Raising a little money, which wasn't easy in the Democratic Party in Placer County. And organizing events. It was light duty, not very intense, because they had very modest hopes for the county. But they did fairly well. There was a judge up there named Ron Cameron who had been a state senator. Very brilliant judge. Order of the Coif and very friendly to Brown, even though he couldn't get involved politically because he was a judge. Off the record, he helped us a lot. So the campaign did pretty well, and when Brown won and looked around for somebody to appoint in Placer County, there weren't that many people. There was myself and Keith Sparks, who was a really excellent chief assistant DA in Placer County, and a big Brown supporter. Dan Higgins, the DA for whom Keith Sparks worked, was also a Democrat. Sparks was a very lively fellow and he brought a lot of strength to the campaign. Later on, Brown appointed him to the Superior Court, too.

07-00:07:13

Meeker: In Placer?

07-00:07:14

Newsom: In Placer, yes. He was and is still a great friend of mine. Excellent judge.

07-00:07:19

Meeker: Is it basically—

07-00:07:21

Newsom: Court of Appeal later.

07-00:07:23

Meeker: Okay. Is it basically standard practice to be appointed in the county in which you reside?

07-00:07:30

Newsom: Yes. That was a big problem for me, because Higgins was a beloved DA. One of the reasons I think he was beloved was he never bothered to prosecute anybody. Too nice a fellow. But beloved figure in the county. And Higgins was thinking of running for judge. Had he run, I think I would have been run out of town, because he was very popular. And I was an outlander from Placer County, yes, but from Squaw Valley, which is a hundred miles away.

07-00:08:14

Meeker: Squaw Valley by way of San Francisco, or San Francisco by way of Squaw Valley, perhaps.

07-00:08:17

Newsom: Exactly, exactly. So I was in big trouble. And I had a friend named Joe Carroll, a reporter on the *Examiner* many, many years ago. And he was working as the political correspondent for the *Auburn Journal* and had a big following in the County. He wrote a political column and he was secretly my mentor in this race. What he did was he persuaded Higgins not to run. How he did it was nefarious. For example, I was appointed, I think, in June or July, and when Christmas came up, Joe Carroll had me go through the list of all the people who had contributed a significant amount of money to Higgins running for DA. And they never knew what it was that they had in common. That was the common thread. They'd contributed money to a Higgins campaign. So we drew them all together, invited them to a grand dinner at the Jimmy Inn in Weimar. There were about eighty, ninety people. All fairly affluent people and contributors to Higgins' campaign. And Joe Carroll had me bring them up by bus. We couldn't take a chance of anybody getting, so to speak, busted for DUI. So we drove them up and drove them back well soused. And I got up and made a speech, very short speech, saying that I loved the county, I was so pleased to be a judge in the county and to be among people of this caliber at this dinner, and to be honoring our old friend Dan Higgins, who is here tonight. And that was a great thing all planned by Joe Carroll. When Higgins got to the point of deciding whether to run or not, all kinds of people said to Higgins, "Why run against Bill Newsom? He's a very nice guy." And Higgins

told me later, he said, “I was inundated with people who argued for your cause and I decided not to run.” I walked in, had no opposition.

07-00:10:58

Meeker: He would have appeared ungrateful to your largesse. Right?

07-00:11:03

Newsom: Exactly. It was a very Irish thing to do. Higgins was a nice guy. He didn't have much stomach for a fight, either, but he didn't want to fight with a friend, and I was pretty friendly with him. Joe Carroll orchestrated that brilliantly. A bit of San Francisco politics brought to Placer County, and it worked.

07-00:11:26

Meeker: So about the 1974 election. You said that in the primaries, Jerry Brown was running against Alioto and a few other candidates, as well?

07-00:11:36

Newsom: Yes.

07-00:11:40

Meeker: Was Unruh still on the scene at that point in time?

07-00:11:41

Newsom: No. I think George Moscone was in the field and Alioto and somebody else. And Houston Flournoy was the Republican candidate, I think. He very nearly beat Brown. It was a very close election. He was a good candidate.

07-00:11:58

Meeker: Who was that?

07-00:11:59

Newsom: Houston Flournoy. He was state controller, yes.

07-00:12:14

Meeker: With all these San Franciscans in the field, how was it that you hitched your wagon to Brown?

07-00:12:22

Newsom: Old times' sake. The Brown family and Jerry called me. He was only about thirty-six years old when he ran, and I was amazed that he did as well as he did. He was a good candidate.

07-00:12:40

Meeker: Well, this is one of those interesting candidacies, right? His father defeated by Reagan in 1966, and it was a bid—

07-00:12:47

Newsom: Which shocked me.

07-00:12:48
Meeker: Well, it was a bid for a third term, as well, and the only person, I guess, who had done that before, that was Earl Warren.

07-00:12:54
Newsom: Yes.

07-00:12:56
Meeker: And then eight years of Reagan. That must have been a shock to the Democratic Party in California. Did it feel like the Jerry Brown candidacy was an attempt to repudiate Reagan, as well as vindicate his father's legacy, or was it something entirely new?

07-00:13:16
Newsom: No. It was something entirely new. Jerry Brown was a fellow who had really pretty scant background in politics. He had come out of Yale Law School, I think, a Yale classics student, and he, I think, became Secretary of State. And that was his background, training ground for being governor. So he became governor at thirty-six or so. I don't think he knew much about government at all, and he was a very controversial governor, appointing people like Rose Bird Chief Justice, I think, and a lot of liberal types. But he staggered through and did a second term. I can't remember much about the second term, but the first one was very tumultuous and interesting. He was an interesting candidate. He's running again.

07-00:14:30
Meeker: Yes. That's what I see.

07-00:14:32
Newsom: He's talking about running again at seventy-one, I think. He'd be seventy-three when he runs and seventy-seven when he finishes. I believe one of his opponents will be my son, Gavin.

07-00:14:47
Meeker: And perhaps another would be Dianne Feinstein?

07-00:14:50
Newsom: No, I think not.

07-00:14:50
Meeker: You don't think she's going to run?

07-00:14:51
Newsom: I don't think Gavin would run if Feinstein ran, and I daresay neither would Brown, because neither one could beat Feinstein.

07-00:15:00
Meeker: But she's more senior than both of them, correct?

- 07-00:15:04
Newsom: Exactly. She has a secure position on the US Senate. I can't believe she would give it up to run, taking a chance and losing, which could happen. Anything could happen in these financial times.
- 07-00:15:22
Meeker: Sure. You had mentioned that your name was initially floated to be Fish and Game Director.
- 07-00:15:28
Newsom: Yes.
- 07-00:15:30
Meeker: How was it that your name got brought up in that context? What did Jerry Brown hope to accomplish by installing you in that position, do you think?
- 07-00:15:40
Newsom: Yes. He talked to me about what I really wanted to do, and I had never thought about being a judge, but I thought about politics and I was very involved in environmental circles. I happened to start the Mountain Lion Foundation with Margaret Owings. She was the state Parks Commissioner. I forget when we did that, but early on. And I was very much involved in conservation. That made me controversial, too. But Brown didn't mind controversy at all. There was an old French song I thought of not long ago. It says, "*je fais pipi sur le gazon*"—I pee on the grass to annoy the crickets. That was part of Brown's philosophy of governing. He loved to tweak people's noses and annoy people. So when he heard that I might be controversial, he said, "Good." When he heard that Placer County was a little annoyed that I was from San Francisco and being appointed to the bench, he said, "Great, bring them on." He liked that.
- 07-00:17:05
Meeker: Well, in the event that you would have been appointed Fish and Game Director, had you thought about what your agenda might have been? I guess what would a conservationist agenda have been in that agency?
- 07-00:17:18
Newsom: It's better not to think about it, because the more I reflect on it, the more controversial I would have been as a director. Since I had a heavy freight in the environmentalist direction and very little interest in hunting or fishing, for that matter. The constituency is very much a hunting and fishing one, and the money comes from that end of things.
- 07-00:17:57
Meeker: Licensing and so forth.
- 07-00:17:59
Newsom: Exactly. So there would have been hell to pay. The duck hunters would have hated me.

07-00:18:06

Meeker: You would have been in their crosshair, so to speak?

07-00:18:07

Newsom: Exactly. So to speak. And so the woman who was appointed instead of me was Claire Dedrick, and she was sort of in the middle, centrist and well-liked by the fishing and hunting community. The duck hunters liked her a lot. I think I escaped by not taking that job. I would have been the wrong choice.

07-00:18:38

Meeker: Well, let's discuss the appointment. So I assume that you would have had discussions with him. I've spoken with other individuals who were appointed to the judiciary before, and they said they basically just sort of got a call, sometimes out of the blue, and heard, "You've been appointed."

07-00:18:59

Newsom: Yes.

07-00:19:02

Meeker: Or please send along your vitae, something along those lines. How did it happen for you?

07-00:19:08

Newsom: I'm trying to remember. I was a very active attorney in the Tahoe area. I had good connections with the DA's office in Auburn. I knew Keith Sparks. The time I'm talking about now, seventy-five, when I was appointed, there was nobody who had a better criminal practice in Placer County than I had. So it was easy for me to get Sparks, and for that matter, Higgins in that time, and people up there in Auburn to support my candidacy, and letters started coming in to Brown, and Brown called me, said, "Makes sense to me. Would you be interested in it?" I said, "Yes, I would." It was time for me, at forty, to, so to speak, settle down. I was a single man by then and running around a little too much in Placer Valley, in Squaw Valley and Tahoe City. There were a lot of bars, and I was Irish American, and I was like a moth attracted to a flame, attracted to these lovely bars and restaurants. And I thought if I moved down to Auburn, it would be a little slower life, and it was. That's how it happened. Brown said, "Are you interested?" I said, "Yes." He said, "Makes sense to me," and I did it. He did it.

07-00:20:46

Meeker: I'm just trying to figure out how this process works out. It sounds like there was a kind of acknowledgement that you were up for this fish and game job.

07-00:20:58

Newsom: Yes.

07-00:20:59

Meeker: You know, it's a trial balloon and that one gets shot down pretty quickly. I don't know if this is happening simultaneously or not. But then there's some conversation about, well, what else might there be?

- 07-00:21:16
Newsom: Exactly. I didn't take the pressure off Brown on fish and game. So that would have been stupid of me politically, and I was always quite political. I didn't make it easy on Brown. I said, "Oh, it's a huge disappointment to me," and secretly, I thought it was not. So I had a fallback position. And he said he was anxious to do it, to patch things up, so to speak.
- 07-00:21:51
Meeker: Okay. So that helps clarify things. Because sometimes when I talk to people who are appointed to the judiciary, they take this sort of very judge-like posture, in which they're sort of passive and sitting back.
- 07-00:22:06
Newsom: No, no.
- 07-00:22:07
Meeker: Then a call, as they're reading through their—
- 07-00:22:11
Newsom: I sought the position. I did. Had I not sought it, I think I wouldn't have been appointed.
- 07-00:22:19
Meeker: And you also marshaled the resources of your colleagues?
- 07-00:22:21
Newsom: Exactly.
- 07-00:22:23
Meeker: So once the announcement comes out that Governor Brown wants to appoint you, there are some newspaper articles that appear that bring up the relationship of his father with your father around Squaw Valley. How did you respond to that and did that—?
- 07-00:22:41
Newsom: In a jocular way, by saying I was the first judge ever appointed, to my knowledge, purely on the merits. That's how I handled it with the press.
- 07-00:22:54
Meeker: Well, you had also said something else which I thought was kind of interesting. This was obviously very early in his term and I think he had appointed—you were amongst the first ten, it sounds like.
- 07-00:23:10
Newsom: Yes, yes.
- 07-00:23:11
Meeker: It sounds like most other people who were appointed to the bench were either women or people who weren't white.

07-00:23:19
Newsom:

Yes.

07-00:23:20
Meeker:

So you described yourself as the token Irish Catholic.

07-00:23:23
Newsom:

I think I did. I actually used that phrase. Yes.

07-00:23:27
Meeker:

Yes. That was the quote, right? And it was actually quoted a few times.

07-00:23:32
Newsom:

Yes. It was, it turned out, a popular thing to have said.

07-00:23:39
Meeker:

That's, in some ways, an obvious statement, but I'm wondering if you can kind of unpack it a little bit for me.

07-00:23:47
Newsom:

Well, I was trying to deflect the political criticism of the appointment by saying that. If you stop and think of it, it was a pretty good thing to have said, because it got across the point that I was Irish American. There were a lot of Irish Americans. There were more then in politics than there are now. And also, it established I was a Catholic kid. There were a lot of Catholics, too, even in Placer County. There were a lot of Irish Catholic Republicans. So it was altogether—what should I say? It was politically a wisecrack.

07-00:24:40
Meeker:

But it also points out something that had changed substantially, and I think if you look at this period of time on the statewide level, the election of Jerry Brown, and on the city level, I guess it was a year later that Moscone was elected, and there were substantial changes within San Francisco in relation to that. Was that ten years before, it wouldn't have made any sense to say, "token Irish Catholic," because Irish—

07-00:25:15
Newsom:

Yes, exactly. So you're making the point, I think, that is a valid one, that was a rejoinder, too, and it was sort of a certification of my good-old-boy status as a San Francisco political type. Kind of a rejoinder to all the affirmative action appointments that Brown had made. It resonated in that sense, too.

07-00:25:48
Meeker:

Well, it can be seen as a rejoinder which would, in a sense, kind of maybe question the new regime, but it can also be taken as supportive of it in saying that, "I'm participating in this, I guess, sort of identity-based appointments."

07-00:26:10
Newsom:

It was something in between, and it was, I think, and remains a pretty good thing to have said. Nobody was annoyed by it. A lot of people were amused by it, and a lot of people who were critical of Brown were reassured to hear

that somebody like myself was being appointed. Not knowing how liberal I was. They might have been deceived.

07-00:26:38

Meeker:

Well, I don't want to make too much out of this one statement, but I wonder if you ever got any sort of response or conversation with some of the other judicial appointees, some of the women or—?

07-00:26:57

Newsom:

No, nothing. Nothing.

07-00:27:00

Meeker:

Okay. So you don't know if they sort of took it—?

07-00:27:05

Newsom:

I don't have the sense now that they did. Nobody was very annoyed by it. Yes. I think. It was entirely a joke, you know. A token Irish Catholic. But [there was a] certain ruefulness in that, and a certain irony in that remark. I think it was better now, it seems, even better than when I said it. Makes sense.

07-00:27:35

Meeker:

Well, I feel like your son mentioned that when he was appointed to the Board of Supervisors. I'll have to go back and look, but I kind of remember.

07-00:27:46

Newsom:

Did he say something along those lines? Yes.

07-00:27:48

Meeker:

I kind of remember some phrase like that being used. So I don't know if it was used spontaneously or if it was a quotation.

07-00:27:59

Newsom:

I don't know.

07-00:28:00

Meeker:

I'll have to look into that. It could just be kind of reading all of this history, getting it mixed up. I do that occasionally. Okay. So once you're installed as Superior Court judge, how do you make the transition professionally?

07-00:28:23

Newsom:

Well, I was a lawyer. You have to have ten years experience, I think, to qualify for the Superior Court, and I had more than that. I became a lawyer in sixty-one or something. And I had fourteen years experience. A lot of criminal experience. Placer County was in those days a very sparsely populated county, much less populous than it is now. My God, I think of Lincoln. There were 500 people when I was appointed. There are probably 40,000 now, maybe fifty.

And Roseville is a huge place now. So when I was appointed, it was very much still a rural county and your being a judge in a rural county with only

two other judges—by the way, I should say geographically it is a huge county, stretching all the way from the border of Sacramento to Lake Tahoe. That's geographically maybe the largest county in the state, I think, or pretty close to it. So there were three judges of the Superior Court. Ron Cameron and Leland Propp, whom I didn't get along with at all. Miserable fellow I thought.

07-00:30:02

Meeker:

Was he a Reagan appointee?

07-00:30:04

Newsom:

Yes, of course. I was the third. So Cameron was very friendly to me and Propp was not. But the transition was easy because in a rural county like that, it's a big deal being a superior court judge. All of a sudden you're a, so to speak, a celebrity in a rural county. Also, there were not a lot of cases to hear. Things were much quieter in those days. There are many more judges now, probably ten on the court, as opposed to two when I was appointed and three—I became the third. There wasn't much happening in the county. One of the interesting things for me was I had death penalty cases, which I didn't have later on the Court of Appeal, because you don't have the jurisdiction: they go from the Superior Court right to the Supreme Court, and still do. I had three death penalty cases in a row.

07-00:31:27

Meeker:

When did the death penalty—when was that overturned, because wasn't there a period of time—?

07-00:31:31

Newsom:

It got overturned a couple of times during the time I was on the bench. But I had three actual death penalty cases and unsurprisingly, all three I set the death penalty the jury brought in aside. Not that I had anything against the death penalty, but it just happened to be a coincidence that in my view all three were set aside. I don't know what the law is now. But in those days, you had the discretion to overrule the jury. You might ask why waste time with the jury decision if you're going to set it aside, but I think it was a good rule.

07-00:32:25

Meeker:

Well, the jury was there to determine guilt or innocence.

07-00:32:28

Newsom:

The death penalty, you have to impanel a separate jury on life or death. In all three cases, the jury brought in death. In all three cases, I thought there was very skimpy evidence to warrant a death penalty. I'm serious about this. I was willing, in a really heinous case, to let the jury's verdict stand. So I didn't have a mindset. But, for example, a dope dealer who killed another dope dealer in an argument over division of the spoils. I didn't think that was a death penalty case. It was not like torturing and killing a child. So I was aggressive. Also, I might say, I was political. I'll be frank with you. You had, I think, six months within which to make a decision to let the jury's death

penalty stand or not. I waited four or five months to set it aside, and by then, everybody had forgotten it.

07-00:33:40

Meeker:

They assumed that the killer was on death row by that point in time.

07-00:33:44

Newsom:

He hadn't arrived yet. But we had one paper, *Auburn Journal*. *Sacramento Bee* covered a little bit of the county. But it just wasn't news anymore. It would have been news a week later or a day later, but months passed. The people's passions have subsided and it's over. I think that's true in general. People are very angry when they read about something like this, and after a little while, something else comes up and they're less angry.

07-00:34:23

Meeker:

In a small town like that, did you have much interaction with the journalists as part of this newspaper?

07-00:34:29

Newsom:

Oh, yes.

07-00:34:30

Meeker:

Did you feel much pressure from them?

07-00:34:33

Newsom:

In fact, I socialized with them. Joe Carroll was the *Auburn Journal*. Great friend of mine. Bill Wilson was the stringer for *The Bee*. Great friend of mine. That didn't hurt, having good connections with the press.

07-00:34:50

Meeker:

In interviewing other judges, they describe how they change certain parts of their life, patterns of sociability, memberships in clubs, and so forth, when they move from being an attorney to sitting on the bench. Did you feel like you had to change any part of your life?

07-00:35:14

Newsom:

No. I was a single man. There's one little anecdote I think is worth telling. I was a single man and I went out with a couple of ladies in those days, between seventy-five and seventy-eight when I went on the Court of Appeal. One day, a very attractive lady sent a note into me saying she's been on a jury that I'd presided over and she would like to meet me. And I asked my secretary to give me a briefing and she said, "I think she's a single woman and very attractive." I thought, "What's wrong with meeting her?" So I decided to meet her at the same place where I had the dinner for Higgins, the Jimmy Inn.

07-00:36:21

Meeker:

What's this called? The—?

07-00:36:21
Newsom:

The Jimmy Inn. J-I-M-M-Y. And the second word's "Inn." It's in Weimar, and I wanted to be a little off the beaten path when I met her. So I met her at the Jimmy Inn. Very attractive woman. And I asked her, "Are you single?" in the course of the conversation. Not that blunt. But, "Are you single? Divorced?" And she said, "No, I'm married." I said, "Oh." I got up, walked out, said to the bartender, whose name I remember, Jim McIsaac. I said to McIsaac, "Have me called. Have me called now." He knew what to do and he called me and said, "Judge, there's an emergency down in the court." I left. I've never seen her again. Very good-looking lady. I was told afterwards—here's the interesting part of the story—she had embezzled a lot of money from her employer, Bill White, an attorney in Auburn, and she was looking for some protection, and I was going to be the victim.

07-00:37:38
Meeker:

Wow.

07-00:37:40
Newsom:

Pardon me. I must say, she was very attractive, and I could easily have been, had she lied to me and told me she was single or divorced. I could have been swept into that. Sometime later—pardon me—I had a little fallout from an assistant DA I didn't get along with that well, Jack Shelley. And Jack Shelley went to the press and said, "You should check this out. This judge dated this woman." They tried to make a big deal of it. I told the *Sacramento Bee*, "Forget it. I saw the woman once in my life," and I told him exactly what happened. Later on, the end of the story, I had to sentence the woman for embezzlement. There was no other judge to do it. I told the DA, I said, "I've met this woman. Any problem at all with my doing it, because I'm going to give her probation. I've read the record." He said, "No, not at all." I said, "Put it on the record that you have no objection. You know that I knew the lady. I met her once. I told you the circumstances." No objection. Higgins was a very decent guy. I gave the lady probation. I never heard from her again.

07-00:39:15
Meeker:

Well, obviously she wouldn't have appealed that, because that was a light sentence, right?

07-00:39:17
Newsom:

Oh, no. No. She had pled guilty and I couldn't think of any reason—first offense. She had children. Very sad case.

07-00:39:30
Meeker:

How was it that the other judges were not going to take the case?

07-00:39:36
Newsom:

One was disqualified and one was not available. The sentencing had to be done that day because the time had passed for it. It was just about to expire.

- 07-00:39:49
Meeker: That's an interesting story in and of itself about practicing in a small town, in essence, where you're going to know a lot of people.
- 07-00:39:58
Newsom: Exactly.
- 07-00:39:59
Meeker: Is this when you moved to Dutch Flat, then?
- 07-00:40:04
Newsom: I can't remember. I was not satisfied living in Auburn.
- 07-00:40:11
Meeker: Okay. So you moved to Auburn?
- 07-00:40:12
Newsom: Yes, Auburn, and I didn't like it much. I wanted a smaller town, because I'd lived in Squaw Valley, which was very small, then, and Dutch Flat, I had gone there a couple of times, I thought it was a charming town. Beautiful, untouched. Still is, by the way. I still live there. A great town, unchanged. Four or five hundred people. So I had a friend named Matt Bailey who lived in Dutch Flat. He invited me to come up there and look around. He told me he had a house to rent. He was a fellow member of the Sierra Club with me up there. I'm amazed I belonged to the Sierra Club in those days, even when I was a judge. No problems.
- 07-00:41:04
Meeker: Would there be an issue with that now, you think?
- 07-00:41:07
Newsom: I think so.
- 07-00:41:09
Meeker: What about any other organizations? Did you feel that you needed to resign from any of them? Any fraternal organizations or anything like that?
- 07-00:41:19
Newsom: I didn't as a Superior Court judge, but as a Court of Appeal judge, I applied to the commission and told them I was a member of the Sierra Legal Defense Fund Board and could I hold that job? In the circumstances, they agreed I could, but I had to make a lot of disclosures. I stayed on the job. It's Earth Justice Legal Defense Fund now. But I think there are far fewer problems for a state appellate judge than for a federal appeals court judge, being a member of national organization like that, because most of their litigation is on a national scope.
- 07-00:42:11
Meeker: So could we talk about writing decisions? And from what I understand, Superior Court judges generally don't write decisions.

- 07-00:42:19
Newsom: Exactly.
- 07-00:42:20
Meeker: Were there any instances in which you felt like there were important issues that you needed to address?
- 07-00:42:26
Newsom: Well, you could write a little memorandum or something. We're not published. Generally speaking, not published.
- 07-00:42:36
Meeker: They would just go along with the case in the event that it was appealed.
- 07-00:42:38
Newsom: Exactly. It would explain the basis. Maybe a tax case, something that you thought required some exegesis, some interpretation that you felt an obligation to lay out for the parties, or a basis for an evidentiary ruling that you wanted to explain more carefully. But quite different on the Court of Appeals, where you were writing decisions from scratch.
- 07-00:43:13
Meeker: Can you think of any examples of cases at the Superior Court level that you felt like you needed to create a memo to explain?
- 07-00:43:23
Newsom: I can't remember, but if there were any, they were very few and far between.
- 07-00:43:30
Meeker: There were a few cases that did, at least, make it into statewide publication, I guess, and one of them early on was basically—I don't know what level of decision it was, but there was an order to improve conditions at the Placer County jail. That sort of seemed to make statewide news and I'm wondering if you remember much about that. That was 1977.
- 07-00:44:00
Newsom: It could have been Nicky Lee Diamond, a murder case. Very interesting case. I might have written something about that. It was a case in which a transvestite hired—not hired, but went out with sort of a monster whose name now escapes me. But Diamond was a monster, too. She was a transvestite and made a very attractive woman. She was in jail and started to sprout a beard. I was just appointed to the bench. It was an early case. Her lawyer filed a writ of *habeas corpus* asking for drugs to be given to stop the growth of the beard. Hormones. And all the deputies were there watching this test of my mettle. They refused to give her—they thought it was amusing—refused to give her her hormones. And I ordered the hormones be given the lady or the man, and I said, "I do this not on any other grounds than aesthetic grounds." And that made the press. But I think you're referring to an order I made requiring segregation of violent prisoners from people being held for drunk driving. They were being put in the same cells with the murderers and I thought that

was wrong, and still do, and I ordered them to either release the drunk drivers on bail or put them in safe custody and away from people who had demonstrated dangerous propensities.

07-00:46:13

Meeker:

That's an interesting example of perhaps Placer County becoming a more urbanized place—I mean, you were only on the Superior Court there for about three years, so it's a fairly short period of time to think about historical change. But I know in the late 1970s, there was a bit of growth up in that area.

07-00:46:36

Newsom:

Yes. Quite.

07-00:46:38

Meeker:

So was this kind of in response to asking the—?

07-00:46:42

Newsom:

Yes. A new paradigm. A new order. I was trying to be part of that. In the old days, they wouldn't have thought of that. Ordinary common decency requires you to make a distinction between somebody accused of driving with .10 and somebody accused of multiple murders. We had some people like that. We had many murder cases up there.

07-00:47:21

Meeker:

This is, from what I understand, also a period of time in which there is a great deal of sort of attention being paid to drunk driving and changing laws in relation to it.

07-00:47:38

Newsom:

Yes.

07-00:47:38

Meeker:

I don't know if it was happening this early or not.

07-00:47:40

Newsom:

The law was amazing. It was 1.5 as the presumptive level for drunk driving. So you could be driving around with double the current .08 law, double the amount that's conclusive now. If you're .08, you're drunk. In those days, 1.5 was the presumption level. When I got on the Court of Appeal, I made a decision on holding the new law, .08, unconstitutional for vagueness. Anyhow, it was a big change in the law.

07-00:47:46

Meeker:

Well, when was the law changed—because I know it was incremental, right?

07-00:48:50

Newsom:

It went from .08 to .10 and from .10 to .15. And it went from .15 rebuttal down to .08 conclusive. Huge difference. My father, who's a terrific bridge player, often had a half pint before he got in a bridge game. He would have certainly been .08. He was winning major tournaments. My mother, God rest

her soul, could not have driven over a cornfield in Iowa after one drink. People are different. Have different metabolism, different size. The law was and is crazy. It's a status crime.

07-00:49:51

Meeker: It's a status crime. That's interesting.

07-00:49:52

Newsom: Yes. You could be sober and be convicted of the crime of being drunk.

07-00:49:58

Meeker: How do you describe it as a status?

07-00:50:01

Newsom: .08. It's not a question whether you're drunk or sober, it's a question of whether you're .08. Being .08 is a status, not a crime.

07-00:50:16

Meeker: It's question of being Mormon or not, for example?

07-00:50:19

Newsom: The Mormons would agree with the law, I'm sure. But I don't. I think it's a stupid law.

07-00:50:26

Meeker: Well, when you were practicing on the Superior Court, then, I'm sure you had a lot of DUI cases before you.

07-00:50:31

Newsom: No, I didn't.

07-00:50:32

Meeker: You didn't?

07-00:50:32

Newsom: They were justice court in those days, muni court.

07-00:50:35

Meeker: Muni court.

07-00:50:37

Newsom: The Superior Court was felony only, so I wouldn't have a drunk-driving case unless it involved a terrible accident.

07-00:50:50

Meeker: What about drug cases when you were a Superior Court.

07-00:50:54

Newsom: I had a lot of drug cases.

07-00:50:53

Meeker: How did you approach those?

07-00:50:57
Newsom:

I thought then, and I think then—how can I say this without getting too pontifical about it? That the drug laws made and make no sense whatever. I think laws against drugs are the principal cause of crime across the board. Crime in general. Murder, robbery, burglary, receiving, et cetera, et cetera. They're all predominantly caused by the laws against drugs. People have to get the money to supply habits if they can't get it from the state, can't get the drugs from the state. If you gave it to people, you would reduce crime by seventy-five percent in the morning. It's just unbelievable, the stupidity of the law on this subject. Whether something's right or wrong doesn't depend on whether there's a law against it. Pardon me. I might think that smoking marijuana is very wrong for you in terms of health. But I don't want to have a law against it because you can't enforce it. It just creates contempt for laws when you have unenforceable laws. Also, you put people in jail for nothing. In Texas, you could get twenty years for a joint in the old days. I don't know how bad it is now. But the whole law is the principal cause of crime in the country now. The law against drugs. That's how I feel about it. That's how I felt then in Placer County. That's how I feel now.

07-00:52:58
Meeker:

Well, then, did that put you in a position in which you felt conflicted, I guess, because you have this philosophy about the evil of drug laws, in essence, but then you were compelled to preside over cases that you were going to end up sending people to prison for these very laws.

07-00:53:20
Newsom:

I could do it. I also could say at sentencing, "I'm compelled to do this by law. I don't think it's a just sentence and I would like the record to show that I didn't want to do it, but I have to do it." So of course that resulted in generally challenging these cases. There was, in those days, a peremptory challenge. I'm sure there still is. And the DA used to recuse me regularly on these cases, because they knew of my scorn for the drug laws.

07-00:53:58
Meeker:

When you were trying these cases, and it sounds like it didn't happen often because you were recused, but did you ever take a different perspective on crimes related to marijuana possession or cultivation versus maybe heroin or something that would have been a little more substantial?

07-00:54:22
Newsom:

No. I think heroin is a classic example of a drug that is harmless, except to the addict. And most of the harm caused to the addict is caused by the adulterated form in which they take the drug. If you could take pure heroin, it would not harm you physically. People don't know that, but it's true. I have a good friend who was a heroin addict in England, and he got his state supply every week. Lived a very productive life, brilliant guy, and no problems at all. But as soon as you criminalize it, you create huge danger. Not only to the public. A heroin addict has to have his fix. He'll kill you if he can't get it, or rob you

certainly. Assault you. And also, he will never get enough money to buy the real stuff. He's going to get bad stuff. The subject is amazingly difficult.

It's amazingly simple, too. All you have to do is decriminalize it, the whole thing, and then hold people responsible for the acts they commit under the influence of drugs, if they do, and use that as a trigger for a greater punishment. You know that when you take this stuff you lose control of yourself, so we're sentencing you for crime, and also for doing that. That's an enhancement, not a mitigation. It's enhancement. That would solve the problem, I think.

07-00:56:25

Meeker:

I wonder, in the instances in which you did try cases around drugs, I'm wondering if there was a way in which you would have interacted with the jury to perhaps encourage them to broaden their thinking about this particular issue, or did you feel really constrained by—?

07-00:56:42

Newsom:

Yes, I felt constrained. I wrote about this. I published things while I was on the Court of Appeal. People are brainwashed on the subject. I think the police have a lot to do with it. One of the enormous side benefits to law enforcement from laws against drugs is overtime. They go up to Mendocino County and they get many, many hours of double time flying around in expensive helicopters, sitting on places, burning farms, and terrifying animals. It's so stupid. But it pays a lot of money to a lot of people and that's the reason why so much propaganda exists in favor of it.

07-00:57:40

Meeker:

Not to mention the prison-industrial complex.

07-00:57:42

Newsom:

I've heard from prisoners that there's no drug you can't get in prison. It's the easiest place to get drugs in the world.

07-00:57:58

Meeker:

That's perverse.

07-00:57:59

Newsom:

Of course. Nobody wants to admit it. You can get drugs in Pelican Bay. What happens is relatives of guards at Pelican Bay bring drugs in and the guards distribute it. It's perverse.

07-00:58:24

Meeker:

Let's see here. I see that during this period of time, you were also on the Juvenile Justice Commission?

07-00:58:35

Newsom:

Yes.

07-00:58:35

Meeker:

What did that entail? What did that work entail?

07-00:58:39

Newsom:

Not very much. Just being on it and trying to create some mitigation, some benign results for kids. But that's difficult, too, because once a child is ruined, he's probably a danger and you can't be really benign. There's nothing about a fifteen-year-old murderer that's any more benign than a twenty-year-old murderer. So I sort of despaired of doing anything major on the subject. But you would like to reach in and inform some kids that you're interested in them and you don't hate them. I never felt like I accomplished much there.

07-00:59:37

Meeker:

Do you feel like there has been a change in the legal definition of youth or of a juvenile?

07-00:59:44

Newsom:

Yes. It's stupid. For example, it's very stupid to withhold the name of a very dangerous child because that child is under sixteen or whatever. Under eighteen. I don't know what the law is now. But you can't disclose the name in the press of a child who's committed a crime. Why not? If the child is demonstrably dangerous, shouldn't you warn the public? I think so. But these are very stupid laws.

07-00:60:21

Meeker:

So it sounds like you're suspicious of the legal distinction between juvenile and adult?

07-00:60:30

Newsom:

Oh, I am. I think a lot of people are ruined by the age of fifteen. Irretrievably. And nothing about being fifteen makes them correctable.

07-00:60:44

Meeker:

Do you feel like that opinion ever put you at odds with people of liberal thinking who—

07-00:60:53

Newsom:

Yes, it did.

07-00:60:53

Meeker:

How do you think about that?

07-00:60:59

Newsom:

I never cared. I think if something is stupid, I have a right to say so.

07-00:61:06

Meeker:

Okay.

07-00:61:10

Newsom:

That's something that the heavyweight Billy Conn said when Joe Louis knocked him out. His manager said, "Billy, we told you. You couldn't lose the

fight. All you had to do was stop trading punches with the guy.” Conn said, “What’s the sense of being Irish if you can’t be stupid?”

[End Audio File 7]

Begin Audio File 8 02-24-2009.mp3

08-00:00:02

Meeker:

Well, let’s move on to the Court of Appeals. You were appointed again by Jerry Brown in March 1978 to the First District, which is California State Appeals Court in San Francisco. Can you describe the process by which you are elevated up to the Appeals Court?

08-00:00:29

Newsom:

Yes. In my case, since I was known to be from San Francisco—well, I was in a difficult position: Brown was asked not to appoint me to San Francisco to the First District Court of Appeal because I was from Placer County, ironically. There had been a big objection earlier when I was appointed to Placer County because I was thought to be from San Francisco. But it’s a bigger deal on the Court of Appeal. So there was an objection to that from the bar association down there. But Brown was delighted to disagree with them and appoint me anyhow. Also, the appointment has to be confirmed by a judicial panel: you had to have fifteen years of experience, which I had. You have to be rated by the bar well qualified, which I secured. You have to be confirmed by a panel of three people: the senior presiding appellate justice, the chief justice of the supreme court of the state and the attorney general. And I got all of them to approve my appointment.

08-00:02:03

Meeker:

Do you recall who those three people were?

08-00:02:04

Newsom:

Yes. Evelle Younger was the AG. I can’t remember who the chief justice or the senior presiding judge was then. Could it have been Rose Bird? I’m not sure. Anyhow, I had no problems. I had Harold Dobbs, who was a friend of Evelle Younger’s, make the pitch, and Younger smiled and beamed at me because Harold Dobbs was saying what a wonderful judge I was.

08-00:02:38

Meeker:

Harold Dobbs, he was Republican, right?

08-00:02:42

Newsom:

Oh, yes. That was the method in my madness.

08-00:02:46

Meeker:

Okay. Meaning?

08-00:02:48

Newsom:

Get a Republican if you were worried about losing a vote. Who is a Republican? Evelle Younger was a very well-known Republican.

08-00:02:58
Meeker: I've heard his name brought up several times. Was he a former mayor? He was, wasn't he? Dobbs, a former mayor of San Francisco.

08-00:03:09
Newsom: No.

08-00:03:10
Meeker: No, he wasn't.

08-00:03:11
Newsom: He was not.

08-00:03:11
Meeker: Did he run at one point?

08-00:03:11
Newsom: Younger was from LA.

08-00:03:13
Meeker: Harold Dobbs?

08-00:03:14
Newsom: Harold Dobbs ran for mayor of San Francisco, yes. Couple of times. Against Alioto, I think.

08-00:03:21
Meeker: Okay, that's right.

08-00:03:22
Newsom: Yes, yes. Very bright guy and also a very nice man. Good lawyer, too.

08-00:03:38
Meeker: Because I've heard other people describe it as he was one of these kind of Malone-like characters that you would go to, in essence, kind of be anointed. It was important to get his stamp of approval.

08-00:03:43
Newsom: Yes. In those days, there was a Republican party in San Francisco. But nowadays, it would be a waste of time to go to Mike DeNunzio who is the head of the Republican Party and ask for his blessing. Why? Why bother? But in those days, there was a viable Republican Party. Many mayors had been Republican—most of them had been Republicans. Demographically, things have changed so much in the city. But in those days, it was wise to go to Dobbs and get his support.

08-00:04:20
Meeker: So he still had quite an important following?

08-00:04:23
Newsom: Oh, yes. And had a lot of clout with Younger. And I really didn't have much opposition either.

08-00:04:32
Meeker: Was this a job change that you were—?

08-00:04:40
Newsom: Seeking?

08-00:04:41
Meeker: You were seeking, yes.

08-00:04:41
Newsom: Because my children were getting older and I wanted to spend more time with them in the formative years. Seventy-eight, Gavin would have been ten or twelve. I needed to be more with the children then, so it was a great break for me to come back to San Francisco. I stayed in Dutch Flat, but I commuted, so to speak.

08-00:05:12
Meeker: Did you find an apartment here?

08-00:05:16
Newsom: Yes. I think it might have been this apartment we're in right now.

08-00:05:23
Meeker: Okay. You had mentioned that this is your second time living in this place.

08-00:05:25
Newsom: Yes, yes, that's so.

08-00:05:30
Meeker: Now, you watched the confirmation hearings for US Supreme Court justices, and they're always very careful these days to not proclaim to have any agenda other than defending the Constitution. I'm wondering, when you came to the Appeals Court, you're going to be weighing in on matters that have both state and US Constitutional implications. Did you have like a particular agenda that you were interested in enacting?

08-00:06:07
Newsom: Yes. An environmental agenda. But I quickly understood something about the Court of Appeal. You couldn't carry out an agenda, because you have two colleagues on the court at any given moment, so you have to persuade one of them to agree with you. And if you openly carry an agenda, they will look for that. In short, you can't do it. Many people getting on higher courts had agendas. For example, Scalia openly, openly carries an agenda of the far right. But he somehow escaped and got through. Bork didn't. He was no more a conservative than Scalia. Some win, some lose, and some are smoked out and some are not. For example, recently, Roberts, who's now the Chief Justice, secured the support of the center of the Democrat Party, and he's an archconservative. As doctrinaire as Scalia, or like Sca-lito.

08-00:07:35
Meeker: Not to mention Thomas.

- 08-00:07:36
Newsom: Not to mention Thomas. But the other people have brains, unlike Thomas.
- 08-00:07:43
Meeker: Well, did you see that recent article in *The New York Times* that shared some research that was done that basically ranked the justices over the past forty years on a left-to-right scale, and it's something like seven or six, I guess, of the most right of ten justices over the past forty years are currently on the court, and the number one—
- 08-00:08:12
Newsom: Thomas?
- 08-00:08:13
Meeker: It's Thomas.
- 08-00:08:14
Newsom: I'm not surprised. It's disgraceful. And it's something, whatever one thinks of Obama, I hope changes in the next four to eight years. It has to be changed to reflect the changes in society, underlying changes.
- 08-00:08:36
Meeker: Well, many of Bush's appointees were fairly young.
- 08-00:08:40
Newsom: They always do that. The far right is much cannier than the far left or the left or the center. They only go to young people like Roberts, like Thomas, like Scalia.
- 08-00:08:55
Meeker: Alito.
- 08-00:08:55
Newsom: Sca-lito. They never appoint people who are at the end of their careers. And usually, they appoint people like Thomas who are just unskilled and all over the lot intellectually. But mainly in the right part of the lot.
- 08-00:09:15
Meeker: Well, what was the approval process?
- 08-00:09:26
Newsom: Just what I told you, that you had to secure the majority of the Constitutional Commission of the three people that at any given moment are sitting on a judgment on Court of Appeal appointees.
- 08-00:09:40
Meeker: So the state senate doesn't have to advise and consent or anything like that for the Appeals Court?
- 08-00:09:43
Newsom: The Commission is the only requirement.

08-00:09:48
Meeker: I'm wondering if you can maybe discuss for a moment your colleagues on the First District Appeals Court.

08-00:09:57
Newsom: Racanelli comes to mind first.

08-00:10:00
Meeker: I notice that he oftentimes would vote in opposition to you?

08-00:10:06
Newsom: Racanelli? We pretty much saw eye to eye on issues. But Elkington often dissented from our views.

08-00:10:22
Meeker: Who's that?

08-00:10:23
Newsom: Elkington.

08-00:10:24
Meeker: Elkington.

08-00:10:25
Newsom: And Holmdahl was the fourth member.

08-00:10:28
Meeker: And you also, for a time, served with Ratigan, and I believe also Grodin?

08-00:10:33
Newsom: Grodin and I saw eye to eye. We were both generally broadly classified as liberals.

08-00:10:43
Meeker: Grodin was one who was ousted with Rose Bird. Is that correct?

08-00:10:46
Newsom: What a shame. A brilliant judge. Wonderful judge.

08-00:10:51
Meeker: Who? Grodin or Bird?

08-00:10:53
Newsom: Grodin.

08-00:10:53
Meeker: Grodin.

08-00:10:54
Newsom: Outstanding. Anybody who worked with him would say the same thing. Ratigan, by the way, same caliber. First rate.

- 08-00:11:05
Meeker: So Elkington, I guess, is, you mention, the one judge on this appeals court that you sometimes didn't see eye to eye with.
- 08-00:11:13
Newsom: Yes. Wonderful man.
- 08-00:11:15
Meeker: I assume he would have been a Reagan appointee?
- 08-00:11:19
Newsom: No. He was chief prosecutor for Pat Brown and so he was a Democratic appointee. I'm trying to remember who the governor appointed. I think it was a Democrat, even though Elkington was a conservative Republican. Famous prosecutor in San Francisco, and a good friend of Pat Brown. An outstanding judge, but in my view, often a little too doctrinaire in his conservative views. I remember once in a murder case which Racanelli and I felt compelled—for what we considered legally compelling reasons—to reverse, and we did it with an enormous reluctance. I remember Elkington started out a dissent with a quotation from Cromwell, which went as follows.
- 08-00:12:28
Meeker: Oliver Cromwell? Okay.
- 08-00:12:32
Newsom: Yes. He said, "In the bowels of Christ, I beseech ye, consider that you may be in error." That was the first line of published dissent. It attracted a lot of attention to our decision. "In the bowels of Christ." Give me a break. I never liked Cromwell either, as an Irishman.
- 08-00:12:56
Meeker: Yes, sure. But you did have a tendency to offer some interesting quotations in some of your decisions, as well.
- 08-00:13:03
Newsom: I tried to liven them up. There's a lot of lame humor in the judicial arm, but I tried to avoid it.
- 08-00:13:17
Meeker: Well, it's erudite humor, maybe is a better way of putting it. Which some would consider lame.
- 08-00:13:22
Newsom: I hope. I hope.
- 08-00:13:26
Meeker: This is, I guess, kind of an abstract question. Forgive me, I don't know how to ask it otherwise.
- 08-00:13:30
Newsom: Sure.

08-00:13:30

Meeker:

But I think the personal and professional relationships amongst judges, particularly at the appellate court and above, are of great interest and also rather a mystery. I mean, today people love to talk about the friendship between Ruth Bader Ginsburg—

08-00:13:53

Newsom:

Ginsburg.

08-00:13:54

Meeker:

—and Scalia.

08-00:13:56

Newsom:

Scalia.

08-00:13:57

Meeker:

Yes. I keep on mixing them up.

08-00:14:03

Newsom:

I think their friendship odd.

08-00:14:03

Meeker:

I find that odd, too, but I'm wondering maybe if you can just give me a sense of your relationships with other judges.

08-00:14:09

Newsom:

Well, I served with Bill Stein, who's a pretty conservative Republican. But I got along well with him and I respected his point of view. I served also with Robert Dossee, who is more in the center than I was. I would say Stein was on the right, Dossee was in the center, and I was on the left. That was one composition of the court while I was on it. I think we got along very well personally and professionally, and I often would find myself checked somewhat by my colleagues. I was being excessive in some way and they would bring me back, so to speak, to my senses when I got too passionate about things. They would say, "We hate to do this, too, Bill, cutting down all these redwoods, but we have no choice." They would calm me down, and I think that's a very useful process.

I can't say that I was ever close socially with my colleagues, because I lived up in Dutch Flat most of the time. I was single and so I didn't spend a lot of time socially with them. But I do find it a little difficult to believe that Ginsburg, with her point of view and life in general, can endure too much conversation with Scalia without being bruised badly. I don't know what to say. But I would not want to be a close friend of Scalia. I think he's a bully, a bigot, and for my money, not that notably brilliant, and a very doctrinaire person. Follows a point of view outside the judicial arena, I think he foists it on the judicial. That's my take on him.

08-00:16:36

Meeker:

Well, I think that you're not probably alone in that view of him.

08-00:16:39
Newsom: I hope not.

08-00:16:40
Meeker: But one of these things about that *New York Times* article I mentioned—

08-00:16:44
Newsom: When did that appear?

08-00:16:45
Meeker: Oh, gosh. I think it was post-election but probably pre-inauguration. So let's say December, maybe early January. It had a graph and it was fun. But one of the other points this article makes is ideological consistency, that there aren't a lot of justices, at least on the Supreme Court now, who appear to vary their decisions. I mean, maybe the last one to do any substantial amount of that—Kennedy probably does some of that.

08-00:17:25
Newsom: Maybe. Somewhat more than some of the other conservatives.

08-00:17:30
Meeker: But I guess when you say that you were the liberal on the court, I wonder if you ever felt like that was constraining you too much?

08-00:17:41
Newsom: No.

08-00:17:44
Meeker: Is there a danger to having an ideological consistency? Approaching law through ideology as opposed to evidence?

08-00:17:55
Newsom: I think there is, yes. You have to control it rigidly. Scalia, on the Supreme Court, doesn't, in my opinion. Me, on my modest court, I did, I think. I was very conscious of that and reined myself in many times. I remember a major redwood-country lawsuit in which I ruled in favor of the lumber company. What's the big lumber company up in Eureka? Out of business now.

08-00:18:44
Meeker: Yes. It's right up on 101 past Humboldt Redwoods.

08-00:18:49
Newsom: It was, yes. Anyhow, I ruled in their favor. I remember saying—

08-00:18:53
Meeker: Pacific or something like that.

08-00:18:56
Newsom: Pacific Lumber Company, yes. I remember ruling in their favor and saying to the attorneys, "Look, I know very well how much money the company paid to procure this legislation and I understand they paid for it fair and square and

you have no worries that I don't recognize that, because I see what the law is and it's plainly on your favor." So I could dig at them in a little, but in the last analysis, the law, I followed it. That's especially important with an inferior appellate court. In other words, if you're on the Supreme Court of California, you can do what you want because there's no appeal from it in a state constitutional matter. That's the interesting thing in this case coming up about gay marriage. But many times, I was constrained by the law, which was clear, to bury my own sentiments and follow the law.

08-00:20:13
Meeker:

Because if you didn't, then it would have been appealed to the state Supreme Court.

08-00:20:17
Newsom:

Not only that, but because if I didn't, then I was violating my oath of office.

08-00:20:22
Meeker:

Earlier you said that you didn't consider yourself in retrospect an especially distinguished judge and that you think you would have been a better high school English teacher.

08-00:20:36
Newsom:

I think so, yes.

08-00:20:37
Meeker:

And I think you were probably being very modest. But I wonder how you might evaluate whether a judge, perhaps on the appellate court, was successful or unsuccessful. Are they like specific milestones? Like I only had ten percent of my decisions overturned on appeal to the Supreme Court?

08-00:21:01
Newsom:

No, I don't think so. Yes. A really bad judge will be overturned on a regular basis. I could name a Superior Court judge in San Francisco who is overturned like a bowling pin on a regular basis because he's always wrong. [He] let his prejudices take precedence over the law when he knew better.

08-00:21:27
Meeker:

You're not going to say this name?

08-00:21:29
Newsom:

Oh, no. I can't. He's a nice guy, bad judge. I have to tell you, by and large, I look back on seventeen years on the Court of Appeal—I didn't see much happening that was really that wrong at all. Almost everything that happened was what should have happened, and many times my conservative colleagues were compelled to rule my way because I was right and I their way because they were right. A lot of ideology didn't get involved at all.

08-00:22:18
Meeker:

I wonder then if thinking about the ways in which justices work on state Supreme Court when you're dealing with state constitutional matters, or for

that matter, the US Supreme Court when there is no further appeal, that that means that there's going to be more ideology brought in because they can't be appealed to a higher authority.

08-00:22:42

Newsom:

You could argue that, but I don't think it's worked that often. One of the reasons is that the research clerks on the Court of Appeal, and certainly on the Supreme Court, tend to be outstanding lawyers themselves. Very good lawyers. Just to stop and think about the process a little: I have two colleagues. They have a law clerk working on the decision. I'm the lead author, we'll say, and I have to get by Susan Minor, who's one of the best lawyers on the court, to get to the point where I might say to Racanelli something about my prejudice in the case. And I have to get by Bill Stein's law clerk, who's an equally outstanding lawyer. Have to get by that first tier of law clerks, because the law clerks go into the judge and say, "Look, Justice Newsom has made the tentative decision to do the following. We think he's wrong for these reasons." They could be overruled. The judge could say, "I think he's right." But that's a formidable barrier, isn't it? Somebody whose intellect you respect, you've picked for that very reason to sort of field these things for you, and then it gets to you. That is a major reason why I believe that most of what we did was correct. Very few errors slipped by on the Court of Appeal. That's my opinion.

08-00:24:43

Meeker:

Well, there're two directions I can go in this and maybe [I'll choose] the hardest one first. You had mentioned errors. I'm wondering if any come to mind.

08-00:24:57

Newsom:

No.

08-00:24:59

Meeker:

Okay. Well, maybe we'll get into specific cases later and you can comment on that.

08-00:25:03

Newsom:

Every once in a while you have a case in which there's no right answer. I had a land-dispute case from Mendocino County and I tried to get a copy of the decision, because it was a beautiful example of there not being an answer for a question. You had to come up with an answer finally, but nobody felt that they were getting at the truth of the case.

08-00:25:28

Meeker:

Do you recall the case, the name of it?

08-00:25:31

Newsom:

I'll find it. It was a land case on the Sonoma-Mendocino border. Involved a family with an Italian name. Maybe you can find it. Anyhow, I'll try to look for it.

08-00:25:48

Meeker:

Okay. Well, then the easier question was about selecting law clerks. How did you go about doing that?

08-00:26:00

Newsom:

In some cases, very simple. When I took my job in seventy-eight, the person whom I replaced, Sims, Richard Sims, asked me to keep his law clerk for six months and I said I would. I checked her out and heard nothing but great things about her. Frances Dogan, an African American woman from South Carolina who was a very good scholar. An excellent writer. I kept her for years. And that was easy. I hired Michael Murphy, who worked for me for ten years or so, on the basis of recommendations and also books he'd written on mergers, corporate mergers. I was very impressed with him. And Warren Rider is another one. He's up there twenty years now. He's worked for many judges and is regarded as one of the outstanding research attorneys on the court. Anyhow, there's no reason not to get somebody outstanding. It's a good job. A lot of people love that kind of work and it's a low profile but high-intellectual-caliber job.

08-00:27:27

Meeker:

High-impact, too.

08-00:27:28

Newsom:

Easy to get good people. I would put my law clerks up against Scalia's anytime. Seriously.

08-00:27:37

Meeker:

Well, it must be interesting about what kind of individuals those people attract.

08-00:27:44

Newsom:

People who like intellectual work, like writing, like reasoning, like low-profile jobs, don't have celebrity needs, don't have huge monetary needs, although the salary is fine. They were well paid. The benefits were good.

08-00:28:09

Meeker:

Most of your colleagues who served on the appellate court with you, the turnover, I assume, mostly had to do with them retiring? It's an interesting question, because I always presumed that law clerks didn't approach that work as a full-time job—as a permanent job, I guess.

08-00:28:35

Newsom:

It's full-time. It's a good job.

08-00:28:38

Meeker:

But with the Supreme Court, is it something that is like an internship, that you would go and do for a couple of years and then—?

- 08-00:28:46
Newsom: It's up to the individual judge. Kline, Tony Kline hires twice the number of people for half the time. I felt much more comfortable getting somebody with whom I felt comfortable and keeping that person. I'm happy to say that in both cases, Mike Murphy and Warren Rider, my successor on the bench, who was of a different political persuasion, kept both of them and had enormous respect for them.
- 08-00:29:28
Meeker: How many did you have at a time, then? Two?
- 08-00:29:29
Newsom: Two, yes.
- 08-00:29:30
Meeker: Okay. Let's see, what else here did I want to cover? This is totally speculative and I don't know, maybe sort of strangely off-base or something. You were on the appellate court for seventeen years?
- 08-00:29:53
Newsom: Seventeen, yes.
- 08-00:29:56
Meeker: Did you ever consider the possibility of being elevated to the California Supreme Court?
- 08-00:30:00
Newsom: Oh, yes. I talked to Brown about it at length. I was considered.
- 08-00:30:08
Meeker: Because he was in office until January of eighty-three.
- 08-00:30:14
Newsom: I know that Allen Broussard got the job instead of me. I was one of two or three others considered for the job by Brown and they did a workup and I got pretty good marks, I think. No huge red flag. I think it was time for Brown to make an African American appointment. I think it was taking an African American's place, Wiley Manuel, and so that was a factor. But I was flattered that I was considered. I was told that I was considered.
- 08-00:31:00
Meeker: But then once we move into the Deukmejian and Wilson administrations?
- 08-00:31:03
Newsom: It's over. Completely. On the other hand, I knew Wilson reasonably well and I remember when he appointed to the Supreme Court a former law clerk in my court. I can't remember. I'm embarrassed that I don't remember her name right now. She's on the court now.
- 08-00:31:30
Meeker: Oh. Yes, I should know that as well but it's escaping me.

08-00:31:35
Newsom:

You'll know it. It was not Kennard. I know her husband's name but I don't know her name. Anyhow, I'm embarrassed I don't remember her name.

08-00:31:45
Meeker:

We'll put it in the transcript. [It was Kay Werdegar.]

08-00:31:48
Newsom:

Yes, yes. We'll edit the name in. Anyhow, Wilson told me he was thinking of appointing her to the Court of Appeal, and he said, "Can you give me a rough idea, Bill. Is this unusual, very unusual, to appoint a law clerk from the Court of Appeal to the Court of Appeal?" I said, "Stop and think. It makes great sense, because she's probably written half the opinions this justice has signed. She's obviously competent to do the work. He does good work and she does a lot of the work for him. It's natural." So I think I helped smooth the way for her.

08-00:32:41
Meeker:

This is probably a bit of a digression, but I'm wondering if you can perhaps just compare for me a little bit the administrations of Deukmejian and Wilson, because obviously you would have been in a position to observe what was going on.

08-00:32:59
Newsom:

You mean from the judicial point of view?

08-00:33:03
Meeker:

Yes.

08-00:33:05
Newsom:

I thought Deukmejian's appointments were shaky. For example, Armand Arabian, who used to wear pistols on the bench under his robe. I thought he was a little bit of a loose cannon. Not stupid, I don't mean that, but not, in terms of probity, a good judge. Wilson's appointments were, I think, better across the board. And that's because Wilson was a little less doctrinaire than Deukmejian. Deukmejian was very far to the right, as you know, and I can't remember right now who he appointed. But I daresay there was nobody really outstanding. Wilson, on the other hand—who appointed the current chief justice?

08-00:34:02
Meeker:

I think that was Wilson.

08-00:34:03
Newsom:

Ron George is very good.

08-00:34:04
Meeker:

Yes. Ronald George.

- 08-00:34:06
Newsom: Ronald George is very good. And by and large, Wilson's appointees were good. I can't say that I feel that way about Deukmejian.
- 08-00:34:15
Meeker: It's interesting, because historical opinion seems to confirm that in some ways, but also reverse it. In other words, Deukmejian is not seen as a particularly thoughtful governor.
- 08-00:34:32
Newsom: That's my take.
- 08-00:34:34
Meeker: But at the same time, I think Wilson is seen as a much more conservative governor than Deukmejian, largely, I guess, because of the reputation around the immigration issue.
- 08-00:34:47
Newsom: Yes. Wilson really stretched to recreate an image as a conservative. He was not good on the environment. I thought he would be very good. After all, as mayor of San Diego, he was well known as an environmentalist. He succumbed to his right-wing friends, like Reagan. Reagan was a great example of a guy who started out as a very moderate-to-liberal Republican. The author of the first abortion-on-demand bill in the history of the states, of the United States, any of the states, and he stopped the reservoir at Covelo Round Valley. Environmentalist. Because Norman Livermore was his guru. And as long as Livermore was [his guru], instead of Tuttle and the automobile guys from Southern California, until then he was a moderate and they made him over into Mr. Right Wing and Mr. Spender. Until I die, I will never understand why he's regarded as a figure of fiscal probity. He was the worst spender until Bush in the history of the world. He's the guy who really put the state and the country under financially. Until Bush, he was the greatest spender in American history.
- 08-00:36:39
Meeker: Spending without revenues especially.
- 08-00:36:41
Newsom: Pardon me?
- 08-00:36:42
Meeker: Spending without revenues especially.
- 08-00:36:45
Newsom: Exactly.
- 08-00:36:45
Meeker: So let's move on to some more of your—in the moments we have left today—some of the decisions. But before I get to that, I guess I should probably ask you to comment on your colleague, Justice Halvonik.

08-00:37:00
Newsom: Halvonik.

08-00:37:01
Meeker: Halvonik.

08-00:37:02
Newsom: Yes.

08-00:37:04
Meeker: And the marijuana charge circa 1979. That appeared in the paper, so it seems like it's worth asking you about.

08-00:37:14
Newsom: He never smoked it around me, but my guess is that probably Paul smoked marijuana at some time in his career before he became a judge. Who knows. Maybe even afterward. But it never interfered with his judicial abilities. Outstanding guy. Very good mind. Also, great jazz pianist.

08-00:37:48
Meeker: Maybe the context to talk about this, then, is—what's the phrase that's sometimes used around occupations and the behavior of individuals? It's moral something clause.

08-00:38:06
Newsom: No fault?

08-00:38:07
Meeker: Yes, or something.

08-00:38:08
Newsom: No fault or something like that? Moral neutrality?

08-00:38:14
Meeker: Yes. I can't remember.

08-00:38:17
Newsom: Moral turpitude.

08-00:38:18
Meeker: Yes, exactly.

08-00:38:23
Newsom: Of course, marijuana is only a crime because it's been classified as a crime. In what way is it more serious than taking a drink?

08-00:38:34
Meeker: Sure. Your perspective on the personal lives and behaviors of judges vis-à-vis their ability to serve on the bench. What is the relationship? I assume that judges are held to a much higher standard than just about anyone else. But I wonder if there was a way in which you had to negotiate that yourself?

08-00:39:08
Newsom:

Not really. I was never, for example, somebody who liked marijuana. I tried it and it didn't attract me at all. I tried it in England a long, long time ago and I just thought I'd never want to try it again. It sort of occluded my thoughts and I liked clarity, so I couldn't handle it. On the other hand, I think I had to cut my drinking back a little when I became a judge. I don't think the personal life has much bearing, except most judges are married and live conservative lives and are not tempted into the arena of sin. Anyhow, most of them are a good gray people. That's why they got to be judges, because they didn't take chances and didn't really do anything sensationally impressive in the law, otherwise they would have been rich. Most were not rich. Most were decent people of fairly modest talents, but honorable people.

08-00:40:43
Meeker:

Did you ever feel pressured to remarry because of professional pressure?

08-00:40:50
Newsom:

No, I didn't, because I think I told you once before, I was of the view then, and still am, that being divorced, my first obligation was to my children. I'm very conservative in that sense.

08-00:41:09
Meeker:

Okay. So let's go through some of the decisions, and I assume next time we meet, we'll continue with this. And I'll probably go more or less chronologically and not necessarily cover all of these. So the first one I read was the *Rosner v. Sears Roebuck*. And this is 1980, so it's pretty early in your term.

08-00:41:30
Newsom:

A punitive damages decision, right?

08-00:41:32
Meeker:

Yes. But the thing that really caught me about it was—and I think I mentioned this to you before we started—was the colorful language, the fact that it was a good read.

08-00:41:47
Newsom:

Really?

08-00:41:47
Meeker:

Here's one quote from it. It says, "The jury could reasonably infer that the defendant acted in callous disregard for the plaintiff's rights, knowing that its conduct was substantially certain to vex, annoy, and injure plaintiffs." It even mentioned the loss of a family Bible as one of the things that happened. And actually, that's probably not even the most—

08-00:42:12
Newsom:

The Bible was spoiled allegedly by water damage.

08-00:42:16
Meeker: Yes, yes.

08-00:42:17
Newsom: By the way, that decision is the basis for my claim that I'm really not a liberal.

08-00:42:26
Meeker: Okay. How so?

08-00:42:29
Newsom: In the criminal area, I was tending to be a little liberal, but punitive damages, I don't think I ever saw a case in which I didn't vote to reduce the damages. And that annoyed a lot of the liberal bar.

08-00:42:54
Meeker: Or trial lawyers, I guess.

08-00:42:56
Newsom: I thought then, and I still think, that punitive damages are a dubious proposition.

08-00:43:09
Meeker: Compensatory damages. Am I saying it right?

08-00:43:11
Newsom: Compensatory.

08-00:43:12
Meeker: Compensatory were about 158,000, if I remember correctly. The original Superior Court awarded ten million dollars in punitive and you said that if you lower it to 2.5, then we can finish up this matter.

08-00:43:25
Newsom: Yes, yes.

08-00:43:26
Meeker: Did Sears sign on to that or did they continue to appeal? Do you recall?

08-00:43:31
Newsom: I believe they signed on to that. But in my opinion, 2.5 was plenty. Ten was excessive.

08-00:43:40
Meeker: Well, it was like sixty-three to one or something like that.

08-00:43:41
Newsom: Yes, yes.

08-00:43:43
Meeker: Well, the thing that struck me again about this particular decision was the language in which it was written. I guess I'd just kind of like you to reflect on the legal decision as literature and to—

- 08-00:44:01
Newsom: That wouldn't be my first choice. It would not be.
- 08-00:44:05
Meeker: Well, okay. This is just one of the first ones that I read, so I think that it struck me as maybe not literature, but as—
- 08-00:44:17
Newsom: Reasonably well written?
- 08-00:44:19
Meeker: I guess having a voice, right. So I assume that—and this could be a false assumption—when some judges write their decisions, they're seeking not to have their own personal voice, whereas some other ones—I guess that's probably a spectrum, are interested in developing their own voice. And it seems like your opinions fall more in the side of willing to develop your own voice.
- 08-00:44:50
Newsom: I think that's true. I've been told that by people who've read them, who have read a lot of legal decisions. They think I have more of a point of view than most judges.
- 08-00:45:04
Meeker: A point of view, but also a language.
- 08-00:45:07
Newsom: Yes. I hope I express myself a little better than many of the others.
- 08-00:45:14
Meeker: Was this something that you actively worked on?
- 08-00:45:18
Newsom: Let me be immodest and say it came naturally to me, because I majored in English. I was and am a student of English, and I tried to be literate without being pompous. I tried to be interesting without being unjudicial, and I never saw anything wrong with livening up an opinion. I never wanted to strain judicial humor. I've seen a lot of bad opinions written by people that were trying to be jokers on the bench. It doesn't work. But I don't think there's any reason not to be interesting if you have an interesting case.
- 08-00:46:08
Meeker: Okay. Yes, because I don't recall a lot of sort of jokes or anything in there. But were you ever approached by other justices who would have said, "Come on, Bill, tone it down."
- 08-00:46:23
Newsom: No.

08-00:46:24
Meeker: It sounds like, by some of the phrases that have been repeatedly quoted, there was more praise than there would have been criticism.

08-00:46:34
Newsom: I think more praise than criticism. I'm not sure. Yes.

08-00:46:37
Meeker: Do you feel like over the seventeen years in which you were writing these decisions that your voice changed at all?

08-00:46:43
Newsom: Yes. Toward the end, it got quite pedestrian because I was getting a little bored with the job. Repeated, especially in the criminal area. The sameness of the situations. Got boring at the end. You lost the zest. You kept seeing the same people. Not the same people, but the same fact situations. Given that there's no threshold for a criminal appeal, every appeal is paid for by the state, and why not appeal. There's no threshold of credibility or plausibility in a criminal case, so most of the criminal cases were just extremely boring. Rote.

08-00:47:43
Meeker: Well, there's not an interesting constitutional matter involved in a lot of cases.

08-00:47:48
Newsom: Exactly. Civil side was much more interesting. Much.

08-00:47:57
Meeker: Well, I guess back to another case, which was a criminal, not a civil case, and this was the *People v. Schoenfeld* [1980], which was this famous—

08-00:48:07
Newsom: Oh, a fascinating case. Fascinating case.

08-00:48:08
Meeker: And I remember growing up in California and hearing about this.

08-00:48:11
Newsom: They're still in prison. I'm outraged by it.

08-00:48:16
Meeker: How so?

08-00:48:17
Newsom: This was 1970—

08-00:48:19
Meeker: Eight or nine. Yes.

08-00:48:21
Newsom: Eight.

- 08-00:48:22
Meeker: That the crime happened.
- 08-00:48:25
Newsom: How many years ago is that?
- 08-00:48:27
Meeker: Well, thirty.
- 08-00:48:28
Newsom: Yes. They had no criminal records. They didn't hurt anybody. They took pains not to inflict any bodily harm on people and they were given a preposterous sentence of life without possibility of parole. We modified that.
- 08-00:48:49
Meeker: To life with the possibility of parole.
- 08-00:48:50
Newsom: Yes. And they're still in there because nobody has the guts to step up and say what the truth is, that they were never a great threat to society, and they're certainly completely rehabilitated now. If they needed to be rehabilitated. They were kids when they did it. Eighteen. One was eighteen years old and one twenty.
- 08-00:49:19
Meeker: Well, the question before you was, and the question that you took up, was the definition of bodily harm. And you basically said that a case of nausea and a few bloody noses didn't translate into bodily harm.
- 08-00:49:32
Newsom: Exactly.
- 08-00:49:33
Meeker: But you had, again, this other point which I think relates to the *Bunton v. Arizona Pacific* [1983], that famous quote about the legislature actually meaning what it says or not. And in this particular decision, you said—oh, wait. Yes. “If the legislature had intended us to consider emotional distress and psychic damage in determining whether bodily harm occurred, it can and possibly should say so. So far, it has not.” And this, again, sort of matches pretty closely what you had said in the *Bunton v. Arizona Pacific*. And then you had also quoted Bacon, and you said, “We are to declare the law, not to make laws.” I guess I'm wondering if you can contextualize this in your overall judicial philosophy?
- 08-00:50:36
Newsom: Yes. You know the judge whose name is Deegan in that case in the Superior Court level admitted that he was wrong. He admitted that he was wrong in creating out of whole cloth this great bodily injury thing and he wrote letters saying he was wrong. He agreed with us in the Court of Appeal. He tried to get these guys out after this happened, Deegan, Leonard Deegan. Very good

judge. The case was tried in Alameda County, I think. He repented, so to speak, and one up to him for doing it. It's just an example of where people on a case, including my colleague Elkington, I think, who dissented in this case, just let their emotions, strangely, run away from them because they are outraged by what these people did. And I never let that happen. As I said in the opinion, I don't think you can create a law where it doesn't exist. And it was clear to me that the law required actual physical damage to people. Psychic damage is another matter. Maybe we should have weighed in on psychic damage. But we weren't asked to do that. That was my point there and I thought it was pretty straightforward. Racanelli agreed with me and he still is as appalled as I am that they're still in prison. It's totally unjust. They could have killed people and been out fifteen years ago. But it's a high-profile case. Every time it comes up, the press gets on it. They pull up some kid who's been a failure in life, and he says the reason I failed in life is what happened to me on the bus thirty years ago. That's absurd. I've also received letters from people saying, "I'm fine. This guy's fine who's complaining, except he likes publicity." It's very discouraging.

08-00:53:18

Meeker:

I wonder about this notion, and I'm probably pushing it a little much here in a way that maybe is not appropriate. Again, I'm thinking about Constitutional issues and the notion of how people like Scalia use this notion of original intent. And I'm wondering if this notion of we are to declare, not make laws, how those relate. Because they tap into a similar sense about the law and the role of judiciary, or do you see what you're arguing here as substantially different?

08-00:54:15

Newsom:

Well, the easy answer to original intent—with Scalia, you know what I'm going to say. What do you think, an African American is not a person? An American Indian is not a person? If he wants to use original intent, he would say that. He doesn't dare. It's a threadbare theory, original intent. Doesn't hold any water at all as a theory.

08-00:54:51

Meeker:

Why is that?

08-00:54:52

Newsom:

Because of underlying changes in morals in the country today from what it was under the founding fathers. Emphasize *fathers*. No founding *mothers*. Women had no rights. A lot of people of color had no rights. People had draconian views of punishment and it just wasn't working any longer. The theory makes no sense to me.

08-00:55:32

Meeker:

So do you maybe see this in essence kind of less ideological but more sort of constrained view about we are to declare, not make laws as perhaps maybe an alternative umbrella of judicial philosophy that might be able to—

- 08-00:55:54
Newsom: Well, where the law is clear, as in the *Schoenfeld* case on bodily injury and it makes sense, apply it. But if the law had said you can cut off the hands of people who have injured other people with their hands, I would say even though that was the original intent, it wouldn't sell today. Shouldn't sell. We've improved over that time and I think we've improved in many ways and not retrogressed in many. So that's sort of my view.
- 08-00:56:40
Meeker: Well, so comparing this case in *Schoenfeld*, in which it's clear—and I assumed that your decision was upheld by the Supreme Court, California Supreme Court?
- 08-00:56:55
Newsom: I think so.
- 08-00:56:57
Meeker: In comparison to the *Bunton v. Arizona Pacific Tank Lines*, that it sounds like the legislation that was written was not clear because what you said was—
- 08-00:57:12
Newsom: I forget that case. Arizona—
- 08-00:57:15
Meeker: I don't actually have the full decision here. But this is the one where that quote comes from.
- 08-00:57:21
Newsom: Oh, yes. Okay.
- 08-00:57:23
Meeker: The brief thing that you wrote basically—it was a concurring opinion. “As to the appeal itself, I concur in the opinion of the majority because of its construction of code of civil procedure seems plausible and hence probably correct, although given the cosmic incomprehensibility of the section, one can never be absolutely sure.” So it sounds like you're really questioning the—
- 08-00:57:50
Newsom: It made no sense at all.
- 08-00:57:52
Meeker: The law?
- 08-00:57:52
Newsom: We had to take a guess at what it meant. I said, “Your guess is as good as mine.” So [there was] not a problem with that. But in the *Schoenfeld* case, it was clear that they didn't mean to encompass emotional damage. How would you measure that in that case?

08-00:58:14
Meeker: Well, this is an interesting comparison, then, because with *Schoenfeld* it seems pretty cut and dried that they would have said psychic or emotional damage if in fact they meant that.

08-00:58:22
Newsom: Yes, yes.

08-00:58:24
Meeker: And they were very clear about bodily harm.

08-00:58:27
Newsom: “Bodily” has a well-known meaning.

08-00:58:27
Meeker: Yes. And so in these other cases in which the legislature doesn’t do their job and writes their laws inconclusively, what is your judicial philosophy in those situations? What is the role of the judge in making decisions based on the laws that are not clear?

08-00:58:50
Newsom: Your guess is as good as mine. In other words, if I don’t know what something means, I would say so. In that case, I was saying damned if I knew what they meant. In the absence of a clear statement, your guess is as good as mine. That’s all I can say.

08-00:59:14
Meeker: Which is an interesting admission that someone like Scalia would never make because it seems that the notion of original intent presumes that he—

08-00:59:26
Newsom: He would figure out what the original intent should have been.

08-00:59:29
Meeker: Yes, he’s kind of channeling them or something.

08-00:59:31
Newsom: Yes, yes. Yes, exactly.

08-00:59:34
Meeker: All right. Well, let’s wrap up for today then.

08-00:59:37
Newsom: Okay.

[End of Interview]

Interview #5: May 11, 2009

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09-00:00:00

Meeker: Today is the 11th of May 2009. This is Martin Meeker interviewing Judge Bill Newsom for the Regional Oral History Office. Let me start today just by maybe jumping back in time a little bit. We had really focused in the last interview on your appointments to superior court in Placer County and then to the California State Court of Appeals, First District, both by Jerry Brown.

09-00:00:47

Newsom: Yes.

09-00:00:48

Meeker: But one sort of interesting case brought up by Warren Rider that I thought I'd get you to provide an account of, because it sounds interesting, was the Pianezzi case.

09-00:01:07

Newsom: Pianezzi. It was not a case of my own. It was not in my court.

09-00:01:14

Meeker: Well, he says that you approached him as a lawyer and not as a judge, right? Or his attorney, to a certain extent.

09-00:01:20

Newsom: Yes, I did. I was on the Court of Appeals at the time. I was a sitting judge in the Court of Appeals in the First District and I had known Pianezzi socially and I was fascinated by his case. He wrote a book, an autobiography called the *The Bum Rap Kid* and it was about his having been framed for murder, which occurred down in, I think, Monterey or some place like that. I can't remember now. But he was, to make a long story short, convicted of first-degree murder. And interestingly, he escaped the death penalty by one vote. There was one vote in favor of life and you have to have unanimous vote for a death penalty. So thanks to this person, he was not executed. And I got very much involved in the case because I became convinced by reading about it that he had been framed. Suffice to say, I was right. He had been framed. And I worked very, very hard to get him pardoned. He was out of prison. He'd served something like fifteen or twenty years in Folsom. He used to tell me what he did there he made littler rocks out of big ones. He had a sledgehammer, worked all day breaking rocks. In those days, they didn't fool around. So he finally got out. He got married to the woman who'd waited for him for sixteen years. Frances Pianezzi. She died a few years later, very early on. And I remained friendly with Pete.

But the way that the case broke was very interesting. Lowell Bergman was involved, the journalist professor from UC. And a reporter named Jon Standefer from *The San Diego Union*. And they somehow turned up the name

of the man who drove the death car in the murder who had framed Pianezzi, his name was Bobby Garcia. He got on the program *60 Minutes*. Was it *60 Minutes*? I can't remember the name. I think it was *60 Minutes*. I'll correct myself later if I'm wrong.

09-00:04:24

Meeker:

Well, Warren Rider mentioned something about you being interviewed by Mike Wallace in this context, so that would have been *60 Minutes* then.

09-00:04:32

Newsom:

Yes. Could have been. I can't recall now. But at any rate, I watched the program which exonerated Pete with Pete in Marin County—we watched it together. And Bobby Garcia appeared on the program. I'll never forget this. Garcia was then quite elderly. This was almost twenty years after the event. And he said, "Pete, look, what I did was wrong, lying about that." And I remember Pete saying, "You can say that again." He said, "What I did was wrong, Pete. God forgive me. They would have killed my kids if I didn't lie. That's why I did it." And Pete Pianezzi said to me, "Bill, that still don't make it right." Yes. And so all of a sudden, the news broke that, in fact, Pianezzi had been telling the truth for years, [and he] had nothing to do with the murder. He wasn't there at all. The nine or so witnesses who placed him someplace else that night, you couldn't believe that they wouldn't be believed, but they weren't. Pete was exonerated. Jerry Brown then eventually acceded to my request to give Pianezzi an innocent pardon. One of the very few innocent pardons ever given in California, I believe. Just a handful. And I remember Gray Davis didn't want Jerry to do it. He said, "You're risking your career over this." And Jerry to his great credit did it. And it took a while of working on it, but he finally came around to it. Lowell Bergman helped. Jon Standefer helped a lot. Together with me, they worked on Brown and finally brought him around to an innocent pardon.

Pete was out of jail for years and years, and had a job, was doing fine, but he never could live with the idea. He was no angel, but he had never committed a murder, and that's a big difference. And so we had a party at Bimbo's to celebrate. It was a great occasion. Warren Rider was there, the La Rocca family was there. A lot of people. Full house. And a great evening and triumph for Pete, at the age of seventy-five or eighty, to be exonerated. That was the Pianezzi story.

09-00:07:44

Meeker:

So I assume the crime, the murder, originally occurred in the 1950s or thereabouts? I didn't get a chance to really look into it in very much detail.

09-00:07:53

Newsom:

I think it was in the fifties. I wish I could remember where it occurred, but it was a brutal killing. It was a gangland killing. The victim, I think, was named Les Bruneman. He was a bookmaker. And Pete knew him, but he wasn't anywhere near the murder scene. There's an interesting side story here. There

was a woman who claimed to be an eyewitness, and she was the pivotal witness in the case for the prosecution. She said, “I looked into those eyes. I will never forget those eyes, and they are the eyes of the man sitting here, Pianezzi.” She was mistaken and we think she’d been coached by the DA.

09-00:08:52

Meeker:

She pointed to someone who was not Pianezzi?

09-00:08:55

Newsom:

She pointed at Pianezzi and said, “That’s the man. I will never forget it.” And that was a reason the jury convicted. They couldn’t believe that a person would swear—she was an eyewitness—look right in his eyes, was saying years later, “That’s the guy.” Eyewitness testimony undeservedly gets more credibility than other types of evidence, circumstantial evidence. But, in fact, it’s very weak compared to solid circumstantial evidence. Because if you showed me the tracks of a dog in the mud after a rainstorm and they matched my dog’s. The evidence is irrefutable. But when you depend on memory, it’s often shaky. I remember when I was in law school, this brilliant professor we had in Evidence—I think it was Shepherd—he would do this every year. He would reenact a killing and have people run through a courtroom and ask the students afterward what they’d seen. One person would say, “Two Chinese men and a black woman.” Another would say, “No, it was a tall white woman and a smaller black man.” Everybody had a different story. If it happened suddenly and without any warning, everybody would see something different. It’s amazing. That’s what happened with Pianezzi.

An interesting sideline to that story. The judge in the case went to his grave alleging that he still believed Pianezzi was guilty. I think he was lying. I don’t think he believed it, because at one time he contacted Pianezzi when Pianezzi was in prison. He wrote him a letter. It said, “Pete, I don’t think you did this murder.” He put it in writing. He said, “But I think you know who did. And when you tell me who did, I’ll go to work getting you out of prison.” This judge was a member, I recall, of the Knights of Columbus, a leading Catholic layman in Los Angeles. His name is easy to find. He’s in the book, Pianezzi’s book. And he was, I’m sorry to say, a fraud. After he knew, after all this testimony had come out and Garcia confessed to driving the murder car and told who had hired him, it all hung together. Even after that, this judge refused to endorse Pianezzi’s pardon. Just convinced himself that he couldn’t have been wrong. He knew he was but he wouldn’t admit it.

09-00:12:15

Meeker:

Well, this is one of those really fascinating cases, especially considering that Pianezzi, as you said, was one vote away from the gas chamber or the electric chair, wherever—

09-00:12:24

Newsom:

By one vote.

09-00:12:25
Meeker: By one vote. That would make, I think, someone who was committed to the study, the practice and the adjudication of law kind of throw up their hands at the whole affair.

09-00:12:39
Newsom: Yes.

09-00:12:40
Meeker: Because you have, one, someone who was perhaps not an angel spending time—

09-00:12:45
Newsom: He had a record.

09-00:12:46
Meeker: He had a record, right?

09-00:12:47
Newsom: Yes.

09-00:12:48
Meeker: But still being judged for a crime that he did not commit simply because he was determined to be maybe someone of loose morals.

09-00:12:58
Newsom: Exactly.

09-00:12:58
Meeker: Or maybe not loose morals, but of a criminal character, perhaps.

09-00:13:02
Newsom: It's still the case that that kind of guilt by association is easy to establish.

09-00:13:08
Meeker: Well, then, so you have just guilt by association. Then you have problems with evidence as presented in the courtroom.

09-00:13:15
Newsom: Major problems.

09-00:13:16
Meeker: And the problem with eyewitness testimony. And then you have a judge, as you described [him], who is a fraud. And then ultimately you even have a governor who, presented with all this evidence, still requires a great deal of lobbying, it sounds like, on behalf of people who are close to him to bring about a full innocent pardon. How did this case, as broadly as possible, impact your thoughts about the way in which law is practiced?

09-00:13:48
Newsom: Well, you've just recited all the reasons why I became and remain a skeptic on the criminal law. By the way, after Pianezzi's innocence was established by

all rational standards, the San Francisco Officers Association weighed in and said they opposed the pardon. There are good guys and bad guys in the world. Professional good guys are all the same. Sanctimonious. I couldn't believe it. I went down and met with them and tried to convince the board that the evidence was completely overwhelming. But Bruneman had a nephew who was a cop and that made it all the more likely that they would oppose it. They weighed in gratuitously against Pianezzi and against the pardon. That left a deep impression on me. It was a classic case. What's the moral of it? I guess I can't put my finger on it. It's just that once people take a firm position, it's very hard to get them to retract, even in the face of overwhelming evidence. So that was it.

09-00:15:30

Meeker:

Well, the way you describe it, it's sort of interesting. I mean, the court must deal to a certain extent in absolutes, right? Innocence, guilt, et cetera.

09-00:15:40

Newsom:

Yes.

09-00:15:41

Meeker:

But being a skeptic in that situation must be a difficult position to hold. It kind of reminds me of an interview I did with this man who studied to become a rabbi and became ordained as a rabbi, but said that he never really believed in God, or at least he was agnostic about it, if not a full atheist. And you kind of wonder, well, how do you become a man of God at the same time that you don't necessarily believe that God exists? It seems like a similar situation here. I don't know if it's possible for you to answer, but how do you inhabit a position of adjudicating and putting decisions forth that deal in absolutes when it's your inclination to be more of a skeptic?

09-00:16:39

Newsom:

The fact is that the process works pretty well. By the time somebody is charged with a crime, prosecuted for a crime, cross-examined, say he has competent counsel, and then is convicted by a jury and then appeals to the court to set aside the verdict and the court turns that person down, and then he goes to the court of appeal. It gets no dissent and three people adjudicate him guilty, you can be pretty damn sure he's guilty. I was always comfortable with the process. But every once in a while, something slips through the cracks. And so you never want to lose that skeptical element in your review of things, because every once in a while something you think couldn't happen happens. And that's not to say, as I just was saying, that most of the time the system doesn't work very well. It does. It works pretty damn well. But every once in a while, it fails. Pianezzi was a classic case of failing.

09-00:18:10

Meeker:

This might be a tangential aside, but you had mentioned that Pianezzi's story was sort of wrapped up in the Mafia, in organized crime in some sense. The way that I've read the history of organized crime, particularly in California,

was that it was never—the sort of old East Coast Mafia, I guess, was never that well established in California, at least certainly not the Bay Area. I even came across—it was an oral history account once, I guess probably with Chief Cahill in San Francisco in the sixties.

09-00:18:48
Newsom:

Friend of my father's, yes.

09-00:18:49
Meeker:

Yes. He described, I believe, in this interview, hearing that this group was coming out from New Jersey or New York to set up operations.

09-00:18:58
Newsom:

He met them?

09-00:19:01
Meeker:

And met them at the airport and sent them back.

09-00:19:01
Newsom:

Frank Ahern was there, his predecessor, and Cahill was homicide inspector at the time. But Ahern was a very tough guy. Ahern met them. I mentioned La Rocca's Corner. That bar which still exists, it's under new ownership, was owned for many, many years by the La Roccas. A famous murder was plotted in the forties or fifties in La Rocca's Corner Bar. The victim was found trussed, bound, gagged and stuffed in the trunk of a car in the Marina District and I remember being told by the grandfather of Leo La Rocca that he was told by some eastern guys not to be at the bar on this night. They took over the bar and plotted the murder there and somebody overheard them talking. That came out in a court case. So it was true. It was testimony in a court case. But I guess the point is that there was no local mob, but they were sent in from Chicago or New York. And Ahern, every time they would show up, would be tipped off and would meet them at the airport and tell them, "You're not welcome." But this time he was not there and they came in to town. I can't think of the name. A famous murder case in San Francisco—[Nick De John] And they killed the victim and stuffed him in a trunk in the Marina. Brutal killing.

09-00:21:06
Meeker:

There's some historical speculation or interpretation that one of the reasons the Mafia was never able to get a foothold in San Francisco was the power hold that the largely-Irish police department had over vice and payoffs and so forth in San Francisco. In other words, that the "mafia" in San Francisco may have been the Irish police force.

09-00:21:38
Newsom:

Good point, because there was a lot of corruption in those days. Pre-Pat Brown, under Matt Brady and before then, it was an open city. The McDonough brothers ran it all. Pete and Eddie McDonough. They were called the Fountainheads of Corruption. I dimly knew one of them years and years

ago. They're gone for many years. But I know my father went down for Pat Brown to meet with the McDonough's after Brown became DA to tell them it was over. It was a rainy night, he said. He went down to Varni's Huddle Bar and he met the McDonough's and he told them it was over. "Pete, Eddie, it's over now. Everything closes up. The bookmaking, the numbers, everything."

09-00:22:37

Meeker:

Prostitution.

09-00:22:38

Newsom:

I don't think they dealt in prostitution. Nice Catholic boys. And so my father went home. I'm surprised I haven't told you this story in one of our conversations. My father got home. It was a rainy night. The phone rang. It was Pat Brown. Pat Brown said, "My god, Bill. I reached in my trench coat pocket and there's five grand there." A lot of money. "So what do I do?" And my father said, "I'll be right over." So my father drove to 460 Magellan Street, picked up the coat, took the coat and the five grand back to Varni's Huddle and went in on this rainy night and said to whichever of the McDonoughs it was, Pete or Eddie, said, "Edmund picked up the wrong coat," and gave it back. And McDonough said to my father, "Billy, there was no tag on that. We're just saying thanks for the heads-up." They didn't say heads-up in those days, but for the warning. "We're out of business." They gave him ten days or so to close up shop. My father did that on his own.

09-00:23:59

Meeker:

Did they?

09-00:24:01

Newsom:

Close up? That was the end. The town shut down when Brady left as DA and Brady became a judge after that. He said to my father one day—this is, to me, very funny. My father goes in to have his tickets taken care of. Maybe forty-eight tickets accumulated and he would go in one day and bring them in to court. Anybody who had stature could do that. And he walks in to court and looks up and said, "My god." There was Brady. "And Brady called me up," my father said, brought all the tickets stapled together.

He said to my father, "Billy, you guys did a hell of a job on me." And my father said, "I'd never felt smaller in my life. That Brady, we'd just mowed him down and now he was doing me this favor." And my father would have paid the tickets times five rather than have Brady take care of them, but it was too late.

Anyhow, I just thought of the name of the famous murder case. Nick De John was the most famous murder case of his time. For years and years. It was a mob killing and De John was the victim. He was a mob affiliate out here.

09-00:25:52

Meeker:

With the end of the McDonough Brothers racket, that certainly didn't spell the end of vice in San Francisco.

09-00:25:59

Newsom:

It put a terrific crimp in it because Pat Brown was not on the take. He was dollar honest.

09-00:26:06

Meeker:

Well, I guess I wonder if the nature of vice changed. And I've kind of—

09-00:26:11

Newsom:

The cops still ran a lot of the town. And I know Al Arnaud or somebody, it was a captain, was switched from one district to another and he called my father and asked for my father's help with keeping him in the same district. And my father said, "You're still a captain. What the hell's the difference?" He said, "The difference is five grand a month. That's the difference."

09-00:26:39

Meeker:

The tenderloin steaks.

09-00:26:41

Newsom:

Yes, exactly. So that still existed but Brown put a lid on it. How successfully I can't say, but he did put a lid on it and the town was much less corrupt under Pat Brown.

09-00:26:58

Meeker:

It seems to me that something that gets shut down a lot is—well, two things. The nature of vice in say the twenties and thirties really would have been—well, twenties was prohibition—but would have been bookmaking and prostitution. But then you get to the 1950s and sixties, and instead the most lucrative sources of vice would have probably been maybe drugs and gay bars.

09-00:27:28

Newsom:

Yes.

09-00:27:29

Meeker:

And the regulation of them. So I wonder if Pat Brown, by shutting down bookmaking, for instance, and the McDonough brothers, allowed these other vice arenas to become lucrative for police. This is just speculation. Yes.

09-00:27:48

Newsom:

Abortion in San Francisco was run by Inez Burns and her husband, Joe Burns. Joe was second string. Inez ran it. It was a big racket in San Francisco, abortion. And bookmaking was a big racket but it's always gone on. It's absurd to think, but they used to throw people in jail for six months or a year for taking book. And I can't imagine that happening. It's still a crime, but I never read of anybody being arrested for bookmaking. I think when you suppress one type of crime, your point is valid, you create another one or you pay less attention to another form. And I would say I never thought of gay bars as being a source of payoffs, but it might have been years ago, because it was a no. You couldn't run a gay bar. There was a famous gay bar in North Beach.

09-00:29:03

Meeker: The Black Cat.

09-00:29:04

Newsom:

Yes, the Black Cat. And that was closed by the cops. And I heard the story. I don't know if it's true. I believe it is. It's a great story. Some leading Ahern-like Irish Catholic cop who didn't like gays led a raid on the Black Cat. About five tough Irish cops went in and busted every bottle, every glass, every mirror in the place in a huge rush through the bar in five minutes. I forget exactly what the pretext was, but they said something that sent the message to the owner. They said, "Oh, we're mistaken. We had another bar in mind." The owner said, "Oh, fine." Or the lady did. A lady ran the Black Cat. I forget her name. Tough times, but believe me, there was no tolerance for gays of either sex. There was always tolerance for bookmaking. And abortion, for years and years, under Burns flourished but one day it all ended. She was indicted for murder and went to prison. I think Pat Brown handled the prosecution.

09-00:30:48

Meeker: What about the madam? What's her name? I forget.

09-00:30:53

Newsom: Sally Stanford.

09-00:30:53

Meeker: Sally Stanford, yes.

09-00:30:55

Newsom: Yes. Well-connected, friendly, successful.

09-00:31:00

Meeker: Had a distinguished client list.

09-00:31:02

Newsom: Oh, yes. I'm sure. Very distinguished client list and that was probably a hell of a weapon to use. Pardon me. I met her a couple of times later in life in Sausalito.

09-00:31:19

Meeker: Yes. She was mayor.

09-00:31:21

Newsom: She was the vice-mayor, yes. There was always an amused tolerance towards her. There were a couple of other madams. But it wasn't a real problem in San Francisco. The girls were semi-pros and disease was not a big factor. It was before AIDS. Different times entirely.

09-00:31:51

Meeker: Well, that was a bit of a tangent, but interesting nonetheless.

09-00:31:53

Newsom: Yes, yes.

09-00:31:53

Meeker:

So let's jump forward and sort of pick up where we were last time. I kind of just wanted to go through some of these decisions that I read through that were kind of deemed your greatest hits. And I probably won't go through all of them, but there were some that I found to bring up some interesting issues and just ask you to comment on them.

One is *People v. Sheila Northrop*, and this was 1982. Apparently Sheila Northrop was a woman who killed her child through child abuse and basically she was convicted on both child abuse charges and second degree murder charges and her appeal was that she shouldn't be convicted on second degree murder charges because killing the child should have just been considered child abuse and so it was kind of a double jeopardy question.

09-00:32:52

Newsom:

I can't remember it.

09-00:32:52

Meeker:

You can't recall this one? Okay.

09-00:32:53

Newsom:

I can't. If I knew a little more about the circumstances, I might remember the murder. Any time a child is killed it is a graphic thing.

09-00:33:05

Meeker:

I'd have to go through it.

09-00:33:08

Newsom:

What year was the case?

09-00:33:09

Meeker:

1982 and the woman's name, I believe, was Sheila Northrop. So she was convicted on both child abuse and second degree murder. The reason that I brought this up was not sort of a grotesque conversation about child murder, but she was in essence sort of seeking to reduce her conviction or reduce her sentence so that it wasn't a second degree murder charge in addition to child abuse. And that you, as the presiding judge, denied this appeal, basically saying that both applied in this case. But in the event that the appeal was approved, right, so that she would have only been convicted on child abuse instead of second degree murder, as well—you regularly hear of guilty pleas being overturned on this notion of legal technicalities.

09-00:34:23

Newsom:

You never hear that the person is retried and convicted often. The newspapers don't like to add that.

09-00:34:29

Meeker:

Yes. But they do like to talk about this murderer got away.

09-00:34:32
Newsom:

Oh, yes. Got away.

09-00:34:33
Meeker:

Or their sentence was reduced to something which is a mere fraction of what it should have been.

09-00:34:39
Newsom:

Miniscule. Yes, exactly.

09-00:34:40
Meeker:

And so I guess that's kind of what I wanted to ask you about, and that maybe is just really sort of is how as a judge did you weigh—I mean, there's a couple of ways of looking at this.

09-00:34:55
Newsom:

Let me give you a great example of what I think you're driving at. I had a case, I can't recall the name of the case right now. The facts were simply this: It involved abuse of a six-year-old child who was being raised by a transvestite, and the mother of the child was a prostitute. The child was rented out for sexual purposes to people. It was by far the worst case I ever encountered. Norman Elkington, my colleague, was then eighty years old, a tough prosecutor. One of the best we ever had and a no-nonsense guy. Norman came into my office and said, "Bill, I can't look at these pictures." They were pictures of this little boy covered from head to toe with human bite marks. I can tell you, I remember, I was so shocked by the pictures that I had to go out and walk around for a while. And I think I got emotional. Elkington said, "I can't look at them, so you have to judge whether they should have been admitted in evidence," because the argument was this inflamed the jury, as well it might have. But my answer to that was, "Yes. He did it. What right does he have to complain about our showing them?" It's a facetious argument, I thought. They tried it anyhow. We ruled against them.

But ultimately what I want to say is this. I was limited to a sentence of something like eight years in prison. In those days, you got half time off. So this person did four years for this atrocious crime. That was the max you could give. If he'd murdered the child, of course, he could have been executed. This ironically was a minor crime because there is no special crime of renting your child out for torture. It's child endangerment and the maximum sentence was eight years. So in a lot of cases, there's no way of making the punishment commensurate with the horror or gravity of the crime. In a lot of ways, the criminal law just doesn't work. And having fixed sentences is absurd. You should let the judge recommend penalties or impose penalties. If I had been able to, I would have sentenced the defendant to life without parole. He was beyond the pale. Anybody who would do that to a child systematically—if you believe in the death penalty—I don't, but if I did, I would have said, "Let's erect a gibbet and hang him here." But I couldn't do it. I gave him eight years. So if somebody wanted to attack my record, what a

great place to start: “Here’s what Justice Newsom did in this case. This child was tortured, maimed, and he received eight years in prison. Newsom gave him eight years in prison.”

09-00:38:52

Meeker: Who in that case would have determined what crimes a person would have been charged with?

09-00:38:59

Newsom: The DA. He threw the book at him. He chose the highest penalty. It’s all he could get because there is no crime of allowing people to do what he did. All the atrocious things implicit in the behavior fall under the spectrum of child neglect.

09-00:39:30

Meeker: Well, sentencing guidelines—or not even guidelines, but mandates—that’s a whole interesting issue. And especially perhaps in a reverse scenario from what you just described up until recently, the gross discrepancy between sentencing for crack cocaine versus powdered cocaine—

09-00:39:47

Newsom: Yes. An absurd distinction.

09-00:39:49

Meeker: Yes. And how it apparently negatively impacts one racial group as opposed to another.

09-00:39:56

Newsom: Of course it does.

09-00:39:58

Meeker: How did you, as a justice, come to terms with sentencing guidelines and did you and your fellow judges ever develop some ways to try to get around it?

09-00:40:16

Newsom: Yes, yes. I remember a time when I was one of three justices, two of whom were Republicans and conservatives. I remember sitting down saying, “Look, this is absurd that this defendant should go to prison for fifteen years for selling this amount of cocaine. Is there anything we can do?” And if there was, my colleagues would be inclined to do it, to mitigate, to look a little the other way to avoid some horrible injustice. But sometimes you couldn’t and sometimes I was trapped and sometimes my colleagues would say, “Bill, I know it’s not right but it’s the law. We have to do it.” And I was constrained to do it. That’s a part of the job I never liked. Especially once the legislature took over and started to tell the judges what the right sentence was when they, one, weren’t there, two, knew nothing about the facts, and three, were just dealing with bare record. Telling us exactly how many years to sentence this person to, that makes no sense at all, but it’s still the law, I believe.

09-00:41:40

Meeker:

Well, I wonder if, as judges have conversations about this with one another, if there's ever sort of legal strategies proposed to enforce the separation of powers and see that legislators cannot unduly influence the work of the judges.

09-00:42:03

Newsom:

I know there are several federal judges who resigned rather than impose the crack sentence that was required. Putting some young man in prison for twenty-six years for half a gram of crack cocaine. I know there are several judges who resigned for that reason, and I can understand very well why. I went off the bench a little before the law really got Draconian on the subject, and now it's simply absurd. It might just recently have been turning a bit in the other direction, the better direction. But the idea, to take extreme cases going back, Texas cases, where a young man was put in prison for thirty years after having been found with a marijuana cigarette, one cigarette, this is insane, but they didn't think so in Texas. Still don't. Anyhow, I think the criminal law in the United States makes no sense and we have so many people in prison who shouldn't be there, most of them for drug-related offenses. And I see the governor just the other day asked for a review of the marijuana law. My God, I can't believe people are still put in prison for marijuana. I don't believe there is a policeman in San Francisco, except one who got very angry, who would book a person if he found him with a couple of marijuana cigarettes. But in Texas, ten years ago, they put somebody in prison for years for that.

09-00:44:06

Meeker:

So this notion of resigning because there's a disagreement with the law, I wonder if you ever even sort of entertained that thought?

09-00:44:17

Newsom:

No. I always was able to rationalize things and I was always able to persuade somebody to help me avoid some hideously unjust rule. And that reminds me of H. L. Mencken's great comment about average judges. He said, "The average judge has no more give and take in him than has a terrier at a rat hole." That was my opinion and still is in some instances. But I was always able to rationalize some things a little and work around the toughest parts.

09-00:45:03

Meeker:

So this next case I want to bring up. Again, also maybe my question from it is somewhat tangential to the nature of the case itself, but this is kind of what it brought up for me and this is *Brown v. Superior Court of San Francisco*, eighty-two, and this is when there was a creation of eighteen new Court of Appeal judgeships.

09-00:45:24

Newsom:

Yes.

09-00:45:25

Meeker:

And the idea was that there was a question about who could actually approve these because there was no presiding judge to actually approve it. It was kind of a catch-22 situation if I remember correctly. Am I getting that completely wrong?

09-00:45:59

Newsom:

I don't think the case really had much significance in terms of legal precedent. It was just an ad hoc situation and I was a little uncomfortable because it was a Democrat/Republican thing and I was a known Democrat. But I don't think we had any choice but to do what we did there.

09-00:46:14

Meeker:

Well, actually, the question of politics was what it brought up for me when reading this. I mean, maybe just thinking in general about being a political being and being on the court. Especially the Court of Appeals. I don't know. Obviously, these days, when we have the Supreme Court that's so clearly divided and people are so readily identifiable with one side or another—

09-00:46:43

Newsom:

One side or the other.

09-00:46:44

Meeker:

But I think that there's still a sense that judges individually can excuse themselves from the binaries of politics.

09-00:46:57

Newsom:

Yes. Well, in that case, I would have been delighted had the case come up in the opposite way. Had I been asked to rule in favor of the Republicans. I would have loved that because it would have shown my independence. But here I knew the decision I was making was probably going to be viewed a little skeptically. I think most people who looked at the facts of the case understood the law of the case, that we had no choice but to do what we did.

09-00:47:33

Meeker:

So that is then the question. When you're thinking about how the public will perceive you or how the media will perceive you, or even, perhaps, more importantly, how your colleagues will perceive you vis-à-vis your sort of known political affiliations and to the decisions that you end up making. I guess what I'm trying to ask is how much does that impact the way in which you think about cases?

09-00:48:04

Newsom:

No, no, it was never a problem for me. The bigger problem for me was when I had an environmental decision and I had discretion, because I tended to be very environmentally aware. So it was kind of hard to push me in the other direction. But so far as partisan politics went, I didn't care that much about them.

09-00:48:35

Meeker: Well, maybe we should talk about a couple of these environmental decisions.

09-00:48:38

Newsom: Sure.

09-00:48:39

Meeker: And one of them that comes up is the *Sherman Lewis v. Hayward* [1986]. It's about taxation for maintaining agricultural lands. And that seemed to be really interesting and you wrote an opinion with Racanelli concurring and dissent by Holmdahl.

09-00:48:58

Newsom: Yes.

09-00:49:01

Meeker: So in essence you overturned a lower court decision, basically sort of saying that this one-year exemption to the Williamson Act, which allowed a lower property tax assessment if you were going to basically agree to a ten year moratorium on development was unconstitutional. This one-year exception was. And you write, for instance, "The court held that the impermissible effect of the window provision was to redefine restrictions so as to allow termination of Williamson Act contract merely because development was imminent and without concern for the public's interest and the conservation policies underlying." That's a real environmentalist position, an articulation of an environmentalist position. So this then is the question of you were known as someone who worked with environmental organizations. I think you were even on the board of some of them at this point in time.

09-00:50:03

Newsom: Pardon me?

09-00:50:03

Meeker: Were on the board of some of them?

09-00:50:06

Newsom: Yes. I was on the board of the Environmental Defense Fund. A national organization. But the big thing was the EDF, as it was called in those days, was concerned with federal laws for the most part. So I wrote to the ethics powers that be and asked if I could serve on the board and they said yes. There were few problems. Anytime I saw there was going to be a clear conflict, I recused myself. But there were very few cases where that happened. The case you just mentioned was state law, Williamson Act, and I think what [I] was doing was promoting the act and making sure that it worked to the benefit of the taxpayer, because I thought it was a good law and saved a lot of open space from being prematurely exploited and developed, and was happy to get Racanelli to agree.

09-00:51:24
Meeker: Then there is a decision making process in which you are presented with this case, right?

09-00:51:30
Newsom: Oh, yes.

09-00:51:32
Meeker: And you have to determine whether there is a conflict of interest.

09-00:51:34
Newsom: Yes.

09-00:51:35
Meeker: I would kind of also think about it in the context of maybe someone who's virulently anti-choice or anti-abortion.

09-00:51:47
Newsom: That's a tough one.

09-00:51:49
Meeker: Do they decide then to recuse themselves because their opinion is already known on this from a case and they end up limiting access to abortion.

09-00:51:58
Newsom: That's a good question, because that's a lively current controversy and I'm completely of the view that it's a woman's right to choose. But if I had strong religious feelings otherwise. I would find it difficult to vote for a woman's right to choose. I think a lot of judges have faced this. Nowadays the law's been very clear that a woman has the right to choose, except probably recently in the case of late-term abortion. I never was faced with that directly in court, but I would not have had a problem.

09-00:52:54
Meeker: But in the environmental context, what was the thought process by which you would go through to determine whether or not there was a substantial enough conflict of interest that you would recuse yourself from the case?

09-00:53:08
Newsom: Well, I can best answer that by saying I ruled in several cases, certainly voted in many cases, for what I regarded as a terrible law. I used to say, "Bought and paid for by special interests." But it was law and I'm stuck. And every once in a while I would sigh when I did it, but my colleagues would remind me, "Look, Bill, you have no choice." I think I told you in an earlier conversation. We had a case involving redwood cutting up in Humboldt County and I told the lawyers, "Don't worry about this. I know this law is clear. I know who bought and paid for it. You have nothing to worry about."

09-00:54:07
Meeker: This was the Maxxam Corporation?

09-00:54:10
Newsom: Yes, I think so. Horowitz—I was delighted to see he recently got nailed. He settled a case for four and a half million dollars. The case was brought by Pete McCloskey. It had something to do with the illegal cutting of redwoods and they forced Horowitz to cough up four and a half million dollars.

09-00:54:42
Meeker: Yes. Well, it's not going to replace the trees, though, is it?

09-00:54:44
Newsom: No, no.

09-00:54:46
Meeker: So it's interesting. Just so I can get a correct sense of the way that you're talking about this. So it sounds like it was a relatively easy decision to identify those cases that you would have a real identifiable conflict of interest. So I guess there was a mountain lion case that came before you, *The Mountain Lion Coalition v. the Fish and Game Commission* [1989]?

09-00:55:11
Newsom: Yes. What was that case?

09-00:55:13
Meeker: It's weird. It was included in this packet of decisions, but you were not one of the judges ruling on it. It was Haning, Low and Channell or Channell.

09-00:55:24
Newsom: Low?

09-00:55:25
Meeker: Yes. Haning, Low.

09-00:55:26
Newsom: Haning, yes.

09-00:55:28
Meeker: And Channell.

09-00:55:29
Newsom: Yes.

09-00:55:31
Meeker: And I wondered why it was in the case, and it was just my presumption, and I don't know if this is correct or not, that maybe it was a case that came to your docket and you decided since your activism on behalf of the mountain lions—

09-00:55:45
Newsom: It was another division of the court. If it hadn't been, I would have recused myself, because I was one of the founders of the Mountain Lion Foundation.

09-00:55:54
Meeker: So in that case it would have been easy?

09-00:55:57
Newsom:

Easy.

09-00:55:58
Meeker:

Easy to identify where the conflict of interest would—

09-00:55:59
Newsom:

Yes, I would have been run out of town if I voted in the case. I was sort of a standing joke on the court. “For God’s sake, don’t get into a discussion with Bill Newsom about mountain lions. He’s the one who started the move to abolish sports hunting.” I did. And Warren Rider helped me.

09-00:56:23
Meeker:

Yes. But in the rest of the cases, then, if there wasn’t a real glaring conflict of interest, you would be able to sort of sit back and say, “Well, I’m here to in essence make sure the law is upheld?”

09-00:56:37
Newsom:

It didn’t bother me that I was doing something that would be viewed as being pro-environment. I’m not being facetious when I say this. I think everybody, other things being equal, should be environmentally inclined. More so now do I think that than I ever did, because there are greater threats all the time to the environment and people are starting to get the point and everybody’s turning green, or, as E.O. Wilson said on the radio this morning, at least a pastel shade of green. So it was never a problem for me to do something that I perceived as good for the environment.

09-00:57:27
Meeker:

Well, let’s think about the context of that other decision about the abused six year old and the eight year sentence. And you obviously kind of held your nose because of the stink of it, but you were limited to give this person eight years. Were there any instances that the law around the protection of the environment was wrong, but because the law existed as such, that you had to rule on the case that you had to thus hold your nose?

09-00:57:58
Newsom:

A good example was the Maxxam case.

09-00:58:00
Meeker:

The Maxxam.

09-00:58:02
Newsom:

Yes, yes.

09-00:58:02
Meeker:

And what was the crux of the case?

09-00:58:07
Newsom:

Well, I forget the facts of the case, but it simply permitted what I thought was an outrageous over cutting of redwood trees in days when that was looked

upon as quite an ordinary thing to do. I suffered through it, and I followed the law.

09-00:58:30

Meeker: The conclusion was the appellants, which would have been the Environmental Protection Info Center—

09-00:58:40

Newsom: EPIC.

09-00:58:41

Meeker: EPIC. Okay, that's good. In effect achieved their objective of protecting old growth timber from logging under the timber harvest plans when Palco filed the notices of completion. So in other words, I guess they did their logging, they got away with it, and then they filed their notice of completion so there was nothing anymore that could be done.

09-00:59:04

Newsom: Yes. So I couldn't remake the trees. If I could have, I would.

09-00:59:09

Meeker: But that was, in essence, the conclusion you reached?

09-00:59:11

Newsom: Exactly.

09-00:59:17

Meeker: Let's see. What else do we have?

09-00:59:18

Newsom: There's a very interesting case going on right now, the Bohemian Club. I'm not involved, but they're going to cut down a lot of redwood trees up there. You know the Bohemian Club. And I can't believe it. They're going to do it, I think. The cutoff was today for comment from the public and my bet is that they'll have enough political influence to cause this to happen.

[End Audio File 9]

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10-00:00:00

Meeker: Before we get to the question about the Bohemian Club, there was this one case, *Tinsley v. the Menlo Park Elementary School District* [1983]—

10-00:00:24

Newsom: East Palo Alto, right?

10-00:00:26

Meeker: Well, yes. There was the Palo Alto and Menlo Park. It was paired together. And this was kind of a complicated case. What do you remember about it?

- 10-00:00:39
Newsom: Very little. It had to do with a poor school district and I guess entitlements or something. I can't remember.
- 10-00:00:48
Meeker: Well, it was about segregation and desegregation and the question was—how should I put this? Okay, this is one of the things that it gets at, and that is if there's no evidence of *de jure* segregation but there is evidence of *de facto* segregation—
- 10-00:01:32
Newsom: De facto. Yes.
- 10-00:01:34
Meeker: —is *de facto* segregation always—
- 10-00:01:41
Newsom: Invidious?
- 10-00:01:42
Meeker: —invidious—
- 10-00:01:43
Newsom: Yes.
- 10-00:01:43
Meeker: —or is it ever benign? And I don't know the degree to which this ruling expressed that specifically. In the end, I think you ruled against the appellants, but you ended up basically saying, "Well, there's still other means for school districts or people to—"
- 10-00:02:12
Newsom: To avoid.
- 10-00:02:12
Meeker: Or lower court, for instance, to end *de facto* segregation, such as school closures, creating magnet schools, this kind of stuff that didn't have to do with bussing. But to me, the question that it really brings up that's interesting is, especially in this day and age, did you ever have to sort of confront that kind of notion?
- 10-00:02:43
Newsom: Well, I didn't get many such cases because most of them occur on the federal level. This is an exception. I don't remember much about the case except that my sympathies were always, on the one hand, with minorities being oppressed in some way and I was quick to respond to that if I could, if I had room legally. And also, sort of the idea at the same time that I wouldn't want to leap to conclusions if I could crawl to them and send it back to the court and have them reconsider. And I thought activism was not a good idea.

10-00:03:36

Meeker: Judicial activism.

10-00:03:37

Newsom:

Yes. Which I find abounds in the Republican courts now. Scalia being a great example. A wild activist. And the perfect example, immortal example of judicial activism is *Bush v. Gore*, when they blew aside the Florida Supreme Court and said, “We’ll tell you what happens here. Bush is the President.” Unparalleled in judicial history as an instance of activism. But I think in that case I was saying, “Send it back to the lower courts and have them look at it again and hope that it will go away.” I can’t precisely remember what happened.

10-00:04:24

Meeker:

Yes, I don’t know the ultimate outcome.

10-00:04:26

Newsom:

I can’t remember.

10-00:04:27

Meeker:

You did send it back to the lower court. In essence, you basically said that the appellants were without cause.

10-00:04:38

Newsom:

Without standing?

10-00:04:42

Meeker:

It was about creating a dual court system. I’m sorry, my notes are not nearly as clear as they should be to really kind of get in to a conversation about this.

10-00:04:53

Newsom:

My memory’s not up to it either. I don’t remember the case that well.

10-00:05:01

Meeker:

Okay. So basically it was about Prop 1 in California, and it says that prior to the passage of this proposition, California did not require evidence of *de jure* segregation in order to institute desegregation programs. So you could have just de facto segregation, contextual segregation, to institute bussing. After Prop 1 passed, it sounds like what happened was you needed evidence of *de jure* segregation. So officially-mandated segregation, which didn’t exist in California for many years. That was required in order to initiate bussing. And the proposition also reduced the ability to forge interdistrict desegregation, so across district lines. In essence, it sounds like this is one of those instances in which you were required to sort of uphold Prop One, but you went back to the appellants and said, “Listen, bussing is not the only way to overcome segregation in schools,” and you remanded the lower court to help them develop some solutions to end de facto segregation.

10-00:06:14
Newsom:

I wish I could remember more about the case, but I can't. I think Pete McClosky was the lawyer in that case.

10-00:06:23
Meeker:

Again, it's just this sort of question of a benign or invidious segregation. It sounds like you're coming down on this notion that really all contextual segregation, all evidence of segregation shows some invidiousness at work?

10-00:06:40
Newsom:

Yes, yes.

10-00:06:44
Meeker:

So maybe that is a reasonable point to leap off into a conversation about the *Bohemian Club v. the Fair Employment Housing Commission*, which was 1986.

10-00:06:55
Newsom:

Yes. That was a pretty straightforward case in which I decided the Bohemian Club had an obligation to consider hiring women, given the fact that they held licenses from the government, liquor licenses and other things, and that was the predicate. I was up at the Grove for a weekend with a friend. Not as a member, but as a guest. I think that case was 1982 or something.

10-00:07:31
Meeker:

I have eighty-six.

10-00:07:31
Newsom:

Yes, eighty-six. And Pat Brown—a member—came up to me and he said, "Billy, what are you trying to do, put us out of business? I can't believe you made this decision." I was embarrassed because he said it in front of a lot of people. He didn't mean to be rude. He was sort of joshing me. So I remember I responded to Brown. I said, "Governor, believe me, I would never have done this except that your daughter Cynthia called me and asked me to do it." And so he said, "Billy, I can't believe my daughter Cynthia called you." I said, "She did." I was of course fibbing. A lot of women at the time were very pleased with the decision and it was the right decision, and now, thanks to my decision, they regularly employ ladies, attractive ladies. I hate to say this, but in 1986, you could not get the job unless you were elderly, gay, and Filipino. They had the worst looking bunch of employees you'd ever seen. And shortly after that decision, I had several Bohemians say to me, "Bill, that's a good call you made." The ladies are a great improvement.

10-00:09:14
Meeker:

So this is interesting. I didn't realize you went up to the Grove shortly after.

10-00:09:18
Newsom:

I did.

10-00:09:20

Meeker:

I would have imagined that after making a decision like that, that's the last place you would want to go.

10-00:09:26

Newsom:

Well, I don't think eighty-five percent of the members ever knew such a decision was made. Members go up there for two weeks a year and they have a few cocktails, roll around and pee on redwoods. I said to a Bohemian friend the other day, "Your relationship to redwoods is exactly that of a dog to a hydrant." It's a current topic. I just got a copy of the letter from a professor of forestry at UC Berkeley who says the current harvest plan is outrageously bad.

10-00:10:16

Meeker:

It seems peculiar that this group of people, even though they are just going up there two weeks a year, their identity would be so wrapped up in this ancient grove that they frolic in, yet—

10-00:10:31

Newsom:

It's Druidical. There's something slightly loopy about it to me, seriously. I think it's a strange organization.

10-00:10:42

Meeker:

Yet, at the same time, most of them are politically to the right from what I understand.

10-00:10:47

Newsom:

Oh, yes. For the most part, you have to be wealthy to belong, but there are exceptions for artistically gifted persons.

10-00:10:51

Meeker:

And that they're happy to chop some of these trees down.

10-00:10:53

Newsom:

They don't like people who like trees. And the ones who care about trees rationalize, and conclude, falsely, as this professor just shows in the letter I got, that it's fire protection. And the professor points out redwood groves are the least likely to burn in the world. You can't set them on fire. So it's not fire protection at all. It's just [that] the reigning right wingers who run the club don't like people who like redwood trees. That's the whole thing. Believe me.

10-00:11:42

Meeker:

I have lots of questions to ask about that, but I don't think you could answer them. Let's see here. Maybe the last case I want to ask you about in particular is—maybe the first thing to do is ask why this would have been included in this collection. But this is the *McCarthy v. Contra Costa County*. It was the one in 1987. Was a ruling against local Contra Costa County officials who wanted to prevent Lawrence Singleton from going back to their county. He was the convicted rapist.

10-00:12:47
Newsom: Yes. He's the fellow, a charmer indeed, who cut off the victims' hands to confuse the identification process. Not very brilliant, but he did it. The issue was that nobody wanted Singleton released in their county. There was an obligation on the state to release him in the county where the crime was committed, as I recall. So I said, "That's this county. If you don't like it, lump it. If you don't lump it, somebody else will have to lump it. Nobody wants to live next to Singleton." "That Singleton?" But somebody's going to have to do it. By the way, he shortly thereafter committed a major murder.

10-00:13:49
Meeker: Yes, in Florida.

10-00:13:50
Newsom: Florida. I think he's been executed.

10-00:13:53
Meeker: I think he died in prison.

10-00:13:55
Newsom: Of what?

10-00:13:56
Meeker: Of natural causes, I guess. Who knows.

10-00:13:58
Newsom: Small loss to the world.

10-00:14:00
Meeker: Yes. It's an interesting question, because individuals commit crimes, yes. But in the process of determining an individual's guilt and putting them in prison, the state also creates criminals.

10-00:14:19
Newsom: Oh, sure.

10-00:14:20
Meeker: They contribute to their reputation and the public dread of these individuals.

10-00:14:27
Newsom: As you know, expressly in the state of California, we've abandoned the notion of rehabilitation. Instead of working with people and helping them to become something better than they were when they went in, we say, "No, we don't practice that. We guarantee the person will be worse when he gets out."

10-00:14:49
Meeker: Just punishment.

10-00:14:50
Newsom: Yes, it is stupid.

10-00:14:51
Meeker: Well, from a judicial perspective, how does a judge or a justice, at the same—

10-00:15:13
Newsom: He doesn't. He stays out of it.

10-00:15:14
Meeker: So you don't—

10-00:15:14
Newsom: He stays out of it completely because politically, if he's elected, he could be thrown out if he is soft and if he's a federal judge—I don't know what the federal judge say about this. I mentioned that several I've known have quit the courts rather than engage in this sort of arbitrary behavior. But the average federal judge doesn't care that much about it and the average state judge is a little bit afraid to do it. And by nature, most judges are establishment people and so they're not much given to reform. They got where they got by being good warriors and carrying spears and supporting politicians and doing all the things you have to do to become a judge. And very seldom is someone picked strictly on the merits. It doesn't happen. You apply, you work politically to get there, you contribute to campaigns, and you're rewarded. That's how it happens.

10-00:16:27
Meeker: So how was it then that you decided it was time to retire from being a justice?

10-00:16:34
Newsom: I'll tell you. Number one, I'd written hundreds and hundreds of opinions. I'd seen every situation you could see, I thought. They began to seem iterations of the same theme and I had the possibility of acquiring a pretty lucrative position as a trustee for the Getty family. I couldn't stay on the bench without actually taking a reduction in salary. I forget why, but I would have made less money if I'd stayed on. I would have been contributing the full amount, eight percent a year of my gross salary to the state and not receiving any credit for that contribution. So I thought, "Well, I can make more money with my pension, and a private job with the Getty family. New challenges. Being a judge is a great, and, on the whole, easy job.

10-00:18:02
Meeker: Maybe you can offer a little more about how it was a great job but an easy job. Is that what you just said?

10-00:18:11
Newsom: Well, I had excellent law clerks, like Michael Murphy and like Warren Rider, all the way through. Extremely able people who saw things more or less the way I did, so I didn't have much trouble working with them.

10-00:18:29
Meeker: And they did a lot of the research, for instance?

- 10-00:18:31
Newsom: A lot of the research. Almost all the research and a good deal of the writing. It makes it a very easy job, believe me. No pressure.
- 10-00:18:40
Meeker: How many cases did you hear a year in general?
- 10-00:18:44
Newsom: Well, I had the obligation, whether by law or just our practice, to write eight lead decisions each month. And I had two other judges, so that meant I had my eight decisions plus participating in my colleagues' sixteen cases.
- 10-00:19:06
Meeker: Sixteen more. Yes.
- 10-00:19:09
Newsom: About twenty-five a month, and I found that was about right for a workload. I could take a lot of the work home. I continued to live in Dutch Flat. Did all my reading there. Very comfortable job. No pressure.
- 10-00:19:28
Meeker: There are occasional instances in which judges get caught up in the cases that they're adjudicating, particularly judges, for instance, who are presiding over a Mafia trial and they're going to be pressured in some way.
- 10-00:19:48
Newsom: Yes, and get stuck.
- 10-00:19:49
Meeker: Or killed.
- 10-00:19:51
Newsom: Killed.
- 10-00:19:53
Meeker: Did you ever find yourself in a position that you felt wrapped up in a way that was difficult?
- 10-00:20:00
Newsom: Yes, once. I had a murder case in Placer County.
- 10-00:20:09
Meeker: I remember you had mentioned a case about a woman who was trying to get you embroiled in something, right?
- 10-00:20:16
Newsom: Yes, that was a different case. I had a murder case. I was going to make the point that a superior court judge has murder jurisdiction and it goes straight to the supreme court of the state. The intermediate appellate court, where I served mainly for seventeen years, doesn't have murder cases. But I had a murder case in Placer County. Must have been in seventy-five or seventy-six.

And for some reason, a relative of the defendant, while his sentence was pending, broke into my house at night. I went out the back window. I never knew who it was. It was a friend or a relative. I heard him screaming about the case. And he tried to break into the room. The cops caught a glimpse of him. He had a bat in his hand. He broke through the back window. I lived alone and I just got out the window in front of him and ran down the street and got away. But that's the only time. I never understood why. He wasn't doing the defendant any good by threatening me. So I never held it against the defendant, either.

10-00:22:04

Meeker: How did that impact you? Not at all?

10-00:22:12

Newsom: I got a burglar alarm and slept lightly for a few nights. That's the only instance of any threat being made. I got a lot of crazy letters from people but that's all. No pressure on the job in that sense.

10-00:22:32

Meeker: Did you get a sense that judges should have more protection?

10-00:22:40

Newsom: No. I don't see much—the narcotics trade has rotted out the country to such an extent that everything's different when you introduce narcotics in the equation. And I imagine that most of the murders of judges have been committed by people who were in the narcotics trade, where huge money is involved, killing a federal judge is nothing compared to the money involved. So you could murder a judge and get away with it conceivably. And I think that happens every once in a while. It's all connected with narcotics. Everything's connected with narcotics. I've said to you several times, I will say once more. The principal cause of crime, violent crime, all crime for that matter, in the country, in the state, is the laws against narcotics. That's my belief. I think something like eighty percent of all crimes. Murder, burglary, fencing, receiving is connected with the quest for money to buy drugs. If you open the doors to drugs, you would find out two things. You would find out that you would have an enormous reduction in crime. You probably for a while would wonder whether you had a country worth keeping because so many people would turn to taking drugs. But that would tell you a lot, if at the end of the period of study, you knew that the country was rotting out. You could get another country.

[The following two paragraphs were added in the editing process]

Meeker: What do you mean by that?

Newsom: You could go someplace else, or you fight to change the laws. I think the current laws against narcotics are a way of preventing us from seeing ourselves clearly. Whether something is right or wrong doesn't depend on

whether there is a law against it. It is for most people—Sherlock Holmes excepted—probably wrong and foolish to use cocaine. But what use to have always against it? People who are addicts will not be deterred by laws against heroin. They will break such laws and every other law in the process in order to acquire the money to buy hard drugs. This is what fuels crime in the nation. The quest for money with which to buy drugs is the principal cause of crime: of robbery, murder, etc. And of course the drugs they buy are adulterated and often lead to major injury in the addict, who is a sick person to begin with. Finally, I think the current use of addiction as a factor in mitigation in the criminal law is foolish. If a person knows that he will lose control when using cocaine, that should be a factor in aggravation, not mitigation.

10-00:26:27

Meeker:

Well, let me ask you to expand that out, then, beyond narcotics law. How would you see this perhaps philosophy towards the law impacting other sectors of the law?

10-00:26:42

Newsom:

First of all, it would put a lot of police out of business. The police are very much opposed to what I'm suggesting because they make a fortune on overtime. In Humboldt County, camping on people, beating up people, burning houses down with impunity because theoretically they're bad guys who are being attacked. Besides the police, the drug dealers would revolt. They would burn your house down if you proposed this law. You'd put them out of business. They are the largest part of the economy in the northern part of the state. This whole thing is one massive failure at every level. It destroys families, it destroys people, it creates corruption. It subverts law enforcement. It's a rotten system. It has to be changed.

10-00:27:51

Meeker:

What do you think the chances of Schwarzenegger's consideration going anywhere?

10-00:27:55

Newsom:

Well, I tip my hat to him for suggesting it. I've written about that, but nobody paid attention. I've written that it's absurd to have a law against heroin, that heroin is a very good drug, especially if you're dying. By the way, you can't buy heroin if you're dying. You cannot get it in the United States. You have to go to London or Rome to get it. There you can get it easily. They'll give it to you for nothing in the hospital if you're dying. But here you can't get it for love or money. That's a crazy law, too. I give Schwarzenegger high credit for broaching the subject. I don't think it's going anywhere, do you?

10-00:28:43

Meeker:

It seemed to come out of the blue, so I have no idea.

10-00:28:47

Newsom:

It is time for a restoration of sanity in the country.

10-00:29:00

Meeker:

Well, with medicinal marijuana law, it's sort of quasi-legal in a lot of places in California already, in San Francisco and Oakland, for instance.

10-00:29:10

Newsom:

Yes. Can you imagine breaking down somebody's walls and going in and dragging them out in the middle of the night and putting them on trial at the public expense and at public expense sentencing them to prison for smoking marijuana? I don't smoke it, but if you want to smoke it, be my guest. I've never seen anybody do anything bad as a result of smoking marijuana.

10-00:29:37

Meeker:

Drive too slowly.

10-00:29:38

Newsom:

Drive too slowly? You may have a point!

10-00:29:42

Meeker:

All right. We've got about a half an hour left, so let's start on to the environmental work. I know that we touched on it a little bit in the legal context, but maybe we can just sort of go back. I don't know that we've ever sort of really touched on how you first became interested in conservation issues.

10-00:30:09

Newsom:

I think it was as a child. I was an inveterate reader of Thornton Burgess bird books, an English writer. I was an avid birdwatcher even as a child. I still love birds. And Thornton Burgess had a lot of wonderful characters, anthropomorphic characters. Buddy Brown thrasher and other animals acting out human roles and I loved it and I loved Ernest Thompson Seton, all his outdoor books. And I just got interested. Some people don't and some do. Some respond. I was a very big birder as a child.

10-00:31:10

Meeker:

Were you involved in scouting or anything like that?

10-00:31:12

Newsom:

No.

10-00:31:13

Meeker:

No? Seton was involved in Scouts' foundation.

10-00:31:18

Newsom:

Yes, in the scouting movement. And I was at his house not long ago in New Mexico. I have some good books he wrote. I have a couple of manuscripts. For a little while I collected his stuff. I had a house in New Mexico not two miles from his house.

10-00:31:35

Meeker:

Did your family go on outdoorsy excursions or anything like that?

10-00:31:41
Newsom:

My father was an urbanite. He took me to Yosemite with Pat Brown and Jerry Brown when I was a kid and I loved Yosemite. I still do. So early on, I was in the outdoors a lot. We had a summer home at the Russian River, and my father would take the whole family, six kids and my mother, and deposit us there for the whole summer. I loved it. I loved to collect turtles and watch birds and swim around. Had an outdoors life up there in the summers.

10-00:32:23
Meeker:

Do you recall what the first organization you joined or participated in? In like an environmental organization?

10-00:32:32
Newsom:

Let me think. It must have been the Sierra Club. Yes, early on. And after that, the Sierra Legal Defense Fund. And after that, the Environmental Defense Fund, and after that Earth Justice and the Mountain Lion Foundation and Save the Redwoods League and any other environmental organization that would have me as a member I would join, and still would.

10-00:33:05
Meeker:

What did being a member of these organizations mean to you? Was it simply a matter of writing a check each and getting a newsletter?

10-00:33:13
Newsom:

For me, it is a religion.

10-00:33:14
Meeker:

What?

10-00:33:15
Newsom:

It's my religion. I haven't got a formal religion. I root for Notre Dame over Alabama but insofar as I believe in any higher purpose or higher being, it's as a reflection of the beauty of the world. Nature. And [the Gerard Manley] Hopkins poems say it all. "The world is charged with the grandeur of god. It will flame out like shining from shook foil." That's my philosophy in two lines.

10-00:33:57
Meeker:

Did you read a lot of John Muir when you were growing up, as well?

10-00:34:02
Newsom:

Yes. I have pictures in my house in Dutch Flat of Muir and Teddy Roosevelt, that famous picture on the top of—

10-00:34:13
Meeker:

Glacier Point?

10-00:34:14
Newsom:

Exactly. What a photograph!

10-00:34:16

Meeker:

Yes. I love that picture, too. The history of environmentalism over the twentieth century is a gradual growth, but people point to various key moments, the creation of the Sierra Club being one, and then also in the early sixties, the publication of a lot of these books like *Silent Springs* and Aldo Leopold's book, I can't remember the name.

10-00:34:45

Newsom:

Sand County Almanac.

10-00:34:46

Meeker:

Sand County Almanac. Yes.

10-00:34:47

Newsom:

Great book.

10-00:34:49

Meeker:

Do you remember that period of time, like the early to mid sixties, as kind of being an awakening to the political dimensions of it?

10-00:34:59

Newsom:

Yes. I was a big fan of Rachel Carson and the Muries [Margaret and Olaus Muries] and I loved Montana and Wyoming. I loved going up there in the Tetons. I was a friend of Wallace Stegner. I revere Stegner and I think he's written the best books on the environment I've ever read, *The Sound of Mountain Waters* being one. David Pesonen was working in some capacity for the environment and he wrote a letter to Stegner which evoked Stegner's immortal response—his "Wilderness Letter." It's in *The Sound of Mountain Waters*, and it explains the importance of wilderness. It's my bible. Stegner and I were friends for twenty-five, thirty years.

10-00:36:09

Meeker:

Can you maybe put that in your own words? Your interpretation of "Wilderness Letter"—

10-00:36:18

Newsom:

Yes. He speaks about the imperative of silence and solitude and the condition of wilderness being absolutely necessary for those qualities. And those qualities are critical to the human spirit. It also has to do with his reverence for the beauty of nature in general. You have to read the whole letter to understand, but that was the point of "Wilderness Letter." He was asked, "Why is it so important to you?" and he explains in a few pages that in a world too noisy, too cracked, fragmented, there's one unified thing and that's solitude, and that requires space and that's disappearing. He laments that. Superb piece of writing.

10-00:37:45

Meeker:

It's interesting. The way that you talk about it, vis-à-vis Stegner, silence, solitude, beauty reminds me a lot of the writings of people like poets like Gary

Snyder or even Jack Kerouac's *Dharma Bums* or something. This kind of late fifties, early sixties—

10-00:38:08
Newsom:

Snyder's a friend of mine.

10-00:38:11
Meeker:

Being influenced by like Zen Buddhism.

10-00:38:14
Newsom:

Yes.

10-00:38:16
Meeker:

Layering sort of I guess a different sort of spirituality on the wilderness experience, did you ever get interested in other sort of spiritualities through wilderness?

10-00:38:30
Newsom:

Yes. Again, I say, as I've grown older, I've come to the point of view that "In wilderness is the preservation of the world." So I believe. And I think floating down the Colorado River has been the high point of my life. I've done it many times. In a couple of months, I'll be back on the Taku River in Alaska and British Columbia. I have done an enormous amount of river rafting. I mentioned to you five years ago I was on the Tatsenshini River and got off after fifteen days and had this aneurysm and stroke. I was seventy years old and still doing a lot of rivers and I'm doing another one in a few weeks. And the happiest I am in my life, except maybe when I'm with my grandchildren, is when I'm on a beautiful river not seeing anybody else for a few days, bobbing along and maybe seeing an otter or two.

10-00:39:57
Meeker:

So you do these rafting trips by yourself?

10-00:39:58
Newsom:

No. I go with friends. Lately I've been going with my nephew, Jeremy Scherer a lot and he's my tent wallah, so to speak, these days. And I wish my son could spend more time with it but he can't. I always loved the outdoors and the great times I've had in my life have been on rivers and in mountains.

10-00:40:33
Meeker:

Our office has done a series of interviews about the history of the Sierra Club and so I was reading through some of those in preparation to talk to you about this and it's interesting, this notion of the leadership of the Sierra Club going off on these backcountry hikes and everything. Not Brower. I don't know that he was interviewed, but several other people. And how this is just something that's understood, that's done, and that people who do it, obviously, they know how to do it well. You can be either a good or bad backpacker. I don't know, maybe this is a dumb question. But is it possible for someone who is kind of a city person, maybe like your father was, to be committed to

environmentalism in the same way as someone who has a lot of experience outdoors?

10-00:41:37

Newsom:

I think it's very difficult. Very difficult. It's not innate in most people. I know a lot of people, wonderful people, who just don't get the point of the outdoors. They say, "What's the big deal?" My friend Jim Halligan, "Where are you going? What river? Are you crazy? Why do you do this?" I tell him I got back from the Tatsenshini River and we had a storm that tore my tent to shreds and I was sitting out there in the sleet and snow in July. Halligan said, "Are you crazy?" I was in heaven.

10-00:42:26

Meeker:

What was heavenly about that experience?

10-00:42:29

Newsom:

Being face to face with the elements. Being warmly dressed, I had a fleece coat and I was there watching this river roiling and winds ripping the tent and howling and the elements all there, visible. And that's my idea of a great way to close out an evening or a career or a life.

10-00:42:59

Meeker:

That's well put. Thinking about all these different organizations you've been involved with, such as Environmental Defense or the Sierra Club Legal Defense, which became Earth Justice, and then other organizations like the Sierra Club—you take any activist or any social movement organization, whether it's civil rights or environmentalism, there's different strategies, right? There's the legal strategy, the legal defense strategy and there's sort of like a grassroots activist strategy and then there's probably also another third one, which would be legislative and seeking to influence legislators. At least three strategies. Given your history in law, do you have a preference for one? Do you think that one is ultimately more effective than the other?

10-00:43:59

Newsom:

Of these groups?

10-00:44:01

Meeker:

We can talk about the groups or we can talk about the different kinds of strategies for creating change, for instance.

10-00:44:08

Newsom:

First of all, I think that the critical thing, given the finitude of the globe, it's critical to have preservation strategies. For example, the single biggest thing currently in the world of conservation is Obama adopting and implementing the Roadless Rule, which takes fifty-five million acres and puts it in permanent open space. There's a cosmic struggle going on between the environmentalists and everybody else on that subject.

10-00:44:55

Meeker:

You said the Roadless?

10-00:44:57
Newsom: Roadless.

10-00:44:58
Meeker: Okay, like no roads.

10-00:44:58
Newsom: The Roadless Rule, yes. There's an eccentric judge in Wyoming, Clarence Brimmer, who hates environmentalists and who keeps setting aside the rule. He has broad jurisdiction. Fortunately, he's getting old, so soon we hope [he'll be] taken from us. Clinton had the foresight to set these places aside. Bush spent eight years trying to get rid of those protections and it's up in the air now and it's up to Obama. He could save it all. That's the main part of the strategy in the Roadless Rule. It would save most of the remaining great places.

10-00:45:55
Meeker: So that's a particular policy point.

10-00:45:56
Newsom: Oh, yes.

10-00:45:57
Meeker: What is the best way to enact this policy point?

10-00:46:05
Newsom: Well, maybe get rid of the Republican Party, for starters. Or radically change it.

10-00:46:11
Meeker: Some progress is being made in that direction.

10-00:46:15
Newsom: Not enough to suit me. I would have just [left] Rush Limbaugh to fulminate and bombinate in the void on the right side, and everybody else on the left. And Rush is formidable because he is a great puppet for the right wing and they fund the hell out of him and he rants and raves and lies. But it's very difficult to find a Republican environmentalist, don't you think?

10-00:46:48
Meeker: Yes.

10-00:48:48
Newsom: It didn't used to be. It was a great party in the time of TR. It's not anymore.

10-00:46:52
Meeker: Well, that's a hundred years ago.

10-00:46:56
Newsom: Yes. And all the good guys are being thrown out of the party. So they're left with Kyl in Arizona or what's his name, Cornyn in Texas. Rick Perry, the governor of Texas. These are bad people.

10-00:47:14
Meeker: Well, they're even talking about how they're dissatisfied with Charlie Crist in Florida because he's not an ideologue enough, I guess.

10-00:47:21
Newsom: He what?

10-00:47:21
Meeker: He's not enough of an ideologue.

10-00:47:23
Newsom: They outed him now.

10-00:47:24
Meeker: He supported the stimulus package.

10-00:47:25
Newsom: You've seen they outed him.

10-00:47:26
Meeker: Who did? The Republicans?

10-00:47:28
Newsom: Crist's enemies are suggesting he's gay.

10-00:47:38
Meeker: But he just got married.

10-00:47:40
Newsom: Yes. I don't see any contradiction there. Maybe he was anticipating being outed. Anyhow, decent guy, obviously. A good environmentalist, too. The Everglades are very important. An incredibly important ecosystem.

But getting back to your question, I would say save as much land as you can, because the globe is finite and every time you take something away and open it up, it's gone forever. So save and protect as much as you can. And in that context, work to keep it wilderness to the extent possible, because if you don't have that, especially, the oncoming global warming is going to be really horrible.

10-00:48:40
Meeker: Well, let's take this Roadless Rule as an example. Let's say of all the organizations you participated in, you could choose one organization that you think would be able to have the greatest impact in—

10-00:49:00
Newsom: Earth Justice.

10-00:49:03

Meeker: Earth Justice.

10-00:49:04

Newsom:

They've filed suits in every circuit in the United States and the federal courts stopping the Bush Administration from obstructing the Roadless Rule. And this organization, of which I'm a member and of which I'm a director, is the critical factor now in holding back the tide. Buck Parker just left as president—the new president is excellent. We have a great board of directors. People like Louise Gund in Oakland and a lot of excellent people. Kongsgaard, Martha Kongsgaard, whose father was a judge and a friend of mine in Napa County. Her family has been very instrumental in Earth Justice. It's a great organization with a budget of about thirty million dollars a year and it gets more bang for the buck than any group I know in the environment.

10-00:50:09

Meeker:

Well, maybe sort of taking Earth Justice as the standard of what you maybe see as the most effective of environmental organizations, maybe you could sort of evaluate other organizations that you've been involved with and maybe even some that you haven't been involved with. So like maybe take the Sierra Club as an organization that no longer has this—Earth Justice got spun off—so no longer has this main legal defense strategy as part of what it does, from what I understand.

10-00:50:43

Newsom:

They hire the Earth Justice people to represent them in court. And the Sierra Club is very important because it's the largest national group, except for the National Wildlife Federation. The Sierra Club is vast and has a very smart man in charge, Carl Pope, and it does great work. The only thing I don't like about it is they have a lot of splinter chapters which are zany, far left zanies. But the Sierra Club is very important.

The Nature Conservancy is an important group, too, because they buy critical pieces of land, as you know, and keep them and they make them accessible to people. Very important group. I think Defenders of Wildlife is important, too.

10-00:52:16

Meeker:

Well, when you talk about the sort of zany left. I know that this group doesn't exist as far as I can tell anymore, but something like Earth First, right?

10-00:52:24

Newsom:

Yes.

10-00:52:24

Meeker:

Which was quite well known in the nineties. Do you think that they contribute to the movements in any fashion?

10-00:52:34

Newsom:

I think they detract from it.

10-00:52:35

Meeker: They detract from it?

10-00:51:36

Newsom: I'm not going to say that about Earth First. But any group that advocates violence I think is counterproductive. I don't like that. And you're hurting the cause. You make it easier for centrists to criticize. But Earth Justice is very responsible, [and] the Sierra Club is responsible. And I think local groups like the League to Save Lake Tahoe are important, too. It's kind of sad to see Lake Tahoe besieged. It should have been set aside many years ago in some form of protection, not overdeveloped the way it's been.

10-00:53:20

Meeker: What's the way to protect Lake Tahoe?

10-00:53:23

Newsom: It's too late now.

10-00:53:24

Meeker: It's too late?

10-00:53:26

Newsom: I think so. A great Republican environmentalist, William Penn Mott, was head of the Parks Department of the state. He had a strategy fifty years ago for the protection of Tahoe. It just consisted essentially of reducing density, but it hasn't happened, as you know. The clubs, the casinos, others had too much money. Not that Tahoe's not still beautiful, but I'd rather be there in October than July.

10-00:54:03

Meeker: Well, that involves traffic and particulate matter and all that sort of stuff.

10-00:54:09

Newsom: Oh, my God. Still, I'm amazed that the lake is relatively pristine, even in this day. And Yosemite is overcrowded but pristine, parts of it.

10-00:54:24

Meeker: Well, a lot of this does have to do with limiting access. There's a debate within the environmental movement—

10-00:54:32

Newsom: Always.

10-00:54:33

Meeker: —what you want to do is get people there to see things so they can have the emotional experience of the reality of the situation and bring that home with them versus—

10-00:54:47

Newsom: A fine line. A fine line.

10-00:54:49

Meeker:

Well, it's maybe the fine line also between conservationism and preservationism. Do you believe in that division? Scholars or historians talk about those two different philosophies.

10-00:55:01

Newsom:

Well, the United States is going to have in twenty years the same population India had in 1950, which could lead me to despair. Because working from a base with religion, the Catholic Church, the Mormon Church and others, working full-time to have people produce as many babies as they can as a mandate from God, is a terrible, terrible idea. But they have huge amounts of money and they have the support of the poor around the world. And so my guess is in the long run, population is going to strangle us and put an end to all experiments in preservation. That's my guess. I hate to say it.

10-00:55:57

Meeker:

Well, maybe then the most important environmental organization would be something like Planned Parenthood.

10-00:56:01

Newsom:

Yes.

10-00:56:03

Meeker:

Have you done any work with them?

10-00:56:04

Newsom:

Yes, I have.

10-00:56:06

Meeker:

You have? In what context?

10-00:56:07

Newsom:

I despair. I've given money to them. If I had a lot of money, I'd write a large check today. You remind me. It's a great group. And I think it's a very important group, because look what overpopulation is doing to the natural world. Thanks in part to the Pope and his friends and thanks to the people in the Synod in Salt Lake City, we're wrecking the whole earth with greenhouse gases. And I think it's a race now between being strangled by carbon dioxide on the one hand or being blown up by bombs on the other. By Pakistan or India blowing up the world, Israel right in the mix and saying they own all of it, and the Promised Land, and Netanyahu saying today he wants to build a hundred million dollars of national parks outside Jerusalem. There are plenty of factors arguing for extinction.

10-00:57:31

Meeker:

Well, that's not an especially optimistic vision of the future.

10-00:57:34

Newsom:

It's not. It's the real one. I hate to say it, but I think it is the real one. The tiger's finished and that's a tragedy.

10-00:57:46

Meeker: The what?

10-00:57:48

Newsom: The tiger. Oh, the tiger. Yes, Blake's "tiger, tiger, burning bright in the forest of the night. What immortal hand or eye framed thy fearful symmetry." In the future, it will be rooster, rooster, clucking loud. Foster Farms or Colonel Sanders. That should be the national bird.

10-00:58:16

Meeker: Well, the polar bears are almost gone, as well.

10-00:58:19

Newsom: That's heartbreaking. And I see Obama just declined to use the ESA to protect it. He said, what good does it do? You see films of polar bears falling through the ice now. Heartbreaking. In the meantime, China's going from a billion and a half or whatever it is, two billion to five in the next fifty or sixty years.

10-00:58:49

Meeker: And China's also the savior of the American automobile industry, yes?

10-00:58:54

Newsom: Yes. Oh, my god.

10-00:58:57

Meeker: All right. Well, we've hit the two hour mark and I think we should probably stop before it gets any worse.

[End of Interview]

Interview #6: June 16, 2009

Begin Audio File 1 newsom_bill_11_06-16-09.wav

11-00:00:00

Meeker: Today is June 16, 2009. This is Meeker interviewing Judge Newsom and I believe this is tape number eleven now, and we're going to start out today by following up on the work that you've done for the environment and following up on a few issues about that. When I spoke with Warren Rider about this in helping me prepare some questions, I asked him what he would like to ask you, what he thought would be the most important issue to ask you about. One of his questions had to do with, in essence, dealing with conflict of interest. Not I think in a specific case sense, but in a general sense.

11-00:01:05

Newsom: How can you be environmentalist and rule fairly on environmental issues before you?

11-00:01:10

Meeker: Precisely. I mean did you have a general approach to it?

11-00:01:18

Newsom: I had an approach to it and it was simply this, that being aware that I could at any moment have to plead *nolo contendere* to the charge of being an environmentalist. I was always very sensitive in rulings on that subject. In other words, I wasn't rushing headlong to embrace a conclusion. I told you that as we had three judges on the panel at any given moment and also law clerks to get through, you had to run the gauntlets, so to speak, to get to the point where your prejudice could be aired. So I think it was hard to be dishonest; very difficult to be. That's the answer to Warren's concern, even though Warren aided and abetted my environmentalism, which is one of the reasons I liked him so much and still do.

11-00:02:33

Meeker: How was it that he aided and abetted your environmentalism?

11-00:02:36

Newsom: We used to go backpacking together and I remember being on a backpack trip with Warren one day. He had a little dog who refused to hike any further. It just sat down and Warren had to carry him out. Anyhow, we did a lot of backpacking together and fishing and looking around the mountains and so a kindred spirit and somebody I liked a lot. I didn't know that when I hired him, but we became very close friends as a result of that.

11-00:03:14

Meeker: You know another issue that he brought up, which maybe is somewhat related to this, he said that considering your role in the environmental movement, he said that you've never endeavored to be at the forefront of organizations, such as being like a public figure, right?

11-00:03:39
Newsom:

That was a conscious decision to be reticent about it because getting out in front is a provocation to a lot of people. So I played a minor, secondary, passive role in groups I belong to because I was very sensitive to the possibility of criticism on that score.

11-00:04:06
Meeker:

He claims that the role you played had mostly to do with networking and connecting key individuals to key issues.

11-00:04:15
Newsom:

Well it's strange, now that I consider this. I think the fact that I was a known—it's like saying a known communist—a known environmentalist was a little—not menacing. That's the wrong word—I had my credentials, so to speak, in front of me, and my colleagues knew that. So if they were doing something that could be seen as grossly anti-environmental they were a little sensitive on the subject in my presence. That's the sense in which I think maybe my being environmentalist was understood. I didn't have to make it explicit. My colleagues knew it and they respected me for it I think. I think it made them a little more sensitive to subjects in general. A lot of people just don't care about the environment. That's because they're not thinking about it. If they did they'd care, but a lot of people just go on through life without being concerned about that subject, but that's a big thing not to be concerned about.

11-00:05:39
Meeker:

Well this gets to the point of what he said your contribution was: it had to do with taking an issue perhaps that 'so and so' fund or 'x politician' might not have a natural interest and might not connect with intuitively, or perhaps politically, and then playing a role in getting them to understand and care about and perhaps advocate for a particular issue in a way that they wouldn't have done without this connection.

11-00:06:10
Newsom:

Is he talking about my influence on my colleagues?

11-00:06:13
Meeker:

Yes, and I wonder if you can think of any examples where you feel like perhaps you would have approached a John Burton or maybe a philanthropist, who maybe didn't have an initial interest in this and that, you could have come along and at least introduce them to it.

11-00:06:37
Newsom:

Yesterday I was in my house in Dutch Flat and I pointed out to somebody on the wall in my bathroom at Dutch Flat a letter from John Burton. I had sent a copy of a poster I had made, a famous statement. I can't remember right now who made it—Henry Beston?—but it was a memorable statement on the importance of animals and wildlife and it started out with the phrase “we need a wiser and perhaps a more mystical concept of animals: remote from

universal nature, given extensions of senses we've never had," et cetera, et cetera. I sent this very beautiful poster to John Burton and he sent me a note back saying, "Dear Bill, I got your mystical animals poster. Are you some kind of god-damn nut?" And below that note from Burton is another one I attached from then Senator Quentin Kopp. I had sent a copy of this to Quentin too and he said, "Beautiful poster, but F your mountain lions. Signed, Q." So is that influence? I don't know. I think it was always my hope that I would reprint Wallace Stegner's magnificent wilderness letter and send it to every member of Congress in a format that they couldn't ignore, a really beautiful format, but I got to thinking. Most of them can't read. Those that can won't read it. There would be a few who will read it and care about it, but they were converts already, so to speak. So I never got around to doing that, but I did toy with the idea for a while, making a really beautiful poster from the Stegner letter. Not a poster, but a pamphlet from the Stegner wilderness letter. I talked about this earlier—it was a letter to David Pesonen, who was involved in some environmental work in the East Bay Park system and who asked Stegner why he thought wilderness was so important to people. Stegner's response was immortal.

11-00:09:28

Meeker:

Well you know by sending this poster to Burton and to Kopp, obviously there was at least a part of the inspiration of that was to influence them and to maybe get them to think about it.

11-00:09:40

Newsom:

Oh yes, that was the whole purpose. It worked. It worked very well. Underneath the jibes I could see that they had read it and they cared about it and they were reacting to it and if they thought it was stupid or foolish they would never have said anything. Odd responses, but old friends from different camps. Burton and Kopp are not from the same ideological camp.

11-00:10:16

Meeker:

Sure. How do you get people to care about something like the environment—

11-00:10:20

Newsom:

That they maybe don't care about.

11-00:10:22

Meeker:

That they don't care about or that maybe they don't know they care about it.

11-00:10:25

Newsom:

You just keep trying and there's a point at which people are embarrassed to say they don't care about things like wilderness. I guess it's a generalization, but it's worth making the point. I think that the difference between people on the subject of the environment is simply this. It's the degree of caring. A lot of people care desperately about it. Some people don't care very much. A lot of people simply don't get it. A lot of people say look, I'm here for 70 years and I'm going to heaven. That's my main objective in life and what difference

does the rest of it make? There are thinking people and unthinking people and degrees of both.

11-00:11:28

Meeker: Did you ever make an effort to perhaps take someone out camping or hiking—

11-00:11:34

Newsom: Oh yeah.

11-00:11:35

Meeker: —who didn't really get it and wasn't necessarily against environmentalism or didn't see it?

11-00:11:44

Newsom: Quentin Kopp, great example. I used to go up to the city owned facility at Hetch Hetchy with Quentin and friends and we had a great time up there. Quentin was a New York intellectual who grew up in Upstate New York and he didn't know anything about nature, but by getting him up there I thought I was opening his eyes. I think I did until the whole subject—he went to Alaska with me on a raft trip and I couldn't believe it. He was almost eighty years old and braved the wilds of Alaska on a pretty rough trip and made his tent every day. So I think I've finally conquered Quentin and brought him around.

11-00:12:43

Meeker: Do you know if it had any impact on his voting record?

11-00:12:47

Newsom: It was too late. He is retired now. He is a superior court judge. He was okay on the environment, but not avid. Burton was naturally good on it. 100 percent voting record in anything that had to do with it—the irony is neither Burton brother in politics, Phillip nor John, had the slightest interest in going any place or seeing anything. They just voted right on these things, which is to say, voted left.

11-00:13:24

Meeker: It's interesting and I think it was in the Phillip Burton biography the author talks about Phillip Burton's conversion, I guess, on this issue, or at least the birth of his awareness about environmentalism, had a lot to do with linking to working-class politics and seeing public spaces, parks and so forth, as being one of the few refugees available for working-class people.

11-00:14:00

Newsom: Yeah, Camp Mather, for example. A great place for working people, city employees, and they could afford it. It was a great experience of outdoors, and Phil Burton had got the point of that very well.

- 11-00:14:22
Meeker: One of the interesting things that I think you were positioned institutionally to observe was the splitting off of the Sierra Club Legal Defense organization to Earth Justice.
- 11-00:14:37
Newsom: That was seamless.
- 11-00:14:40
Meeker: Oh it was seamless? I have read it was controversial.
- 11-00:14:42
Newsom: There was a little controversy at the beginning, but essentially the big worry was whether when we lost the Sierra Club name we would lose the enormous backing they had with a new name, Earth Justice. It's always a difficult thing, but it worked out very well over the seven or eight years, or ten years it's been—I forget now. It's worked out well and Earth Justice doing very well.
- 11-00:15:13
Meeker: I ask this not only because you were positioned within this organization, but at ROHO, where I come from, we have a series of interviews.
- 11-00:15:23
Newsom: Where's that?
- 11-00:15:24
Meeker: The Regional Oral History Office at UC Berkley has a series of interviews documenting the history of the Sierra Club and if memory serves, at least the interviews I've looked at have mostly been from the Sierra Club perspective and some of the concerns that the leadership of that organization had about losing a key function and also perhaps a fundraising vehicle for their organization, which was the legal defense fund, and worrying about it being spun off.
- 11-00:16:00
Newsom: That was a big worry, but it turned out not to be a big issue. A big issue was David Brower and his alleged fanatical devotion to the environment and his having been too pure an environmentalist and kicking around people who had less passion on the subject. Brower, whom I knew pretty well—I used to see him in Enrico's for lunch often. He is a very passionate man and a hell of a guy, obviously—but he could rub a lot of moderate people the wrong way. So he finally got tossed out as president, as you know. That was probably a good idea. He founded, what was the group? Earth Island?
- 11-00:16:56
Meeker: Earth Island Institute.
- 11-00:16:58
Newsom: I think he founded that, but he went off and there was another organization he founded [Friends of the Earth]. I can't think of the name of it. Anyhow I'm

not sure it's Earth Island, but in fact Brower defected from the environmental movement and founded a more embedded, passionate branch of it. It never really took off.

11-00:17:32

Meeker:

That brings up a larger question about the environmental movement, which this could be true of most movements for social justice or any activist oriented movements, and that is the proliferation of organizations.

11-00:17:50

Newsom:

It's vexing to me.

11-00:17:51

Meeker:

I mean the degree to which you look at just the organizations you've been involved with, Environmental Defense Fund, Earth Justice, Mountain Lion Foundation, Defenders of Wildlife, Friends of the River, and Nature Conservancy.

11-00:18:03

Newsom:

Why can't they make them one common purposed entity? Good question, but you can't. For example, the Mountain Lion Foundation: it mainly attracted people passionately interested in mountain lions. If you were interested in mountain lions, you could care a lot about that. If you were interested in bobcat, you might not care that much. A lot of people have a common interest in wild animals, but a lot are species-specific and the mountain lion is a very good symbol. We got Dugald Stermer, who's a very fine artist, to draw this wonderful picture of a mountain lion dandling its cub on its breast and we used that as an advertisement to raise money. It worked very, very well. I think I told you we set out to show people how to kill mountain lions in a satirical way and it really roused passions and got a lot of money in the till.

11-00:19:25

Meeker:

I don't know that you told that story.

11-00:19:27

Newsom:

It was how we raised the money to do the initiative statewide to ban mountain lion hunting, which is still banned as a result of that initiative passing—Prop 17. Anyhow, I was one of the architects of the fundraising strategy we followed and we got Stermer to draw this full-page ad for *The Chronicle* and *The Examiner*, which was then a paper, not just a throwaway, in the days when there were newspapers, and I think I'm right in remembering that it cost us about \$15,000 to create the ad and I think it raised about \$65-70,000. We immediately were off and running with the initiative and it passed easily statewide. It's still a law. It's been attacked several times, every time there's a mountain lion kills a poodle, poodle owners go berserk.

11-00:20:45

Meeker:

It's interesting. Maybe this segue is a stretch, but I'm going to make it anyway and that is the relationship—I remember the mountain lion, the anti-mountain

lion movement if you will, not only had to do with death of poodles, but I think a few small children may have been taken out of someone's backyard or something like that and actually it was—I'm somewhat ashamed to admit this—but it was a family friend who was the state assemblyman who was out in Sacramento doing this and he was a very "pro-family values." He was riding the family-values ticket, okay, and he managed to talk about mountain lions as predators not unlike child molesters and he kind of linked them together. But anyway, so what's going on here is a social dimension to environmentalism, and, on the one hand, there's this sort of conservative social dimension that played against mountain lions. On the other hand, particularly in the last fifteen years, there's been a real attempt to bring a social justice perspective into the mainstream environmental movement.

11-00:22:04
Newsom:

Oh yes, very much so.

11-00:22:06
Meeker:

And I'm wondering what you think about this social justice turn.

11-00:22:10
Newsom:

So much has changed in my lifetime. For example, the population of California has certainly tripled in my lifetime. What's it now? Thirty-five, thirty-eight million, something like that? It's more than tripled and the last time I looked the state was still finite and still the same size in spite of efforts to cut it in two, which are coming to nothing.

11-00:22:39
Meeker:

Or three.

11-00:22:40
Newsom:

Or three. The water is up here and it trickles down. Anyhow, the population has tripled or quadrupled and there have to be fewer mountain lions now because there's less space for them to inhabit, less wild country. So I'm sorry to say they're doomed. They will not exist in one hundred years in California except in zoos, if there are zoos. That's rather sad to think about. On the other hand, part of the concept of social justice is shouldn't people who, by reason of race or other considerations, unfairly are deprived of the opportunity of seeing these great things, great animals. Shouldn't they be guaranteed that as a part of their humanity? I feel strongly they should, and so I'm a strong advocate of social justice. I like to see people have fewer children, but I like to see every child introduced to the wilderness, what's left of it, and I think one of the great environmental schemes I ever heard of was a priest whom my father used to help in Oakland, whose name was Father Phillip. He used to take poor kids out into the countryside who had never conceived of seeing anything like this, let alone seen it. He'd take them out camping for a couple days and he used to tell my father how this changed kids' lives. They've never seen this before and they love it, naturally. It just flows, and if you don't do it with kids, later on it is very difficult to initiate this process. I think it's still

done on some scale in California, but there are organizations that promote that sort of thing. It's a good idea.

11-00:25:01

Meeker:

The way that you talk about environmental justice is interesting. It's somewhat different than the way I've conventionally heard about it. You talk about it as a right to access all the beauty and sustenance that nature has to offer. Often times it's talked about in terms of environmental racism. So the environmental movement should—and I may be creating a straw man—but there are activists that seem to say the environmental movement should focus less on, say, preservation of natural lands or endangered species and should focus more—and organizations only have so much money, right? So the Sierra Club should focus less on those things and instead focus more on pollution in inner cities where African Americans tend to congregate or schools that are located next to freeways. The organizations, according to this strand, should spend their money focusing on ameliorating those ills instead of spending all of their money focusing on the preservation of wildlife and the environment.

11-00:26:05

Newsom:

I know it's unrealistic, but I'd like to see both done and I do think that there's a long way to go to catch up with the ghetto, to get kids out of the ghetto and get them into the countryside is a great idea, and I would like to see environmental groups that do that well funded. It's very important.

11-00:26:38

Meeker:

Let's see here. You know one thing that I came across and I don't know if this is something that is particularly of interest to you or not, but of course the movement to drain Hetch Hetchy and return it to its natural state. It sounds like you've come out in support of this.

11-00:27:00

Newsom:

I have not.

11-00:27:01

Meeker:

You haven't? Okay.

11-00:27:02

Newsom:

I don't support it.

11-00:27:03

Meeker:

You're not in support of it?

11-00:27:04

Newsom:

I've thought about it a lot and in a perfect world I would say let's do it. It might take twenty or thirty years, even fifty years to accomplish it, but at enormous cost. I think it's unrealistic. The cost is going to be too great, and the reward rather meager relative to other achievements you might consider. Not cost effective at all. It's a little thing. It was a great valley. Muir lost, and ironically it was T.R., Teddy Roosevelt, who beat him, a great

environmentalist president, but a sad thing to see Muir crushed at the end of his career with a loss of the other great canyon in Yosemite. But I now think—maybe my son has brainwashed me on this because Gavin said to me, “You know, Dad, don’t even think about what it would mean to San Francisco in terms of a loss of income in a city that’s already hurting financially,” even though Chris Daly and others don’t understand that. So in a perfect world I’d love to see it happen. It’s not going to happen.

11-00:28:26

Meeker:

You know considering your involvement in all of these different organizations, it maybe would be wrong to ask you to prioritize, but do you have like a particular priority? Do you have a vision of what maybe two or three issues?

11-00:28:43

Newsom:

Population.

11-00:28:44

Meeker:

Population, okay.

11-00:28:45

Newsom:

It’s everything you know, and I was just listening to Paul Ehrlich yesterday on the radio. He gets vilified for some reason rather freely and he’s been a real prophet on the subject of population. He hasn’t been far off in his predictions. He is dire in his warnings, but he had every reason to be dire. We’ve got eight or nine billion now and if it went a little skewed now it could be very dangerous for the future of the world. It’s pretty precarious even now. So I would say every other environmental value depends crucially on the keeping of numbers down to where they are more or less now, not greater. If it goes to fifteen or twenty billion, everything falls apart, all the systems and probably the agriculture systems fail. Water is a crucial problem. That’s my second category. The most important thing in the world now is keeping population down and feeding people and I would say providing clean water is a critical issue. Those are the things I think are the most important things in the world now. When I was a kid, we barely were aware of those as major issues. Now they are everything and it’s—what’s the word I’m trying to think?

11-00:30:47

Meeker:

It reaches a critical mass or something.

11-00:30:49

Newsom:

Exactly, that we’re there.

11-00:30:51

Meeker:

Do you see any organizations that are doing the necessary work on the major issue of population?

11-00:30:58

Newsom:

Organizations which are subverting the moral order of the organizations like the Mormon Church, the Catholic Church. It’s absurd—the Pope the other day

made a preposterous statement to the effect that the use of condoms was promoting AIDS in Africa. At first I thought it was a joke. I thought how unseemly for this person to joke about a subject like that. He wasn't joking. He was serious, and the Mormons who believe that Joseph Smith, encountered Moroni—that's crazy stuff, too. That's one of the big problem in the world, religion. Islam is another challenge.

Don't get me involved in a fatwa for saying this, but I think if all organized religion was shut up, in the morning it would be a better world. I wonder whether I'll have the courage to say that to Father Mulcahey on my deathbed. We'll see. I think so. I faced it five years ago. An Irish priest came in to see my in the hospital and he said, "You know, you might not survive this operation. Is there anything you would like to do before you take the slide?" And I said, "No. I don't think so. If you've got a drink in that duffle bag, I'll have it." He was a nice priest. I said, "I'm Catholic. I root for Notre Dame over Alabama, but I'm not a fan of the Pope and I'm not afraid to die saying so." So I sort of faced that five years ago. I would like to think I could do it again when the time comes.

11-00:32:55
Meeker:

Well there was that saying, "Jesus, save me from your followers!" There's a difference. I think it's fairly reasonable to be able to separate the personage and the message of Jesus from the institutions that were built up around it.

11-00:33:13
Newsom:

I've recently become somewhat skeptical concerning the historical existence of Jesus. It's a big subject, but I've been reading a lot about it, and I've come to the conclusion that in all probability there was nothing divine about Jesus Christ. I'm not completely convinced as a historical matter he ever existed as we know him in the gospels anymore than Moroni existed for the Book of Mormon. Are you sure Moroni lived? I'm not sure at all. I'm rather skeptical about it and I have a lot of reservations around the historical Jesus.

11-00:34:02
Meeker:

I wonder how your retirement from the bench has influenced your environmental work, or has it?

11-00:34:10
Newsom:

It's freed me up to speak out more vocally and loudly on the subject and I have no restraints any longer, and if anything, in the intervening fifteen years I've grown to appreciate more than ever the importance of the environment and the importance to my children, to my children's children to experience the beauty of creation.

I would like to see people have the chance to experience the grandeur of God. You cannot do that if you're a child in Cairo, Egypt now. You would be preoccupied with merely keeping yourself—and your fifteen siblings—alive. It is very sad to see how badly the cards are dealt.

I think back often to a story my father told me about a little boy, Willy Meehan, who had a cleft palate, or hare lip, as it was then called, and who at age 5 was asked by a nun at Thanksgiving to say what God had done for him, and Willy said, “Sister, he Goddamn near ruined me.” That, I think, is the reason I became a liberal in early childhood. If you believe that God created the world and conceived of it as a game with a fair shuffle of the deck—well, it is an awful mess, is it not? Anybody could do a better job.

11-00:36:54

Meeker:

It’s a peculiar definition of fairness.

11-00:36:56

Newsom:

Yeah. They have to come up with all kinds of explanations to convince anybody that it resembles justice, and finally, ultimately, you have to I think lie to people and say we will all be the same in the end. Everybody will be exalted who was oppressed. I don’t believe that.

11-00:37:18

Meeker:

Well that notion of trying to explain inequality in the world is, theologically speaking, what supposedly differentiates most of the Protestant churches, right? Whether it’s acts, or whether it’s divine provenance—isn’t it the Calvinists who believe that simply by being successful in business and wealthy is evidence that God has chosen you to go to heaven?

11-00:37:51

Newsom:

It’s quite pitiful, you know, to think that, let alone believe it. You can’t prevent yourself from having thoughts like that flit through your mind, but never believe it for more than 10 seconds without being in error.

11-00:38:08

Meeker:

Well the Catholic Church’s doctrine of original sin I think is somewhat along those lines as well. It’s sort of like we’re all born flawed and unless you seek your own salvation then you will end up—your sin will manifest itself into poverty or illness or something along those lines.

11-00:38:32

Newsom:

What do you think of a system that condemns you if you die unbaptized, which a lot of people, through no fault of their own, have done. Little tyke a week old dies of diphtheria and goes to limbo. Limbo; not a dance. Not purgatory either. Limbo is a third state. There are four states: heaven, hell, purgatory and limbo. Limbo is a place where you’re not punished. You can’t be rewarded because God doesn’t want to reward somebody who is not baptized. This is God? That’s a joke, and the Church, until recently, preached this. If I were talking now forty years ago, fifty years ago, I would have my tongue taken out for saying this. They believed [that] millions and millions, tens of millions of souls floating around in the ether and couldn’t go to heaven, couldn’t go to hell, couldn’t go to purgatory, had to stay in limbo bouncing against the ceiling, so to speak. That makes no sense at all, but I was taught that. I was. You smile, but I was taught that, Martin.

- 11-00:40:05
Meeker: I was taught that as well.
- 11-00:40:06
Newsom: You were? Limbo. Your memory is rusty.
- 11-00:40:12
Meeker: I remember at least being taught about purgatory. I had a neighbor friend across the street who had—
- 11-00:40:18
Newsom: You burn for a couple hundred years. Nothing serious.
- 11-00:40:22
Meeker: Oh yeah, exactly. You can burn off your sins.
- 11-00:40:27
Newsom: Who knows how long it takes.
- 11-00:40:31
Meeker: There's a formula isn't there?
- 11-00:40:33
Newsom: [Laughs] Father Sarducci had a formula. He said, "The lowest on the scale of sins was self abuse for a little boy," and somebody laughed in the background and he said, "Yeah, you laugh, but it's 25 [cents] per sin and it adds up. It adds up," Sarducci said.
- 11-00:40:57
Meeker: Let's move on to the next chapter in this.
- 11-00:41:00
Newsom: Obviously religion is not my strong suit, right?
- 11-00:41:04
Meeker: But it's worth discussing, regardless. Let's move on to talk about your relationship with the Getty Family and then the various Getty Trusts.
- 11-00:41:23
Newsom: It's very convoluted, but essentially I've worked for fifty years plus for the Getty Family on their trusts and the children's trusts and somebody once put it this way—I think it was Reginald Turner, a great friend of Oscar Wilde, who said, "I was born with a silver spoon in my mouth. Alas, it had somebody else's crest on it." You could say that of me. I went to school with Paul Getty and Gordon Getty, and as a result of my lifelong friendship with them, when they came into great wealth I was around. Their crest was on the silverware, but I was using it.
- 11-00:42:15
Meeker: I think that regarding your relationship with them, we, I think, basically ended up maybe going through high school and maybe a bit of college about your

friendship to Gordon and J. Paul the second. Is that how he goes? I understand his name has sort of changed over the years.

11-00:42:39
Newsom:

J. Paul was baptized, so he couldn't have gone to limbo, as we were saying, but he was baptized at sea in Genoa, Italy as Eugene Paul Getty, and his father was Jean Paul Getty, who died about twenty years ago. Paul was Eugene and I was a great friend of Eugene Paul Getty and his son, who is still alive and in fact is my godson. This is Paul Getty the third I think.

11-00:43:36
Meeker:

I know because the names are somewhat peculiar. So I guess one of the ways that you talked about this relationship was that Gordon and Eugene spent a lot of time with your family.

11-00:43:56
Newsom:

Yes, on Jefferson Street.

11-00:43:57
Meeker:

Because they were raised by a mother who wasn't always available.

11-00:44:02
Newsom:

J. Paul Getty was living in Europe and he seldom visited over here. He didn't like to travel by air and he was an intense businessman who didn't like long boat trips. He remained in London and they were living in L.A. and then San Francisco. When they lived in San Francisco on Clay Street, Gordon and Paul would often be at my house on Jefferson Street, which was nearby, and Gordon and my father formed a very close relationship. For that matter, Paul Getty, who just died a couple years ago, had in his bedroom in his estate in Oxford, a picture of my father that he kept around all those years. I saw it after his death. My father was a very strong influence on both boys.

11-00:45:31
Meeker:

One of the ways you described them was with the story of Gordon presenting you with the issue of *Time* magazine with his father on the cover that described him as the richest man in the world--and how this was a shock to him. He didn't know this. Clearly that would have been at least a psychological change. I'm wondering if you could describe the process by which Gordon and Paul/Eugene—I don't know what name we should use—got back in touch with their father—

11-00:46:08
Newsom:

They had very little contact at all.

11-00:46:10
Meeker:

Okay, but they eventually claimed some portion of his estate, right?

11-00:46:15
Newsom:

Oh yes.

11-00:46:16

Meeker: Or support from him.

11-00:46:18

Newsom: We sued J. Paul. I sued on behalf of Gordon Getty and it was a very convoluted legal story, but suffice it to say that they settled out of court and J. Paul agreed to pay Gordon and his siblings a large sum of money.

11-00:46:39

Meeker: What was the argument that was being used?

11-00:46:41

Newsom: Well, it was so esoteric, it's hard to explain. It had to do with the trust and the terms of the trust and the California Principal and Income Act and accretions to the trust, the corpus of which consisted entirely of Tidewater stock. J. Paul kept all the assets of the trust, of which he was the trustee, in common stock and the question was: were stock dividends paid over the years that were kept in the trust and not paid out as income or principal. The court ruled that they were principal and hence not taxable. "Did you think I was going to open up that trust to tax to the IRS? If you were right, hundreds of millions of dollars would be owed in taxes," which is true. I didn't care, for I was representing Gordon in the case, but Charlie Peary said otherwise and that was the disposition of the case. Anyhow that was the legal issue and so time went by. Mr. Getty died, and Gordon became the sole trustee of the trust by convoluted means, but he did and in those days the trustee's fee was enormous and Gordon was the only guy in charge of the whole thing, which is a far cry from what his father intended originally.

11-00:48:56

Meeker: What did his father intend, do you suppose?

11-00:49:00

Newsom: He intended to have it run by bankers. Gordon would be one trustee but he would not be the majority trustee. He would be a trustee, but one of several trustees, and over the years things turned out differently. Gordon became the sole trustee.

11-00:49:26

Meeker: How did that transpire?

11-00:49:19

Newsom: Well, Lansing Hayes, who was a co-trustee, died. A bank that had been nominated as trustee turned it down, leaving Gordon alone, of the qualified trustees in his father's will, and so he was the only one left.

11-00:49:49

Meeker: You know it's interesting. You describe Gordon's and Eugene's upbringing as fairly middle class at least, certainly not excess—they certainly didn't have access to the money of his father, and then I suppose after 1966, when this lawsuit was settled out of court and then after J. Paul's death in '76, his

[Gordon's] life fortunes changed quite dramatically. From the perspective of someone who was close friends, can you describe how someone's life changes?

11-00:50:27

Newsom:

Yes, he got married. I would take a guess that Gordon and Ann Getty, principally as a result of the income distributions and trustee fees Gordon received, I would say they probably had more discretionary income than anybody in the United States at that time. They had enormous amounts of money. The trust size, before taxes, was \$4 billion and Gordon, as sole income beneficiary, received 100% of the income from \$4 billion as well as a trustee fee. He didn't really want it, but there was nobody else to take it, legally.

11-00:51:42

Meeker:

Was the idea that he was then supposed to distribute that to other family members?

11-00:51:45

Newsom:

No.

11-00:51:46

Meeker:

Or that was just the fee of a trustee?

11-00:51:47

Newsom:

It wound up in court. They challenged Gordon's right to be the sole trustee and that lawsuit went on until 1988 and I was very much involved in settling it. I got a law passed that settled the case.

11-00:52:07

Meeker:

And what was that?

11-00:52:09

Newsom:

It was interesting how it was done. I went to see John Burton and John Burton said, "Talk to Bill Lockyer," who was state senator, was in charge of probate matters. It's a long story, but basically what I did was I convinced Lockyer to push a bill forward enabling people to settle this kind of trust litigation. There were some legal blocks in effect then and Lockyer did this and it was put into law as emergency legislation by Governor Deukmejian. I didn't have any contact with Deukmejian, but I knew my sister was a friend of the person who had charge of the Deukmejian legislative calendar. Carole talked to the legislative secretary, Bob Williams, and Williams called me and asked, "What's the net result of our doing this, signing this bill?" I said, "The net result is putting about twenty lawyers out of business and settling a case that cries out for settlement and distributing the money to all the family right now." He said, "Sounds good to me," and they did it.

11-00:53:47

Meeker:

What was the issue that it resolved?

11-00:53:53
Newsom:

I'm having a little trouble, Martin, remembering right now because it was something like this. There was some esoteric reason that you could not settle the case without a minor change in the law. I have a *Wall Street Journal* article that explains the whole thing.

11-00:54:26
Meeker:

I guess we don't need to go into great detail in it. I think that for the purpose of doing an interview about this, what's usually helpful is understanding that there's a written record and then there's what you might be able to provide about what happened and how things went forward that wouldn't be obvious in a written record. So we don't necessarily need to go in and think about the minutia of the legislation or the settlement.

11-00:54:58
Newsom:

There are two things that explained what happened. One was a letter I wrote to the IRS as a friend of the family and the second was the article in the legal newspaper—not the *Wall Street Journal*. It was *San Francisco Recorder*—explaining what happened and my role in it and saying that I had called Burton. Burton had brought Lockyer in and they designed a bill to authorize the settlement. That was what happened, and in order to do that, as explained to the IRS, I had to have a record that showed that never did I do a favor for Burton. Never did I do a favor for Lockyer and so I paid for my own lunch, sort of speak. I couldn't take either one out to lunch and I told Burton that. He said, "Okay. I'll do it," and he did it. He never received any benefit, whatever, from anybody for doing it, but he did it. That's the only reason the lawsuit settled because one of the lawyers, Seth Hostetler, from a large firm in L.A., was a lone holdout among the lawyers. He said, "I will never agree to this unless it's authorized by the legislature. If it's not signed and sealed by then, it's not a deal." So I got the bill through and that broke and unclogged the dam so to speak, and it settled immediately.

[End Audio File 11]

Begin Audio File 12 newsom_bill_12_06-16-09.wav

12-00:00:00
Meeker:

So I'm hoping, and in fairly broad terms without getting too caught up on specifics, if it's possible to explain how things changed. So how the trust was arranged prior to the lawsuits, and then the legislation, and then how it looked afterwards—and the degree to which, from your vantage point, the interested parties were satisfied with the new arrangement.

[The following paragraph was expanded in the editing process]

12-00:00:41
Newsom:

What happened is this: Gordon had never wanted to be the sole trustee. He was not a bit offended when the court took over the trust and appointed a surrogate trustee, whose name I think was Olson, who was then running the

trust. Then when the legislation came through, everybody agreed and the four billion was divided into four equal shares, after reserving one billion for taxes. Thus: after one billion was put aside for taxes, 750 million went in trust to the Gordon Getty family, 750 million went in trust to the Paul Getty family, 750 million went in trust to the George Getty family, and 750 million went in trust to the Ronald Getty family, but since Ronald himself was excluded as an income beneficiary, the income on this 750 million was payable to the other brothers and Ronald's children's enjoyment of the principal had to be deferred until the death of the last "measuring" life—that is, until the last to die of the three measuring lives, Gordon, Ronald, and Paul—George having died before his own father, J. Paul Getty.

So the Ronald 750 million share was divided into three shares of 250 million each with income payable to Gordon, Paul, and George's daughters, respectively until such time as principal would be distributed to Ronald's children.

Gordon also decided to step aside and appointed me to manage the 250 million that was to pay income to Gordon. So I became the managing trustee for that 250-million-dollar trust, and still occupy that position.

12-00:03:56

Meeker:

So basically the four children got more or less an equal split?

12-00:04:00

Newsom:

Exactly, except that Ronald's share was deferred.

12-00:04:01

Meeker:

And then for those whose, like George, the bank held it in trust for the children?

12-00:04:06

Newsom:

Exactly.

12-00:04:09

Meeker:

So that basically I guess ended it.

12-00:04:12

Newsom:

Everybody was satisfied.

12-00:04:15

Meeker:

You know this question about the trusts goes fairly well beyond my area of knowledge. Can you describe for me what some of the responsibilities of a trustee for a trust are?

12-00:04:32

Newsom:

The trustee is a legal owner of the fund. I'm a trustee for the Ronald Trust now, which has current assets of about \$400-500 million, and so together with my co-trustees I hold the legal title to that money, but we hold it in trust for the beneficiaries. It's a very strict standard.

12-00:04:58
Meeker: Why can't the beneficiaries be owners of the trust?

12-00:05:04
Newsom: They can't be because they're the remainder beneficiaries. They have a contingent right to the corpus of the trust but not the right to income.

12-00:05:33
Meeker: So as, in essence, trustee, legal owner of a part—

12-00:05:41
Newsom: You manage the money for their benefit and for the benefit of the income beneficiary. In the case of the trust I manage, Gordon Getty is the income beneficiary. So if the trust has \$500 million and makes 5 percent a year, that's the income. You're supposed to balance your investment to favor neither the income nor the principal, but both equally. It's impossible to do, but you do the best you can.

12-00:06:21
Meeker: So you've been a trustee for more than one of these?

12-00:06:28
Newsom: Since 1988.

12-00:06:29
Meeker: '88.

12-00:06:30
Newsom: Twenty years.

12-00:06:31
Meeker: Okay, but I mean you've been solely a trustee for the Ronald Trust, is that correct?

12-00:06:37
Newsom: Exactly.

12-00:06:38
Meeker: Okay, and from the way you've described it, Gordon Getty is the sole trustee for the Gordon Trust, is that correct?

12-00:06:48
Newsom: Yes. At first he was sole trustee and later his children became minority co-trustees.

12-00:06:49
Meeker: Okay. I know this is rather complex and I'm probably not asking the right questions about it. What else might be worthwhile explaining about this in thinking about this as a legacy for the Getty Family and understanding about how their trust works?

12-00:07:15
Newsom:

You know J. Paul Getty set up a charitable trust, which is the Getty Foundation. It's much larger than these trusts and the family has nothing to do with managing it and that's really the legacy of J. Paul Getty. He locked up this enormous amount of money for charitable purposes and kept it from being taxed. There's plenty of money for individuals, more than they need. In the case of Gordon's boys and his girls, seven children, they will take each one seventh when Gordon dies. It will be a couple hundred million apiece after taxes. That should get them by I think, easily, and Gordon feels the same way.

12-00:08:17
Meeker:

How was it that you were brought in to be a trustee for the Ronald Trust?

12-00:08:23
Newsom:

Well, I think two things. I think Gordon understood that I was one of the architects of the settlement. He knew I was leaving the bench fairly soon and I think he wanted to do a favor for me and I think he had confidence in my judgment and he had seen the way I'd worked for years behind the scenes to settle the differences among the kids. I had a gift for that. I think I had good relations with all of the people involved, with Paul Getty and his children, whom I knew well. I mentioned that his older son, Paul, was my godson. So I was sort of involved in all the families by friendship and they had confidence in me, I think, and knew I was honest. They'd rather deal with me than with a bank, which is a good thing too because banks tend to be odd, and as we now know, especially recently. They go bankrupt.

12-00:09:40
Meeker:

How have you, as trustee, navigated periods of economic difficulty?

12-00:09:48
Newsom:

I weathered the storm about as well as the other trusts. We have taken our lumps lately. We each started with \$250 million in '88 and that's, I said, maybe \$500, \$450-500 million now, but it's been as high as \$800 million in recent past. Everybody's dropped about 30-40 percent over the last few years. The markets have dropped that much. Whether it will come back I can't say, but I doubt that it will quite come back to where it was. We'll see, but we weathered the storm pretty well. In other words, having paid out a lot of income to Gordon Getty over the years, after that we still have grown the principal from \$250 to \$450 or \$500 right now. That's not bad.

12-00:10:45
Meeker:

I just think about being lifetime friends with someone and being lifetime friends is almost like siblings. Sometimes your lifetime relationship is probably assured, but there's still a possibility for strains to be placed on that relationship and I would imagine that in essence being the money manager for one of your best friends during a period of economic difficulty could be quite difficult and potentially put strains on relationships.

12-00:11:21

Newsom:

Not so, because remember that Gordon Getty receives the income from this trust, but he has a lot of other income, a lot. So there's no pressure on him at all. If we were talking about \$1 million and the income from \$1 million, I would tell you now I think if you were a prudent investor you'd be lucky to get \$30,000 a year on \$1 million. That would not please the person receiving it. He would be saying, "I have \$1 million in trust and you only created \$20-30,000 of income a year before inflation? So in Gordon's case he's always said to me, "Bill, don't worry about my income. Invest for total return. If you see a great deal with growth in it, then pass up the income possibilities and go for the growth. Make the best deal for everybody." That's an ideal situation for trustee to be in. Usually you have either the one side—the income beneficiaries—or the other—the owners of the trust corpus—at your throat saying, "Why don't you produce more? Why don't you grow this more?" No tension for me at all. I think Gordon's been a very easy person to work for.

12-00:13:21

Meeker:

Do you approach it with a particular philosophy toward investing?

12-00:13:26

Newsom:

No.

12-00:13:27

Meeker:

Do you work with professional investors?

12-00:13:29

Newsom:

Experts. I go to the best people I can find. You will learn there are a lot of good people and a lot of mediocre people and good people who become mediocre with time and you just go by the book and you invest conservatively. Don't take a lot of chances, you think, and you still lose money in these markets now. It's pretty hard to keep it.

12-00:14:01

Meeker:

I mean, blue chips are conservative investments, but blue chips have been some of the most underperforming. Look at GM.

12-00:14:07

Newsom:

Look at GM. Look at GE. Look at banks. Look at stocks that were good companies plunging from \$100 to \$10 in a year, a year and a half. It's been a tough road.

12-00:14:27

Meeker:

I assume that when you maybe take on a new investor, somebody who will invest your money, you meet with them personally and probably look through their portfolio. There's of course the past performance, right, of how well their investments have done.

12-00:14:42

Newsom:

It has to be good. Why get somebody with no track record?

- 12-00:14:46
Meeker: I kind of wonder also what else about somebody would make you go to them?
- 12-00:14:52
Newsom: Well nowadays, Martin, I don't really deal with them directly. I have people who advise me. We talk to three or four people and they say, "This fellow is better because of this." So I get out of harm's way.
- 12-00:15:11
Meeker: So this person might be an expert in genetics or something like that?
- 12-00:15:17
Newsom: I'll give you a great example. We have a gentleman who's worked for the trust for twenty years. His name is Frank Reps and he deals with precious metals, gold, silver, platinum, and with oil. That's what he does. He's brilliant at it. He's made a lot of money for us, but I've kept him for twenty years and there are people with better records. I like the fellow. He always explains himself clearly. He's very conservative. He acts with your money as if it was his own money. I can't say anything better about a money manager than that.
- 12-00:16:01
Meeker: As a trustee, have you ever had to deal with conflict of interest, meaning not a legal conflict of interest, but more of an ideological or moral conflict of interest?
- 12-00:16:14
Newsom: No.
- 12-00:16:15
Meeker: Such as investing in oil companies while at the time you have, you know you're advocating for maybe lawsuits against those companies?
- 12-00:16:25
Newsom: No. I made a clean separation in my mind between these two things. I might not want to deal with a lumber company because I don't like their practices, but if they make money, as a trustee, I'm interested. I'm pragmatic because it's not my money. It's somebody else's. If it were mine I'd have a different standard.
- 12-00:16:51
Meeker: Do you invest your own funds I assume, based on your income?
- 12-00:16:57
Newsom: I have a 401K plan as a retired judge. I don't make a lot of money doing this for the family. I make about \$200,000 a year before taxes. Some years more, some less. When I left the bench, I had no savings, except my judicial pension. That's a good pension, but it's taxable. So I've been able to put away about close to \$1 million in savings in my 401K over twenty years. It's a little less than that. It's been going down. I don't invest side by side with the trust. I keep my money in just a few things, gold, silver. I don't want to worry about a

tiny amount of money competing with the larger amount of money. So I'll let somebody else worry about it.

12-00:18:03

Meeker:

So you don't have such a portfolio that you really have to consider the ideological consequences for your own investing?

12-00:18:08

Newsom:

I do, but I don't. Most of the Getty boys are sensitive environmentally as I am, pretty much so, and I take some credit for that because when they were kids I used to take them out all the time on river trips and places like Yosemite and I spent a lot of time making sure they were aware of the responsibilities and also aware of the advantages they were given. They were pretty good kids I think and have done well.

12-00:18:55

Meeker:

You know, one thing I don't know that we actually discussed was the 1973 incident with J. Paul III in Italy. Do you feel like that's been recounted enough elsewhere?

12-00:19:10

Newsom:

The kidnapping?

12-00:19:12

Meeker:

Yes. There are books written about it.

12-00:19:13

Newsom:

You know there are people who believe that young Paul was complicit in it. Those people included his father. I never did, but I could be wrong. I never knew for sure, but it wouldn't serve any purpose now if I concluded that he had been because he was sixteen years old and had no idea what he was doing in general. He was a hippy and sort of a street kid in those days, but it's very sad what's happened with Paul. He's a great, great fellow; a very fine person, good mind and pretty badly impaired now. Blind, paralyzed. His mother, Gail, is a fabulous person who takes great care of him. He's got a good mind. He lives the life of the mind. He's a good poet. He loves music. It is heartbreaking to see him in this condition, but he makes the best of it and he's come out of the pit, so to speak. He was estranged from his father for years and years and from his grandfather, but he wound up being close to his father at the end. His ex-wife is still close to the family. She's a wonderful person. Gisela. So it's not as sad as it could have been.

12-00:21:08

Meeker:

You know it's interesting. The way that you talk about your relationship with the Getty Family is interesting and I've told you before, I come from a fairly big Catholic family. There's at least one other family that has sort of had a parallel existence and when I was young I couldn't really tell who were my blood uncles and who weren't. I guess I don't really know how to ask this as a question, but what is the degree to which you differentiate? I guess do you see

the Getty Family as family, and if so, how does that conception of family differ from your blood siblings?

12-00:21:57

Newsom:

I do see the family as almost an extension of my own. It's difficult to talk on the subject without dipping into the realm of cliché. It's true that great wealth, by itself, never made anybody happy. The only people I've ever seen who are satisfied with life are people who achieve something beyond mere wealth.

Paul's children are doing well, but it wasn't money that made them do well. It was something else that they had inside them. Aileen has become a very passionate worker in the AIDS field. Tara, the youngest, is in Africa now running a business. Mark Getty has done remarkably well with Getty Images. But I have learned that simply giving a person a lot of money and saying here, have a good time, is a mistake.

12-00:24:30

Meeker:

That might be a decent segue to talk about your own family and your two children and about the life paths that they've chosen, certainly both of whom are doing something.

12-00:24:47

Newsom:

Yes. Hard workers.

12-00:24:51

Meeker:

Most of the time in which they were growing up you were living up in Placer County and then commuting down here when you were on the bench, right?

12-00:25:05

Newsom:

Yes.

12-00:25:06

Meeker:

I guess this is probably an impossible question. I'll just talk about it personally. So like for instance when I grew up, my father really wanted me to go into business school, so much so that he marked my college applications, along those lines.

12-00:25:31

Newsom:

He wanted you to?

12-00:25:32

Meeker:

Go to business school and I was a decent, but not stellar, student in high school and didn't really know what I wanted to do and I was open for that influence at the time. I'm wondering what is the degree to which your kids would come to you for advice about life-course issues? What sort of advice did you give?

12-00:26:03

Newsom:

First and foremost, I was divorced from Tessa, their mother. Second, I never remarried and neither did she. Thirdly, we remained great friends. I'm not

exaggerating or gilding the lily here. We we're pretty close friends and she was a terrific person. So I had no trouble communicating with the children with no barriers. Another spouse would have been a barrier. I had no such obstacle and I had direct contact with both my children all the time. I called them, I'm not saying every day, but three times a week, four times a week, saying, "How are you doing? How are your grades? Did you really get an A in math? Great." I was behind them all the way, and I think that's reflected in my relationship with them now. If you talk to them both I think you would hear more praise than condemnation about the way I was, as a divorced father, contributed to raising them. I never wanted to allow anybody to get in between myself and my children. That was the most important thing to me, even more important than meeting somebody—say, even Marilyn Monroe (which I did one day down at the Palace of Fine Arts when she was married to DiMaggio. I used to see her there all the time and I pretended that I didn't know who she was at the pond at the Palace of Fine Arts).

12-00:27:58

Meeker:

What do you mean when you saw her there? Was there flirtation in there or something?

12-00:28:00

Newsom:

No. No, I merely used to see her down there. I was a duck fancier and I would walk around and feed the ducks and I would see she would be walking along there quite pale with dark glasses and a bandana and she would ask me about the ducks, and I would tell her, "That's a wood duck." She was interested. I would a week later be down there and I would see her again, but that's neither here nor there.

My point was that I was guilt-laden by my failure as a husband. So I wanted to make sure it didn't fall too heavily on the children. I went out of my way to try to be, so to speak, the divorced father of the year and I think I succeeded. I think the test is how the kids turned out. First of all, their mother was an enormous influence on them and she was wonderful. I picked up the slack in my own case, my own slack, and I tried to be close to both children. I've stayed very close to them without, I hope, being cloying. I know I talk to my daughter every day of my life and her children too and my son calls me twice, three times a week even though he's pretty busy running for governor. He's married now and has a baby on the way. I think his life's taken a very good turn. So I'm delighted.

12-00:29:47

Meeker:

You know it's interesting, when we talked about the couple times you ran for public office in San Francisco; I couldn't help but notice the way which you talked about it. It seemed hard for you to separate the running for office with the decline of your marriage. You seemed to link the two. I don't know if I'm being overly psychoanalytic here.

- 12-00:30:16
Newsom: I link the two? I think so. I was being foolish running for office then.
- 12-00:30:22
Meeker: So I wonder in looking at your son's political career—and I don't know the degree to which you advocated it or played a role in getting him started.
- 12-00:30:33
Newsom: I did play a role in getting him started.
- 12-00:30:36
Meeker: Well then, maybe tell me about the role that you played.
- 12-00:30:40
Newsom: Well, I introduced him to Willie Brown and John Burton. He was around politics anyhow, all the time, through his grandfather and me. He knew we were rabid Democrats and the talk was always of politics and early on he showed a real penchant for it, and I pushed him. I said, "I'll help you. I'll call so and so," and I helped him to get on a commission in the city and I encouraged him to run for mayor and I worked hard on the campaigns, raised money and I'm still working on the campaigns.
- 12-00:31:24
Meeker: I guess the question is then, considering your own history with running for office and that it's your own attempt at a political career is somewhat tainted, right, in your memory, did you ever have any concern about that?
- 12-00:31:38
Newsom: Perhaps there's this difference—Gavin made money before he ran for office. He had \$1 million in the bank. I was broke when I started running; a big mistake. I should have made a pile first and then run. I got all mixed up and ran myself into the ground financially and Tessa with me in the process. So Gavin didn't have that danger. He, right now, I would guess is by my terms fairly wealthy. He has a couple million dollar net worth or so at 40. Not bad. That's better than I ever did financially. So he's comfortable. If he loses the governor's race, he'll go back into business with Gordon Getty running the winery, which is one of the best and most profitable wineries, PlumpJack, and Gordon says, "Bring him on. I can't wait to have Gavin back as a partner."
- 12-00:32:46
Meeker: So you really attribute the problems with your attempt at a political career—
- 12-00:32:51
Newsom: To money. Gavin doesn't face that. He doesn't.
- 12-00:32:58
Meeker: But I mean I don't want to get too personal, but there was a divorce involved in his life and obviously—
- 12-00:33:10
Newsom: It was a bad match but happily there were no children involved.

- 12-00:33:11
Meeker: Of course it's not only politicians that get divorced, but being in public life puts some pressure on children and I guess the point I'm getting at is being a father—and parents always have some element of protectiveness towards their children and seeing children go into public life can —
- 12-00:33:42
Newsom: Should it have frightened me?
- 12-00:33:44
Meeker: Frighten you and especially considering that you had a not fully positive experience doing it—
- 12-00:33:53
Newsom: He was better at it than I was. He won both races. I lost both. He was much more gifted than I was in politics.
- 12-00:34:02
Meeker: Was there any particular advice you gave him before his first race?
- 12-00:34:08
Newsom: No. I could tell that Gavin had the gift. He was a very good speaker, still is an excellent speaker, and he makes sense, he's articulate and a nice looking fellow. So I thought he will do well and whatever happens now, he has done well. Being the mayor of this great city is a big thing to me.
- 12-00:34:38
Meeker: For two terms.
- 12-00:34:40
Newsom: Incidentally, I'd hate to be the next mayor because these supervisors are wrecking the city.
- 12-00:34:49
Meeker: Well at this point I can't imagine anyone in their right mind who would actually want to be governor.
- 12-00:34:56
Newsom: Exactly. I'm confused by that, but he loves challenges and he'd rather be a hardworking governor in a failed state than a multi-millionaire. He's not interested in money.
- 12-00:35:15
Meeker: During the course of his political career thus far, has he come to you for advice on any particular issues?
- 12-00:35:21
Newsom: No and to a marked degree. I volunteer a lot of advice; sometimes he takes it and sometimes he doesn't. He's a very strong person.

12-00:35:43

Meeker:

Have there been any particular issues that you knew would confront him that you gave him your unsolicited advice?

12-00:35:53

Newsom:

No. Gay marriage would be the closest. I sort of frowned a little when he talked about it, but he had strong feelings and so I respected them and backed off.

12-00:36:07

Meeker:

Well there was a recent notice about that in *The Chronicle*, right?

12-00:36:10

Newsom:

It's absurd because the guy said I was a "devout Catholic." I told him as a joke I root for Notre Dame over Alabama, and he missed the point, I guess. The rest of the article was true. I started out on the other side of the issue and I didn't have strong feelings, but when I got thinking about it, I came to the conclusion that the problem with marriage was that religion had co-opted the subject. There should be complete separation. The state should marry anybody who is qualified and wants to get married. I don't see what man or woman has to do with it. You could do that in religion. You could say, "I'm Catholic. I can't marry a man. I'm a man myself." So that's religion, but the state is another matter. I see it that way now. I think the state has an obligation to permit people who want to take on the obligation of marriage, God help them if they do.

12-00:37:28

Meeker:

So when he made the decision to start marrying same-sex couples in 2004, did you know about this before he had made the decision to do so?

12-00:37:40

Newsom:

He didn't ask me. He just did it. He went to hear Bush's State of the Union message and came back and said, "This man is so far off base, I should do something right now to make the path clearer," and he did. He said, "For a person who's the United States President to say that the major problem confronting the United States is the sanctity of marriage," he said, "God almighty. How about poverty, illiteracy, anything else but the sanctity of marriage? Give me a break. What b.s., you know?" I said, "You're right on the mark there."

12-00:38:28

Meeker:

But there probably also would have been some trepidation about venturing into such an issue.

12-00:38:37

Newsom:

I thought it was pretty courageous. I thought it might do him in. It might still do him in, but I don't think so. The demographics are catching up with the issue and I see the Gallup poll the other day: 56 percent of the people under the age of forty in the United States say, "What's wrong with gay marriage?"

Don't bother me about it. Go try to make some money or make someone happy. But don't bother me about gay marriage. Who cares?"

12-00:39:10

Meeker:

Sometimes I'm hearing some of the most vociferous critiques of it now are coming from gay radicals who don't like the concept of marriage to begin with.

12-00:39:20

Newsom:

Exactly. Bernard Shaw called marriage the trade unionism of the damned. It's sort of a silly institution in my opinion.

12-00:39:45

Meeker:

I wonder, looking forward to the gubernatorial race in 2010, what sort of advice would you—if he came to you for advice and said, "Listen, the state of California is in a mess. One of our old family friends will likely be my biggest opponent and I could have a billionaire business woman as a Republican nominee, how might I go about winning the race, but also not compromising myself?"

12-00:40:24

Newsom:

Gavin? You know I think Gavin has less problem with compromise than any politician I've ever seen, seriously. He just does what he thinks is right, like gay marriage, and doesn't look back on every subject. He has good instincts. He's fair. He's modest I think, and he tends to be conservative, financially. I just think he will have fewer problems than anybody else when it comes to principles. I've seen Brown compromise himself on a lot of issues and I don't know Meg Whitman, but she shows me little. For her opening act she said, "Fire all state employees." A great idea.

12-00:41:30

Meeker:

Really?

12-00:41:31

Newsom:

All the families might then go on the street on welfare. She has no idea what's going on in the real world. Gavin's run a city, a very complicated, difficult city, and he's done a pretty damn good job. That's a good testing ground and I don't think—I think Jerry Brown is another matter. Jerry Brown has an interesting, good track record as governor. He had a lot of experience, but not as much life experience as he could have. He's been in the public ever since he started. He got out of law school and became secretary of state and this and that, and mayor of Oakland, and now governor again. He's had a good track record, but I'm not sure he's the most practical guy around. I think if he and Gavin run against one another, there will be a very interesting dialogue. I think it will be a very high-minded debate.

12-00:42:44

Meeker:

What do you see some of the main issues being in 2010?

- 12-00:42:50
Newsom: I see a pretty much identity of issues for Brown and Gavin. The difference would be age, energy. Should a guy who's going to be seventy-two or seventy-three when he runs again be looking for another four years in office or would you rather have a younger man with the same sort of approach and a lot more energy and vigor? That's the difference to me.
- 12-00:43:22
Meeker: When it comes to politics, how important do you think the endorsement game is?
- 12-00:43:32
Newsom: Important.
- 12-00:43:36
Meeker: Obviously the two senators, Boxer and Feinstein would be key endorsements for either one to get. I don't know if they've thrown their hat in any particular ring yet.
- 12-00:43:49
Newsom: I'm not sure either one would want to get involved in the Brown-Newsom mix and the primary would be a much easier to stay out. I don't think either will back either one of the candidates. It's easier to stay out of the primary. On the other hand, financially, it's going to be a tough slog. Raising the money is going to be tough for Gavin. Brown has a much bigger list to draw on.
- 12-00:44:28
Meeker: Why will it be difficult? Just fewer names, smaller geographic area?
- 12-00:44:33
Newsom: You're talking about \$30 million. Gavin doesn't have a lot of large contributors. He has ten or twelve, fifteen who give \$10,000, \$20,000, but that's a drop in the bucket. You have to get—Obama did it by nickels and dimes. Amazing. I think it's no coincidence that Obama's people are involved in running Gavin's campaign.
- 12-00:45:12
Meeker: They are?
- 12-00:45:13
Newsom: Yes. His campaign advisors are I think Gavin's campaign managers. They're running the same kind of campaign too. Tweet, Twitter and all that stuff and small contributions.
- 12-00:45:29
Meeker: Do you see Brown as his main opponent or Villaraigosa?
- 12-00:45:33
Newsom: Brown. My bet would be Antonio does not run. He's trailing Gavin now and the last poll I saw was a very interesting poll that showed Brown fading

somewhat to 21-22 percent and Gavin had seventeen and Antonio had twelve. I think if Antonio goes out, Gavin has a shot at his vote. I don't know.

12-00:46:07

Meeker:

So it's the big cities splitting that other vote. So we've only got about ten minutes left and we could go on forever talking, but I think what I'd like to do is give you an opportunity now to maybe let me know what I've failed to cover or perhaps provide some concluding thoughts. After we transcribe this and I send it to you, if you and I determine there are still some major gaps I would certainly be happy to come back.

12-00:46:44

Newsom:

There's one closing thought—not closing thought—but it has to do with the Getty Trust. I'm, for some reason, a little confused about the various trusts and the values and I'd like to have another look at that and crack at that.

12-00:47:02

Meeker:

That's fine. You will certainly have the ability to mark that on paper and we can put it in the final transcript so you'll be able to correct problems.

12-00:47:12

Newsom:

Great. So in the way of concluding thoughts, I've really nothing to add. It's sort of like what I said to the priest at Stanford. I don't want to make a confession, father, because I don't believe in it anymore. I've lived my life on reasonably decent terms and I'm prepared to rest my case. That's the way I feel about this. We've talked about my values and my family and the things I care about. We've covered the bases, and I don't think I come out of it in any way that's different from what I am. That's satisfactory to me. It has to be at this point. I wish I had been smarter and I wish I had been more successful, but I think that on balance I've done probably more good than harm. So I rest my case.

12-00:48:30

Meeker:

Well I hope this didn't feel too much like a confession.

12-00:48:33

Newsom:

No, no. It was fun talking to you.

12-00:48:38

Meeker:

Although Michel Foucault, the French theorist, talks about the pleasure of the confession. So in some ways maybe it's enjoyable?

12-00:48:50

Newsom:

It's been a long time, Martin, since I went to confession. Let's try thirty-five forty years, and the more I think about it, the stranger it seems to me to get into a confessional and pour out one's sins. I can't believe I talked about them as sins. It's so simple-minded. A psychiatrist is of course a little different.

12-00:49:22

Meeker:

But more expensive.

12-00:49:23

Newsom: More expensive. Isn't a priest free?

[End of Interview]