CONVERSATIONS WITH EARL WARREN
ON CALIFORNIA GOVERNMENT

Interviews Conducted in 1971 and 1972 by
Amelia R. Fry
and
Members of the
Regional Oral History Office Staff

With an Introduction by
Ira Michael Heyman

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TABLE OF CONTENTS — Earl Warren

ACKNOWLEDGMENT

PREFACEx

INTRODUCTION by Ira Michael Heyman

INTERVIEW HISTORY xv

1. ATTORNEY GENERAL AND DISTRICT ATTORNEY YEARS 1
   [First Interview: 14 December 1971]

Chapter 1: Opening Remarks
   Japanese Submarine Fears, 1941 1
   Thoughts on 1950 Campaign and Support 3

Chapter 2: Attorney General Campaign, 1938
   Contributors and Committees 6
   Bob Kenny’s Role 8
   Supporters and Opponents 8
   District Attorney Campaign, 1930 10

Chapter 3: Reorganizing the Attorney General’s Office
   1934 Constitutional Amendments 12
   Peace Officers’ Organizational Activities 13
   Regional Innovations 15
   University of California Bureau of
      Public Administration 17
   Coordination of Law Enforcement; San Jose
      Kidnapping and Other Cases 19
   Chief Law Enforcement Officer Concept 23
   Power of Attorney General’s Opinions 25
   Wire Services Cases 27

Chapter 4: Law Enforcement Issues and Achievements
   Warren’s 1938 Positions on Gambling and
      Civil Liberties 31
   Train Robbery; Public Attitudes 34
   More on the 1934 Constitutional Amendments 38

Chapter 5: District Attorney Prosecutions;
The Gosden Homicide Case 40

Chapter 6: Alameda County District Attorney’s Office:
   Organization and Concerns 49
   Plea Bargaining 49
   Investigative Staff; Staff Meetings; Grand Juries 51
   The Sheriff Becker Case 55
<table>
<thead>
<tr>
<th>Chapter 7: Warren’s Republican Party Activities</th>
<th>69</th>
</tr>
</thead>
<tbody>
<tr>
<td>1928 and 1932 National Campaigns</td>
<td>69</td>
</tr>
<tr>
<td>State Central Committee Chairman, 1936</td>
<td>71</td>
</tr>
<tr>
<td>Influence of the Press</td>
<td>74</td>
</tr>
<tr>
<td>Chapter 8: Additional District Attorney Prosecutions</td>
<td>76</td>
</tr>
<tr>
<td>Shipboard Murder Case</td>
<td>76</td>
</tr>
<tr>
<td>Joe Lacy Case</td>
<td>81</td>
</tr>
<tr>
<td>Integrity of the District Attorney’s Office</td>
<td>83</td>
</tr>
<tr>
<td>Chapter 9: Concerns as Attorney General</td>
<td>86</td>
</tr>
<tr>
<td>Lobbying and the Philbrick Report</td>
<td>86</td>
</tr>
<tr>
<td>Artie Samish</td>
<td>88</td>
</tr>
<tr>
<td>Tony Correro and the Gambling Ship Case</td>
<td>91</td>
</tr>
<tr>
<td>Other Cases of Interest</td>
<td>97</td>
</tr>
<tr>
<td>Chapter 10: Relations with Governor Olson</td>
<td>98</td>
</tr>
<tr>
<td>Partisan Rivalry; Attorney General’s Rulings;</td>
<td>98</td>
</tr>
<tr>
<td>Special Legislative Sessions</td>
<td>98</td>
</tr>
<tr>
<td>Civil Defense Controversy</td>
<td>102</td>
</tr>
<tr>
<td>Decision to Run for Governor; Campaign Financing</td>
<td>104</td>
</tr>
<tr>
<td>Civil Defense Under Governor Olson and</td>
<td>107</td>
</tr>
<tr>
<td>Governor Warren</td>
<td>107</td>
</tr>
<tr>
<td>Chapter 11: Further Attorney General and District Attorney Questions</td>
<td>109</td>
</tr>
<tr>
<td>Civil Service and Minority Employment</td>
<td>109</td>
</tr>
<tr>
<td>Secondary Boycott Ballot Measure</td>
<td>110</td>
</tr>
<tr>
<td>Dog Racing and Black Jack Jerome</td>
<td>113</td>
</tr>
<tr>
<td>Bookmaking and Horse Racing Problems</td>
<td>116</td>
</tr>
</tbody>
</table>

II. FIRST TERM AS GOVERNOR: LIQUOR CONTROL, WATER POWER, AND OTHER CONTINUING CONCERNS [Second Interview: 17 April 1972]

| Chapter 12: Early Days in Sacramento          | 122 |
| Transition Study of Finance and Water         | 122 |
| Advisors and Friends                          | 125 |
| Chapter 13: New Ideas in Corrections         | 128 |
| Prison Reform Leaders                         | 128 |
| Richard McGee and the Adult Authority         | 135 |
| Developing Youth Authority Autonomy           | 136 |
| Paroles and Pardons                           | 139 |
| Habitual Criminal Act                          | 144 |
| Creating the Department of Justice            | 145 |
Fred Howser as Attorney General  
Youth Authority Long-Range Plan

Chapter 14: Mental Health Services  
Pressure for Local Services; Outpatient Clinics  
Federal Funds for Hospitals; Community Awareness  
State Hospital Observations

Chapter 15: Postwar Construction Program

Chapter 16: Relations with Executive Departments

Chapter 17: Lieutenant Governor Goodwin Knight, 1947-1953

Chapter 18: Passing Legislation: The 1947 Gas Tax Bill  
Highway Commissioners and Budget  
Oil and Trucking Opposition  
Senate Support  
Oil Company Pressures  
Legislative Record: Weak Party Organization

Chapter 19: Other Legislative Efforts  
Fair Employment and Health Insurance Bills  
Dealing with the California Medical Association

Chapter 20: Liquor Lobbying and the Board of Equalization

Chapter 21: Agency and Legislative Dynamics

Chapter 22: California Water, Land, and Power Issues  
Establishing the Water Resources Board, 1945  
Early Water Projects  
Feather River Project  
Department of Water Resources, 1953  
Federal Issues  
Agriculture’s Concerns  
Water Pollution Act of 1949  
Recreation and Wilderness

Chapter 23: Other Critical Issues and Techniques  
Labor Leaders and Legislation  
Governor’s Conferences; Grassroots Opportunity  
Court and Other Appointments
III. THE GOVERNORSHIP: WELFARE, RACE RELATIONS, POLITICAL CONSIDERATIONS
[Third Interview: 22 June 1972]

Chapter 24: Department of Social Welfare
Director Charles Wollenberg; Relation to County Officials
National Governors' Conferences
Old-Age Pressure Groups
Appointment of Charles Schottland
George McLain and Myrtle Williams;
Warren's Welfare Commission
Child Care Centers
Legislative Liaison on Bills and Budgets

Chapter 25: Race Relations
Policy Advisors: Minority Friendships
Early Efforts for Fair Employment Legislation
Zoot-Suit Riots
Development of Warren's Social Philosophy
Assemblymen Augustus Hawkins and Byron Rumford
Digression on the Ivanhoe Case
Minorities in California; Personal and Historical Experience

Chapter 26: Colorado River Problems

Chapter 27: Japanese Americans in World War II
Use of the Alien Land Law
Reparations and Return from Relocation
1946 Amendments to the Alien Land Law

Chapter 28: Regulating Lobbying
1949 Special Legislative Session
Interim Study Committee; Enactment of the Collier Bill, 1950
Government Reorganization; Limits to Lobbying

Chapter 29: 1948 Presidential Campaign
Warren and Thomas Dewey
Reservations About a Senate Seat
Dewey's Plans and Confidence
Nina Warren
Frederick Houser and Fred Howser, 1946

Chapter 30: 1952 Presidential Campaign
Taft, Nixon, and Eisenhower Preliminary Maneuvers
Delegate Seating Strategies
California Delegation's Convention Balloting
Campaign Appearances for Eisenhower
Chapter 31: Career Decisions in 1953
The Call from Herbert Brownell About the Supreme Court Appointment
Other Offers

TAPE GUIDE

APPENDICES
A. Letter from Ann Campbell to Amelia Fry, 30 November 1971
B. Labor Record of Earl Warren--Incumbent and Candidate
C. Warren’s views on labor, 1950
D. Correspondence between Monroe Deutsch and Earl Warren, 23-24 July 1934
E. Outline for handbook on functions of district attorney’s office
F. Letter from Earl Warren to Harrison Call, 30 May 1941, and press release of 16 May 1947
G. Obituary, London Times, 11 July 1974

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

One hundred and forty-eight persons have been interviewed for the project, and the completed interviews are available for research in The Bancroft Library, the State Archives, at UCLA, and other selected repositories.

An effort was made to document the most significant events and trends by interviews with key participants who spoke from diverse vantage points. Most were queried on the one or two topics in which they were primarily involved; a few interviewees with special continuity and breadth of experience were asked to discuss a multiplicity of subjects. Continuing study of crucial state issues was begun in 1974 with inauguration of a series of interviews documenting the administrations of Goodwin Knight (1953-1958) and Edmund Brown, Sr. (1958-1966), under the general title of the Government History Documentation Project. Work began on the Ronald Reagan administration (1966-1974) in 1979.

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

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

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

Final work on the project was made possible by a gift from the University of California School of Law, Boalt Hall, whose support began the project in 1969 and whose gift in 1981 completed it.
The Regional Oral History Office was established to tape record autobiographical interviews with persons prominent in the history of California and the West. The Office is under the administrative supervision of James D. Hart, Director of The Bancroft Library.

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30 August 1981
Regional Oral History Office
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*Deceased during the term of the project.*
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Rodda, Richard, From the Capitol Press Room.
Phillips, Herbert L., Perspective of a Political Reporter.

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Barnes, Stanley N., Experiences in Grass Roots Organization.
Cunningham, Thomas J., Southern California Campaign Chairman for Earl Warren, 1946.
Draper, Murray, Warren's 1946 Campaign in Northern California.
Mailliard, William S., Earl Warren in the Governor's Office.
Mull, Archibald M., Jr., Warren Fund-Raiser; Bar Association Leader.
McNitt, Rollin Lee, A Democrat for Warren.

Knowland, William F., California Republican Politics in the 1930s.
Feigenbaum, B. Joseph, Legislator, Partner of Jesse Steinhart, Aide to Earl Warren.
Ladar, Samuel, Jesse Steinhart, Race Relations, and Earl Warren.
Steinhart, John, Jesse and Amy Steinhart.
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Clifton, Robert, The Democratic Party, Culbert L. Olson, and the Legislature.
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Killion, George, Observations on Culbert Olson, Earl Warren, and Money Matters in Public Affairs.
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Leake, Paul, Statement on the Board of Equalization.

Albright, Horace, Earl Warren: Job Hunting at the Legislature.
Stone, Irving and Jean, Earl Warren: His Friend and Biographer.
Henderson, Betty Foot, Secretary to Two Warrens.
Swig, Benjamin H., Shared Social Concerns.

Lee, Russel VanArsdale, M.D., Pioneering in Prepaid Group Medicine.
Salsman, Byrl R., Shepherding Health Insurance Bills Through the California Legislature.
Claycombe, Gordon, The Making of a Legislative Committee Study.
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- Hibi, Hisako, painting of Tanforan and Topaz camps.

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- Stassen, Harold, Eisenhower, the 1952 Republican Convention, and Earl Warren.

- Bulcke, Germain, A Longshoreman’s Observations.
- Chaudet, Joseph W., A Printer’s View.
- Simonds, U. S., A Carpenter’s Comments.
- Vernon, Ernest H., A Machinist’s Recollection.

- Ash, Robert S., Alameda County Labor Council During the Warren Years.

- Tallman, Frank F., M.D., Dynamics of Change in State Mental Institutions.
- Hume, Portia Bell, M.D., Mother of Community Mental Health Services.

- Dinkelspiel, John Walton, Recollections of Richard Nixon’s 1950 Senatorial Campaign in Northern California.
Scoggins, Verne, Observations on California Affairs by Governor Earl Warren's Press Secretary.
Vasey, Beach, Governor Warren and the Legislature.

Merrill, Malcolm H., M.D., M.P.H., A Director Reminiscences.
Stein, Frank M., Environmental Pollution Control.
Ongerth, Henry, Recollections of the Bureau of Sanitary Engineering.
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Resner, Herbert, The Recollections of the Attorney for Frank Conner.
Odeen, Peter, Captain of the Point Lobos.

Drury, Newton, A Conservative Comments on Earl Warren and Harold Ickes.
Schotland, Charles I., State Director of Social Welfare, 1950-54.

Hale, Mildred, Schools, the PTA, and the State Board of Education.
Kerr, Clark, University of California Crises: Loyalty Oath and the Free Speech Movement.
Kragen, Adrian, State and Industry Interests in Taxation, and Observations of Earl Warren.
McConnell, Geraldine, Governor Warren, the Knowlands, and Columbia State Park.
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Scudder, Kenyon J., Beginnings of Therapeutic Correctional Facilities.
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INTRODUCTION

Although this memoir of Earl Warren's is concerned primarily with his years in California government, it might be useful to introduce the reader to him briefly as he was in his later years as Chief Justice of the U. S. Supreme Court. Considered in relation to Warren's own narrative, this personal recollection may shed some light on the continuing debate as to whether or to what extent his philosophy and principles changed from the time he was governor to his term as Chief Justice.

My primary relationship with Earl Warren was in 1958-1959 when I was one of his law clerks on the Supreme Court. There were three of us; I had the privilege of being the Chief Clerk not because of merit but because I was the only veteran, and the Chief had wanted some neutral basis for the selection.

Our duties were strictly limited to cases and petitions before the Court. The Chief relied on others (Warren Olney principally) in carrying out his many administrative duties as the chief officer of all the federal courts. We wrote memoranda on every petition for review (including numerous petitions from indigent prisoners), every case that was argued before the court, and on selected topics assigned to us by the Chief. He made one singular demand on us: Every memorandum had to be accompanied by a recommended action—grant or deny in the case of petitions, affirm or reverse in relation to cases. Two results flowed from this. First, we took a great deal of responsibility for our memoranda and worked exceedingly hard on their preparation. Secondly, we sought not to be "reversed," and thus became real scholars of the Chief's prior judgments and opinions.

Weekday relations were quite formal. Most of our time was spent in researching and writing. The balance was taken up with conferences with the Chief in which we argued our points of view. The Chief was a patient listener and treated our recommendations with regard and seriousness. He was open and tolerant to disagreement. But once he decided, he expected loyal and dedicated help to support his point of view.

Saturdays were another matter. The Chief expected us to work at least six days. Saturday morning was much like the week. But then we repaired to lunch with him and to an afternoon of socializing. This might consist of an extended lunch down by the wharf or a baseball or football game. We learned a lot of California political history on Saturday afternoons.

One Saturday stands out in my memory. The late Professor Barbara Armstrong of Boalt Hall (a classmate of the Chiefs at Cal) came to visit. Before the afternoon was over I had been convinced by the two of them to join the law faculty at California where I have been ever since. Thus in a very direct way I have Earl Warren to thank for a career.

The Chiefs characteristics were very impressive. He was a man of enormous strength and confidence. He saw through complexity rapidly to the human and social dimension of a case, even if, on occasion, he was unduly impatient with some conceived imperatives of legal analysis. The second Little Rock case was argued during a special term in the summer of 1958. The city was asking for a stay of an integration order. The attorney for the school board, at the outset of argument, spoke about the desires of the "people" of Little Rock to be granted another year or two. The Chief Justice, upon hearing this, leaned down and asked the attorney, "Which people are you talking about?" That was the end of the case.

When Earl Warren was the Republican governor of California he sought, unsuccessfully, to institute a state-financed medicare program. This was an indication of basic values which he brought to the Court. He valued the ordinary person and sought to protect him from the more powerful. He was skeptical about unchecked authority. This, perhaps more than anything else, in my view, explains his attitude towards police practices. He believed in equality of treatment regardless of station or power. The case he believed most fundamental during his tenure as
Chief Justice required equal value to each vote—the famous reapportionment case. Characteristically, he assigned the writing of that opinion to a colleague despite this.

I last saw Earl Warren at Berkeley shortly before his retirement from the Court. He came to give the keynote address at Boalt Hall in a conference on human rights. He spoke of the role of law in protecting these rights. It was a conference for a relatively small number of experts. But the Chief drew a standing room crowd to this presentation. Students predominated in the audience. They came because he was one of the few in government who stood for their values. The ovations he received were tremendous. He somehow touched the young. When I later drove him to San Francisco he spoke about his faith in the young of the sixties and what they would accomplish to set the world right. These were astounding remarks from an establishment figure in his seventies. But that was Earl Warren.

It was at about this time that the Regional Oral History Office and Boalt Hall were making plans to document the Chief's work in California, an idea sparked by a reception at The Bancroft Library for the fiftieth anniversary of the Class of 1912, of which Warren was a member. As principal investigator for the project, I encouraged the oral history staff to select a cross-section of interviewees able to comment from personal experience on state programs developed by Warren in administration of justice, corrections, mental hygiene, public health, and other areas of public administration, as well as to speak from the views pro and con of Warren himself. This array of narratives provides detailed information on specifics of California government and politics that supplement the Chief's own comments. We expect that the series as a whole will be a significant resource for those wishing to understand Warren as governor and Chief Justice, and California's role in dealing with significant issues in American government.

Ira Michael Heyman
Chancellor

10 August 1981
California Hall
INTERVIEW HISTORY

This interview is the centerpiece of the Earl Warren Oral History Series. The official Earl Warren was formal in manner and circumspect in speech and writing, as befits a three-time governor of California and Chief Justice of the United States. Seldom publicly visible were the persistence, the wit, and the exuberance that inspired the affection and dedication of personal friends and devoted colleagues through his long, productive career in government. It is this relaxed, informal Warren who appears in the following memoir.

The idea of an oral history series documenting Warren’s California career and key developments in state government during the era that bears his name was formulated in 1962 by members of the Boalt Hall School of Law and the Regional Oral History Office at the University of California at Berkeley. Warren approved of the project but declined to be interviewed himself while he was a member of the Supreme Court. During this period he did supply advice when consulted by project staff members, and upon occasion he vigorously pointed out errors or provided supplementary background for the research. From the beginning and at his behest as well as that of the staff, the project and he remained independent entities. Thus began a most cordial relationship.

After Warren retired from the Supreme Court, he began work on the autobiography, published in 1977 as *The Memoirs of Chief Justice Earl Warren*, with the assistance of Doubleday and Company’s West Coast editor, Luther Nichols. Warren made time in February of 1971 for a meeting with Project Director Amelia Fry to discuss topics central to his book and the oral history project and research materials being gathered by ROHO. As time went on, he would occasionally request a specific document and in return send the project a copy of a speech or other item of interest. In September of that year, he visited the oral history office for a background session with project staff to limber up his thoughts for chapters he was writing on the district attorney’s office in the 1930s. Notes from these two meetings were invaluable in developing outlines for the three discussions that were tape recorded.

Back in Washington, Warren was producing drafts of his memoirs and, as each chapter emerged from his desk, editors made the text available to ROHO on a confidential basis, by agreement with all concerned. These were used, like any primary source, as material from which to draw information for interview questions. It was an arrangement that added to the bank of questions—and cross questions—used over the next few years for other interviews as well as those with Warren.

"The Chief" provided further help during long lunch hours in his chambers, which he scheduled occasionally when Fry was in the East. No taping was done during these meals, but here were sought answers for some paradoxes and blanks in the fabric of the developing historical narrative of the Warren Era.

Conduct of the Interview

Warren met with the project staff on 14 December 1971, 17 April 1972, and 22 June 1972 on the Berkeley campus. Each meeting followed the same pattern. Warren and Nichols would arrive together at the Regional Oral History Office about ten o’clock and settle in an easy circle in a room cleared of typists for the morning, and begin the day’s discussion with three or four project staff members, each prepared on a different topic. The group would work from a list of queries prepared earlier, many of them devoted to unravelling obscure details or conflicting reports of key events including those in the draft chapters of Warren’s autobiography. About twelve thirty, the group would adjourn to a private dining room at The Faculty Club and continue the conversation through lunch until four or five in the afternoon.
At the first session, Helen MacGregor and Warren Olney III were also present, both of whom had served with Warren when he was district attorney, attorney general, and governor. Both were also recording their own separate memoirs for the project, but their comments in these Warren tapes provide direct evidence of the warmth and camaraderie among Warren’s close associates. Characteristically, MacGregor offers a few quiet observations, and Olney unabashedly points out an occasional error in Warren’s recollection and several times launches with gusto into vivid description of the maneuvers required in prosecuting a memorable fraud or gambling case. As many oral history memoirists do, Warren responded enthusiastically to interviewers who were well prepared and genuinely seeking to understand his point of view. Though friendly, his interlocutors were persistent in asking him to reconstruct his thinking on election strategies and sensitive issues, such as the painful experience of Japanese American relocation. Much like a conscientious prosecutor, he would demand to know the source of information on which a question was based, or sometimes he would sputter, “You’re putting words in my mouth,” and then go on and deal with the question patiently. Only rarely did he not recall the subject or leave it with the comment that he was not going to mention it in his book.

Much of the interviewing was conducted by Amelia Fry, who guided the discussions and queried Warren on political campaigns and issues when they arose. Also present at all three sessions were interviewers Miriam Feingold (later Stein) and Gabrielle Morris, who dealt with law enforcement and governor’s executive department issues, respectively. Malca Chall, interviewer on water legislation and litigation, participated in the second and third sessions; Willa Baum, head of the office, sat in on the first and third sessions; and Joyce Henderson, interviewer on race relations, in the third.

Production

Two tape recorders were used at all sessions as insurance against mechanical problems, which fortunately did not occur. Since no two machines operate at precisely the same speed, dual recording insured that no conversation was lost while the tape on one machine was being turned over. Therefore, the material found at the end of one side of a specific tape in the series may appear at the beginning of the next tape side on the alternate series.

The tapes were promptly transcribed in the oral history office, and the transcripts were audited for accuracy against the tapes by Merrell Small, departmental secretary to Warren and adviser and interviewee for the project. The Chief Justice was not able to review the transcripts before his death in 1973, which delayed completion of the oral history as did termination of project funding. The transcripts were consulted, however, by Luther Nichols, who made the final revisions in the Doubleday autobiography which Warren also had left incomplete. The published autobiography includes several annotations which appear to be from transcripts.

After a period of negotiation, during which Judge Earl Warren, Jr., reviewed the transcript, agreement was reached with the Warren family that processing of the interviews themselves should be completed as a valuable resource for scholars. When production was resumed in 1980, the decision was made to make no revisions in the text, except for verification of names and place spellings, inaudible or questionable passages (indicated by brackets and a question mark), occasional explanatory footnotes, and the addition of headings to guide the researcher. It seems fitting, in the light of Warren’s consistent interest in improving personal and professional capacity as well as office procedure, that the final text was prepared on the UNIX computer, enabling the office to explore further the potential of word-processing technology for oral history.

Contents of the Interview

These interviews with Warren follow a loose chronological order, with references in each session to later and earlier events. The first session centered on the Alameda County District Attorney’s office and the constitutional expansion of the attorney general’s office; the second
on the attorney general's office and some programs initiated by Warren as governor; and the third on the governor's office, national campaigns, and Warren's appointment to the Supreme Court. In each session there are references to California elections and political trouble spots, as well as to legal issues Warren dealt with in California that later came before the Supreme Court.

While much of the memoir covers material familiar to students of Warren and the post-World War II era in California government, there is an immediacy to the Chief Justice's verbal expression that conveys his vigor and enthusiasm for the tasks of government in a way that careful prose cannot. Quite often the give and take of conversation produces nuances of his philosophy of government that are not as clearly stated in Memoirs and elsewhere. Particularly in the area of law enforcement and the development of social programs, he provides statements of the underlying principles on which he operated in the 1930s and 1940s, principles he still held strongly in 1972.

On state health insurance and penal reform, for which he fought in Sacramento:

"...no matter how strongly you feel on a subject, I think you have to start very often with small beginnings and work forward from one step to another...a growth from nothing up to meeting conditions as they came along, don't you see, depending on what problems developed, and so forth. That's the way most social institutions develop, anyway. They don't come in full blown, and if they do, they're usually disasters."

The administration of justice is perhaps the field in which Warren worked most diligently for improvements throughout his career and on which he received the most criticism in later years when many charged that his views on the Supreme Court were inconsistent with his actions as district attorney and attorney general. Warren addresses this when he speaks of his successful plan to coordinate all state law enforcement agencies through a Department of Justice under the attorney general, pointing out, however, that he was...

"...always against a state police or any centralization of all the [police] power in the state government. But I did want [to have] something that would bring [the various chiefs of police] together and let them work for a common purpose....A comprehensive attorney general's office was a concept of mine that developed when I was district attorney when I saw the inefficiency of law enforcement methods, when I saw all the divisiveness that was in it."

In recalling the agricultural workers who moved from crop to crop up the Central Valley to Alameda County, Warren's early concern for individual human rights is clear:

"I didn't want any trouble in our county the way they were having down there, so I sent Oscar Jahnsen down to live with those people for a while. Through him and other information that I got [we came to the conclusion] that those people were not radical people; that they were working people, and that they wanted to work, but that they were given atrocious living accommodations, and atrocious conduct by the employers and the labor contractors....

"So, I went to the farmers and I told them they would have to do better on the accommodations, and they would have to understand that those people were entitled to as much as they could give them...and I told [the farmers] that if there was any chiseling on those men that we were going to hold anyone that chiseled on them criminally responsible.

"So when the contingents came...I had Oscar and the other boys in my office go out and meet the itinerants...and they would tell them that they were welcome to the county, that they were going to be well-treated, that the officers of the county were their friends, and that if anybody imposed on them, all they'd have to do was call the officers and they would look into it and do whatever was necessary. And oh [the farmers] did everything they could to make [the migrants] feel comfortable..."
As these comments indicate, Warren was quite aware that many of the issues he dealt with in California continued to be pressing problems twenty years later. Perhaps he saw this archival process as a vehicle detached from the passions of the day in which to restate his belief that patient negotiations and broad inclusiveness are basic to effective governmental processes, in the hope that this memoir, like his autobiography, would be a guide for those who will work in government in the future.

Amelia Roberts Fry
Project Director

Gabrielle Morris
Project Coordinator

August 1981
Regional Oral History Office
486 The Bancroft Library
University of California at Berkeley
Oil Tanker Sunk in 1941 Found — Cargo Intact

Shipments survived Japanese submarine attack

Associated Press

Cambria, San Luis Obispo County

A tanker sunk by a Japanese submarine 55 years ago has been found, and most of its cargo of 4.1 million gallons of crude oil appears to be intact, the government reported yesterday.

The 440-foot tanker Montebello was sunk Dec. 23, 1941, just 16 days after the Japanese attack on Pearl Harbor. It was on its way from Port San Luis near Pismo Beach, where it had been loaded with 75,346 barrels of crude, to Vancouver, British Columbia. It went down in about 900 feet of water off Cambria, about 170 miles south of San Francisco.

The crew of 38 survived the sinking, escaping in lifeboats as the submarine first torpedoned the tanker, then opened fire with its deck gun.

The wreck was visited earlier this month by two researchers in a small submarine, according to the National Oceanic and Atmospheric Administration. The researchers reported the ship is sitting upright, is home to thousands of sea creatures and is littered with fishing lines and nets.

The ship rests on the southern edge of the Monterey Bay National Marine Sanctuary, and officials are worried about what might happen if the oil gets loose.

"The cargo is uncertain," said John Robinson, sanctuary spokesman. "Indications are it should be heavy crude. We need to examine the cargo to see what condition it is in and what condition the hull is in."

"We are very concerned," said Terry Jackson, manager of the sanctuary. "This is a large amount of oil sitting in an aging tanker on the bottom of the sea.

"Should it rupture, it could cause a major oil spill. But due to the extreme depth of the water it was found in, it will be very difficult to attempt any salvage or removal of the oil."

Archaeologist Jack Hunter, who was on the initial dive on the wreck, said Montebello was in remarkably good shape, considering the years and the pounding it took at the hands of the Japanese.

The problems related to any spill depend on what the ship carries, said NOAA experts. Due to the cold at that depth, heavy crude oil would move slowly, if at all, from any hole in the hull.
Chapter 1: Opening Remarks

Japanese Submarine Fears, 1941

[Warp recorder is turned on just as the conversation starts]

WARREN: [Shortly after Pearl Harbor, I had] a phone call from Abe Brazil down in San Luis Obispo. He was the district attorney there, and he told me that that morning (he called [me] early in the morning)1 there was an explosion off the coast there that had awakened the whole town, and that they [the town's residents] got up and they went down to the shore—the sea shore—and they learned when they got down there that a submarine had sunk a tanker of ours. The crowd stayed down there talking about the thing, you know, and when it got light, along came another tanker and up came a submarine in front of the whole town and sunk it right there.

[Brazil] said [to me], "Gee, I don't know who to call, but," he said, "we immediately phoned the air force"—they had an air base there just three miles from town—"and [we waited] for hours. They never showed up!" So, he called me. He said, "I don't know who to call, so I just called you."

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I said, "Of course, I don't have anything to do with it, but I'll go over and see Admiral [John] Greenslade." (He was the commandant of the [Twelfth Naval] District.)

I told him the story, and he said, "I'm sorry to say that's true, but there's just nothing we can do about it." He said, "I only have two submarines between San Luis Obispo and Vancouver, British Columbia." He said, "All the rest of ours have gone out into the Pacific."

Fry: Wasn't it airplanes [that were requested]?

Warren: No, no, submarines. And [Greenslade] said, "Everything else has gone out into the Pacific." He didn't tell me, but they were out there for the Battle of Midway, you know, which turned the whole fortunes of the war. [This letter\(^2\) says that] the Abbaroka was sunk in the same general area as the Montebello on December 24, and the other one—the Montebello—was sunk on the [night of the] 22nd-23rd, 1941.

Fry: Probably that report on the 24th might have gotten in a little bit late. I was just wondering because [that would mean that] the two torpedo incidents could still [have been] just a few hours apart, couldn't they. Apparently the Montebello was sunk during the dark hours of the night.

Warren: It was. Anyway, that's the phone call. I remember it very distinctly. I could check with Abe; I'm sure he's practicing law down in San Luis Obispo.

Fry: The National Archives and Records Service said there would be better records over here in the Presidio or wherever the naval district headquarters are in San Francisco. But this was all that they had available in Washington. I had called the Federal Records Center here. So, this is all, through the records—

Warren: Well, we do know that there were two of those within a few hours, anyway, there. So that I'm sure that they all happened.

Fry: Then there was that one in San Diego that I had never even heard about, and then you mentioned one in northern California.

Warren: Well, there was one, I'm sure, up around the Oregon line.

Fry: Then there's that ship that you still see down south of Santa Cruz that is still on the beach there.

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2. Warren is reading from a letter from Ann M. Campbell of the National Archives and Records Service to Amelia Fry. ROHO had requested information from the NARS regarding the San Luis Obispo torpedo incident, and this letter was their reply, dated 30 November 1971. See appendix.
NICHOLS: Oh, the concrete hull?

FRY: Did it just break up of its own accord?

NICHOLS: Yes, I don’t think that was sunk.

FRY: It wasn’t one of those sunk off the gate.

NICHOLS: Not by submarines or enemy action. I think that just ran aground or broke up. It had a concrete hull.

FRY: Yes, a concrete hull that didn’t work.

NICHOLS: [Laughter] Well, not too well in this case, but I’m not sure that that was one of—

FRY: I wondered if that was one of those that—

BAUM: I just want to say that Mr. Olney’s coming, but he won’t be here for about a half an hour. But he will be here.

FRY: Okay.

[Conversation deleted regarding seating arrangements and window opening]

Thoughts on 1950 Campaign and Support

FRY: Do you want to look at these?³ These are some kind of summing-up type of things from your governor period. This was in the [California State Federation of] Labor office in San Francisco. I thought— That kind of warmed our hearts.

WARREN: Yes. This one from Labor would be interesting.

FRY: I don’t quite understand where they got this.⁴ Maybe you remember. It’s kind of a summary, and it was for your 1950 campaign.

⁴. Warren’s views on labor, 1950. See appendix. This document appears to be Warren’s responses to a California Federation of Labor questionnaire relevant to endorsement for the gubernatorial election.
WARREN: This is an American Federation of Labor report, yes.
FRY: Yes.
WARREN: They—
FRY: It breaks up the legislative sessions into years—
WARREN: That ought to be very interesting.
FRY: At least on the bills that labor was interested in.
WARREN: Yes. They didn't pay much attention to what the record was. They gave all the labor endorsements to Jimmy Roosevelt. [Laughter]
FRY: Yes!
WARREN: The labor men used to say to me, "Now don't you be mad at us when you get elected again—because you are going to be elected—but you know what endorsements are. Sometimes we have to do them for political reasons. But he'll get the endorsements and you'll get the votes."
FRY: [Laughter] Was that Neil Haggerty who told you that?
WARREN: No, these were men of no name along the way that I would see. No, Neil never said that. He never apologized for any of their endorsements.
FRY: Could you tell about how the labor vote went for you?
WARREN: Oh, they'd tell by [the fact that] I won every labor district in the state. That's the only way you can tell.
FRY: Well, that's pretty good proof.
WARREN: I carried every county in the state against Jimmy Roosevelt—
NICHOLS: Was that the election where Butte County or somebody—
WARREN: No, that was my first [election].
FRY: Was that Butte County or Plumas County? Pop [Merrell F.] Small thought it was the one he came from.

5. Cornelius "Neil" Haggerty was the executive secretary of the state American Federation of Labor from 1943 to 1960.
WARREN: It was, it was Plumas County.

FRY: They had had this local issue [that figured in your defeat there].

WARREN: Yes, yes.

FRY: And Pop always says that on the basis of that sterling record he got a job in the governor's office. [Laughter]

WARREN: Maybe so. [Laughs] I remember going up to Plumas County in 1950 and telling them that the only reason that I was running for reelection was to prove that I could carry Plumas County. [Laughter]

FRY: I bet you got it the second time around.

WARREN: Oh, we got it all right. [Laughter]

NICHOLS: What was the issue that caused them to turn off? Was it a school board thing, or—

WARREN: A mountain range divides the county, and usually one-half of the county goes one way and the other goes the other way. Now as I recall, there was a complicating factor there. They had a big school board fight, and as attorney general I was required to render an opinion on the issue. Of course, I couldn't render it for both sides, so the side that apparently didn't like the result was affected, and I attributed [my loss to being caught in that conflict]. It might not have been that way at all, but that's what they used to tell me, anyway.

NICHOLS: It sounds likely, knowing school board fights.

WARREN: But one side of the town was the railroad side of the county, and the other side of it wasn't. They usually divide[d their votes] pretty equally [along that line].

FRY: Here's another thing, relating to you and the university.6 Apparently you had kind of come to our rescue here. This is a letter from the dean of the university—Dean [Monroe] Deutsch. We found it down in the May papers—they found it down there. They're just now going through the Sam May papers in Bancroft and they found some interesting things, and so they called us.

NICHOLS: Is this anything—a list of legislation that affected labor, Chita, or—

FRY: Yes, it is. I'll just have it Xeroxed. Do you want a copy, too?

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6. See appendix for Warren-Deutsch correspondence concerning charges of "reds" on campus.
Nichols: Well, I don't know, let's see how things go—

Fry: That's another one.

[As Warren pauses to look at the document handed to him by Fry, the discussion breaks down into a series of simultaneous conversations. For about three minutes, voices overlap, and words are difficult to distinguish]

MacGregor: [To Luther Nichols] Are you working on this project, too?

Nichols: Well, no, I'm with Doubleday and Company. We're publishing the chief justice's book [Memoirs]. I'm the west coast editor for them. So while he is out here, I work with him, and when he goes back there he has a team of people from our New York office who work with him. It's been a great experience for me—

Fry: [To Warren] Here's something. Let me mail that; it would probably be better that way. It just came to light in the Sam May's papers.

Warren: Yes, I knew Monroe Deutsch very well. I was very fond of him and—

Fry: This struck a sympathy cord in our hearts. It's so different from the support that the university gets today.

Warren: Yes, yes.

Chapter 2: Attorney General Campaign, 1938

Contributors and Committees

Fry: I have a few questions to ask you about your attorney general race, and maybe I could just go into some of those. One of them is that— I might as well sit over here by you so I can turn this on. In your manuscript you mention that you had a campaign kitty of somewheres about $35,000. I wondered who were the people who managed to raise money for you, because I think they're northern California people.

6a. See appendix D, page 317.
WARREN: Well, probably the principal fellow was Jesse Steinhart.

FRY: He started out being active with the attorney general's—

WARREN: Yes. But they were all comparatively small contributions. Thirty-five thousand dollars isn't very much of a campaign fund.

MACGREGOR: Was that with the 1938 campaign?

WARREN: The 1938 campaign, yes.

MACGREGOR: Do you know who sent in the first contribution?

WARREN: I beg your pardon?

MACGREGOR: I remember who sent in the first contribution—at least I think it was the first—and that was Dr. Robert Piers of Colfax.

WARREN: Oh, was it?

MACGREGOR: Yes, he sent in a hundred dollars. I don't know why that stuck in my memory. He was such a dear person.

WARREN: Yes, and a dear friend he was, too.

[MacGregor makes a brief comment about Jesse Steinhart which is difficult to understand]

WARREN: I think—I never handled any money myself at all in any campaign. I just never touched it. Everything went through a committee that I had confidence in, and I think Jesse Steinhart was the fellow who put it together. I won't be sure right now, but it was somebody around the San Francisco Bay who did it, and I would think it was probably Jesse Steinhart.

FRY: Was there anyone in southern California? Did you have the two halves of the state in that campaign like you later had in your governor campaigns?

WARREN: No, I didn't, not in the attorney general's. I don't think that I had any organization in the south that—I may have had a campaign committee down there, too—

FRY: Oh, let's see, maybe I have that here [in my notes].
Bob Kenny's Role

WARREN: I think I did have some people down there. I remember Mayor [Fletcher] Bowron was very friendly to me, but he was then a superior judge, and he didn't head up anything. But he was very friendly and got some other people to support me down there.

Fry: Apparently he was the one who talked to [Robert] Kenny [about supporting you even though Kenny was a Democrat].

WARREN: Who said so?

Fry: Kenny.

WARREN: Oh, he did? Well, he knows.

Fry: Well, you did, too, I gather. Is that what you mean? You also talked to Kenny?

WARREN: Well, of course I did.

Fry: About supporting you, and then Kenny asked you to write the letter [specifying your views on civil liberties] which has been so widely quoted?

WARREN: Sure. He said he wanted to know what my precise views on civil rights were, and I told him I'd be glad to put it in a letter. So, we did. I don't know whether— I really don't know whether Bob Kenny and Bowron were friendly or not; that's the reason that I hesitated to say. I don't know. I had been friendly with Bob Kenny on a nonpolitical basis for years. I knew him when he was a young fellow in the [Los Angeles] County Counsel's office and I was in the [Alameda County] District Attorney's office. We used to meet in Sacramento on legislation that we were mutually interested in. I knew him quite well before that [letter was written].

Supporters and Opponents

Fry: The other names that I have here might ring a bell with you. I just picked these up from newspaper clippings. Ford Chatters apparently campaigned with you for about a month, and Tom Coakley was in charge of [your] northern California campaign headquarters?

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WARREN: Was that for attorney general? Yes.

FEINGOLD: Oh, and I remember Nathan Harry Miller. Didn't he help out?

WARREN: Yes, he was one of my deputies here in Oakland.

Fry: What groups did he help out with?

WARREN: Who?

Fry: Nathan Harry Miller.

WARREN: Well, it wasn't the Arabs. [Laughter]

Fry: Well, I have here in my notes that it was with the Jewish leaders [that Miller was helping to gather support]. [Laughter] You had some people helping you with labor? You got an endorsement from the San Diego Federated Trades and Labor Council, and here are some names that might ring a bell with you: Charlie [Charles W.] Real, secretary of the California AF of L; and Chauncey Tramutolo, a San Francisco attorney and a Democrat; and a railroad man.

WARREN: Chauncey Tramutolo. He is a lawyer in San Francisco. He wasn't a labor man. He was—he was a trial lawyer.

Fry: ——and attorney.

WARREN: He was a trial attorney before he had been in the United States Attorney's Office in San Francisco.

Fry: I'm sorry, my notes say "and railroad men." Apparently railroad men also got behind you in the campaign?

WARREN: Some of the Railroad Brotherhoods supported me in the campaign.

Fry: You had a lot of Democrats behind you, apparently.

WARREN: You had to, to win.

Fry: And you had many [Democratic candidates] opposing you in that campaign. I have a list of the candidates here with all of those that opposed you [for the Democratic nomination for attorney general].

WARREN: Yes, I looked that over. I'd forgotten some. Moseley Jones, Speaker of the Assembly. Yes, I remember very well Jim Brennan from San Francisco, Maurice Norcop, an assistant to the United States Attorney in Los Angeles; Carl Kegley was a pension candidate, and Patrick J. Cooney was a Democrat. As I said in my first draft of my [Memoirs], in every speech they would make they would advertise me, because they would say, "Earl Warren's trying to steal our Democratic
nomination," and, "if you can, I want you to vote for me, but if you can't vote for me, vote for any one of us except Earl Warren." They advertised me. [Laughter] Everyone of them would do that, you know.

**Fry:** Kegley makes the statement in one of these books, in an interview, that they were all campaigning against each other and you were campaigning against them [laughter], so naturally—

**Warren:** That's right, they were all campaigning against each other.

**Fry:** Did any of those men give you any trouble, especially in the campaign?

**Warren:** Well, Kegley, you know, was the write-in candidate for the pensioners. I made no campaign after I got all three nominations—the Republican, the Democrat, and the Progressive nominations. But [Kegley and his backers] did through the pension people, and they had the write-in campaign. At every precinct they had people there to furnish the pencil and the stencil with the name of Kegley on it. They pulled 500,000 votes. That's a lot of votes for a write-in and shows what can be done if things are done on a precinct basis with somebody in every precinct working. It wasn't enough to challenge the election in any way, but it was an awful lot of votes to get on a write-in—500,000.

**Fry:** No one seems to have tried that on that wide a basis, since then.

**Warren:** No, you couldn't do it except if you had a militant group on an issue. These people had their pension plan, you know, and they were just determined. They had oldsters in every precinct, and they just organized them and got them out.

**District Attorney Campaign, 1930**

**Fry:** Which campaign was it—I think maybe it was your second D.A. campaign, in which you had to furnish your own campaign money? You remortgaged your house—

**Warren:** I did it deliberately, because I didn't want to be obligated. Nobody forced me to; I just wouldn't accept any [money]. I was offered some money, and I just refused to take it because I knew enough about it, having been in office four years, to know that there are some people who will finance both candidates so that they can't lose. Those are the people who want to violate the law, don't you see. So there just wouldn't be any question about it, I decided I was going to spend my own money and nobody else's. I think Ralph Hoyt and one or two others in the office put up a hundred dollars apiece, but outside of that I spent

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one year's salary and made up my mind that was all I was going to spend on it. But I wasn't going to spend any more money than that from anybody. So, it worked out all right, and it gave me the independence that I wanted.

FEINGOLD: I was wondering about the 1934 campaign when the constitutional amendments [for reorganizing the office of the state attorney general] were put on the ballot?

WARREN: Yes.

FEINGOLD: Who was behind that campaign—if there was any money that was spent in advertising for the amendment—

WARREN: Yes, there was. The propositions were worked out in the [California] Bar Association by the Committee on the Administration of Justice, and I was the vice-chairman of that committee. I was quite active in it, and I personally wrote the [proposition] that involved the attorney general, because I was the one who was primarily interested in the attorney general's office.

Then there were several organizations that got together. I think the state Chamber of Commerce was the leader in [promoting] the proposal, and I have an idea that they and other people associated with them probably spent whatever money was spent to publicize [the propositions] and get them passed.

FEINGOLD: Would the Commonwealth Club have been one of the groups?

WARREN: I don't think the Commonwealth Club— I don't know, they could have been, they could have been, but I don't remember now. I know the state chamber of commerce took the lead in the thing and put together whatever organization they had. The only organization, of course, was for publicity. There was no other kind of a campaign done. I don't believe there were any speeches or anything of that kind except maybe [by] the candidates. And I think I probably spoke about it a good bit. Well, not at that time, but when I ran for attorney general. Oh, I ran that time too, didn't I, yes.

FEINGOLD: In '34?

MACGREGOR: No, not in '34, '38.

WARREN: Was it?

FEINGOLD: I think [Warren] was running for D.A., though, in '34.

FRY: Was that a district attorney['s election] year?

WARREN: Let me see. 'Twenty-six, '30, '34, '38— '38 I ran for attorney general.
FEINGOLD: For attorney general. Maybe you were running for D.A. in '34?

WARREN: District attorney at the time, in '34, yes. It would have to be, yes, that's right.

FRY: So you had that campaign on.

WARREN: I didn't campaign after the first [D.A.'s race I won]. I didn't make any campaigns at all. I didn't spend a nickel on the campaign. I guess T. L. Christenson [laughter] was the only one that would run against me, and I never made a campaign.

FRY: [Laughter] Oh, a man like this is kind of handy to have around. At least you had another name on the ballot.

WARREN: Well, some of my friends used to accuse me of paying his filing fees for him so that I could prove I could beat somebody. [Laughter]

Chapter 3: Reorganizing the Attorney General's Office

1934 Constitutional Amendments

FRY: You know what intrigues me is how, after I read your two papers on this whole concept of a well-organized attorney general's office, I wondered where these ideas developed from. I understand that today this is still the only state that has a really comprehensive attorney general's office.

WARREN: I don't know that to be a fact, but I rather believe it is. I've never surveyed the situation.

FRY: Well, Tom Lynch [who just retired from the California attorney general's office] seems to think it is.

WARREN: How would Tom Lynch know?

FRY: Well, you know, he's been around.

WARREN: Undoubtedly a recent attorney general would know.

A comprehensive attorney general's office was a concept of mine that developed while I was district attorney when I saw the inefficiency of law enforcement methods, when I saw all the divisiveness that was in it. When I came into the district attorney's office, the attorney general had no powers and no coordinating influence, and the sheriffs, the chiefs of police, and the district attorneys were all at each other's throats. They'd go to Sacramento and each have their own program [to promote], and they'd be conflicting sometimes. The sheriffs were at loggerheads with the chiefs of police because of their jurisdiction, and the sheriffs were against the district attorneys having any investigators, and it just was bedlam. It just seemed to me that we never could get any result unless we could bring those people together in some way or other, and I put in a great amount of my time in on accomplishing that purpose. And we did bring them together, and had them together for many years while I was still district attorney—and when I was attorney general and governor, too. It really had a great influence on law enforcement in the state.

Peace Officers' Organizational Activities

MACGREGOR: Chief, I think it would be interesting to describe how you brought them together in the joint legislative committee of peace officers. You were always the chairman of that.

WARREN: Well, we just formed—it was a question of just evolution. We started to spread goodwill among the law enforcement officers of the state and tried to show that we had a common cause, and the way to operate in a common cause is to operate together. From that we developed it, so that it ended up [with] me more or less as their leader—we set up a joint committee of sheriffs, district attorneys, and chiefs of police, and they made me the head of it. I represented them in Sacramento. I was probably the biggest lobbyist they had in Sacramento, [laughter] without pay, of course, but I did represent them. I've seen the time when I've stood before the judiciary committee of the assembly or the senate from eight o'clock in the evening till twelve at midnight, just arguing one bill after another, one bill after another. In order to impress the legislators of those committees, I'd have a district attorney or sheriff or chief of police [from the] district of each one of them sitting in the room there. I'd make the argument, and the thing worked pretty well. We didn't get any adverse legislation at all.
Well, with the legislator's knowing that he'd have to explain it to his constituent sitting right there listening [laughter]—

It helped; it helped. [Laughs]

How early did this start?

Beg your pardon?

When did you start doing this, do you remember?

As a matter of fact, [Ezra] Decoto was interested in legislation on behalf of the district attorneys, and when I was one of his assistants he sent me up to Sacramento. There I became acquainted with some of the sheriffs and chiefs of police, and when I became district attorney I started to put that together.

I see.

It just grew in concept, and then I thought, through the idea of having a department of justice, to coordinate the activities of law enforcement officers. I was opposed to a state police. I didn't believe in a state police.

I wanted to ask you that, because in other plans for reorganizing the attorney general's office this had been put forward.

Yes, I was always against a state police or any centralization of all the [police] power in the state government. But I did want [to have] something that would bring [the various chiefs of police] together and let them work for a common purpose, so I evolved this idea of the state department of justice. When it was known that this was my view, the American Bar Association, when they met in Los Angeles, asked me if I would make a speech on that subject, and I did. I went there and I outlined my idea of a department of justice. I think that was in 1934.

[To Feingold] That's not one that we have, is it?

I think so.

The one at Los Angeles?

I don't know.

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10. Ezra Decoto was the district attorney of Alameda County, and appointed young Earl Warren as a deputy D.A. in 1919.
WARREN: Well, you’ll find it in the printed records of the American Bar Association.

Fry: Maybe it is the one we have.

Feingold: Yes, we have something.

Fry: We have a 1934 speech before the bar association, it just didn’t ring a bell with me, being in Los Angeles.

WARREN: That’s the department of justice [speech].

Fry: I guess that occasionally important things can happen in Los Angeles. [Laughter]

WARREN: Yes, well, they didn’t do anything about it. You can see that we’re the only one now in the country that has a department of justice. You can see the American Bar Association didn’t do very much about it.

Fry: I think there are other [states with] departments of justice. Maybe; I don’t know. Lynch just said that it’s [California’s] the only “comprehensive” attorney general’s office. Maybe the [other departments’ of justice] relationship to their respective attorney generals isn’t as tied up [i.e., as close] as it is here.

Regional Innovations

WARREN: When I became attorney general under this new constitutional act, the attorney general had powers to execute [reorganization plans], and I started in immediately to use those powers. But I tried to do it in a cooperative way with the law enforcement officers so [we?] could bring them all along and work in common purpose. I divided the state into a number of regions, and in each of those regions we had the law enforcement officers organized and they would meet regularly, and I would go down there and visit with them and keep them up-to-date on what was going on in other parts of the state, and their attempts to do their part, and they would report on what they were doing, and so forth. We had a very, very interesting time and a great deal of cooperation that had never existed before.

Fry: I’m so full of questions on this. Did these regions have heads or something?

WARREN: They’d organize, and they’d have a chairman and they’d have a secretary and so forth, yes. I don’t know how they kept the records—if they did or not. Oh, yes, and it was a permanent part of my organizational plan for the attorney general’s office, don’t you see. And then when the World War [II] came along and we had our defense program, why, one of the principal things in law enforcement was the fire service, and so we brought in the chiefs of police—
Fry: You mean the fire chiefs.

Warren: Yes, the fire chiefs—in with us. And all through the rest of the time [I was attorney general] and [during] my time as governor, the law enforcement officers had the chiefs of police [sic]—were there working together, don't you see. It was a very potent thing.

Feingold: I was just wondering if there was any opposition from any of the local law enforcement people to your [attorney general’s office] taking more power—[that is,] if they had opposed the amendment back in '34?

Warren: Well, I don't remember any open opposition. Of course, in a group that’s as widely dispersed as that, you’ll find people who don’t agree to something, but there were not enough of them to do anything about it, and they didn’t oppose it openly as far as I can recall. We had them pretty well put together by that time, and they supported it generally throughout the state.

Feingold: The other side of that I was wondering about, is if you had any trouble with local law enforcement people who tried, in a sense, to take advantage of that, to get themselves off the hook, let’s say, [of getting involved] in a local situation where it would be politically embarrassing for them to pursue an investigation, and try to get you to take over?

Warren: Well, I had had a little experience on passing the buck; I'd been in the army myself. [Laughter] I just wouldn't let that be done. And they wouldn't like—Because I would publicize it if they had done that to me—said they wouldn't do it and were going to leave it to me. I'd publicize that in their community so that it wouldn't react very well for them. They'd want to [appear to] be potent figures, don't you know, not abdicating [figures], and so it just worked [out] all right. We didn't have a [lot?] of recalcitrance of any kind.

Nichols: That's remarkable. Given the situation which existed in Alameda County before you became district attorney, you’d think there’d be pockets of this same kind of thing throughout California communities where there was a [certain amount of illegal activity that was generally thought to be condoned by some law enforcement officers].

[Warren Olney enters]

Warren: Well, Warren, Miss Fry's got a recalcitrant witness here! She's giving him a going over. [Laughter]

Olney[?]: The third degree.

Fry: It is the third degree. It [starts?]—
University of California Bureau of Public Administration

Fry: Well, we were trying to tie together the beginnings of the new concept of the attorney general’s office. It’s just [that] the idea [of how the chief wanted to reorganize the attorney general’s office] is sort of intriguing. [Turns to speak to the chief justice] I thought maybe, too, you might have bumped into ideas for this in your work at the University of California with Sam May.

Feingold: [Softly] Or with the Bureau of Public Administration [at UC].

Fry: With the Bureau of Public Administration. Was there ever any talk—?

Warren: Well, I exploited my views there, because I just had a little seminar there, and I just had these students, and Sam would just turn me loose in there and I’d talk to them about my theories. And I know I talked to them about these things. But there wasn’t anything in the general work of the Bureau that enlightened me on the thing because mine was the only thing that was going on in that phase, don’t you see. Their work there was developing city managers and financial programs and things of that kind. I think, as far as I can remember, that my seminars on law enforcement were about the only thing they had in that field at that time.

Morris: At what point was it decided to write the handbook of a good prosecutor’s office?

Warren: It was during those years, yes. Now, I don’t know when—This whole thing was evolutionary. You start from scratch and you just build up and get your ideas as you go along, and finally it converges on some particular thing and you do it.

Fry: By the way, there is now in existence the table of contents of that book. It was in Sam May’s papers, and I think I have it on my desk or something somewhere. But no chapters [have come to light], just the workings-over of the topics and who would do each one and things like this.11 I can show it to you later if you’re interested.

Warren: Yes, I would like to see that, because I don’t have a clear recollection of it myself.

Morris: The chapters must have been written because we have the table of contents with each chapter assigned to somebody else on the district attorney’s staff, and then there are a group of comments by Mr. [Ronald] Beattie upon the manuscripts. You know, he says, “This chapter is well worked up, and the person to whom it was assigned covered all of this territory, and we need a few more examples here.” So that this sounds as if the chapters did get written.

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11. See appendix, Outline for handbook on the functions of the district attorney’s office, in the Earl Warren folder, Samuel C. May papers in the University Archives of The Bancroft Library.
BAUM: At least the first chapters.

NICHOLS: [inaudible]

WARREN: Well, Ronald Beattie could tell you about that better than I could, because Ronald Beattie is still in the state service.

MORRIS: Oh, he is?

WARREN: Oh, sure, he's the head man on—

FRY: Criminal statistics.

WARREN: —criminal statistics.

FRY: Remember, there was one in Santa Rosa too, somewhere—some person that was recommended to me.

OLNEY: Well, in [regard to] the book, when Helen MacGregor and I went to your warehouse in Sacramento and looked your papers over, we found the drafts of these chapters.

FEINGOLD: Oh, you did?

OLNEY: Yes, they were there. Earl junior was with us and he took them.12

WARREN: Was it ever put together? Was the book ever put together?

OLNEY: No.

WARREN: Well, it isn't of great consequence, then.

MORRIS: The notes sounded like the book would be very, very applicable today.

WARREN: Maybe so. If Earl [junior's] got them, why, they're still available and he'll make them available to you, sure.

FRY: Still in loose chapters, I guess.

WARREN: Yes, I have an idea that—I know they're working on it [now?]. Also, I had the ideas of tracing prosecutions from the very beginning of recorded history up to the present time. I had Owen Hotle, who is now a lawyer up in Santa Rosa—

12. See supporting documents for draft chapter, "The Public Prosecutor in California." In a conference with Fry and Feingold on October 24, 1972, Earl Warren, Jr., was reluctant to release other chapters (indicating that chapters 1-5, 15, and 23 of the outline supra had been written) since they were drafted by others and had not been seen by his father and thus might misrepresent the chief justice's ideas.
That’s the one.

—do the spade work, and he put together a sizable book there, but we never got it published, because I didn’t have the time to finish it before I left the office. But, I’ve got his work of what he did, anyway. I’m sure that’s in my papers some place—his compilation of things that go back to the beginning.

All the way back to Greek and Roman times?

Yes.

Fascinating.

It seems like something like that would be useful now.

Well, it is, and I don’t know, maybe my boy Earl took that with the idea of writing something in that field.

He [Earl junior] hadn’t been on the bench very long [when he found the drafts of those chapters]. And I could see his eyes [laughs] when he took a look at this to see what in the world the old man’s idea was on prosecution. [Laughter]

Coordination of Law Enforcement;
San Jose Kidnapping and Other Cases

Well, we can ask him about that. The only other thing I had about the beginnings of this idea is—

You’re talking about the department of justice.

Right—was that I got the implication (I think from reading your manuscript [Memoirs]) that perhaps the kidnapping in San Jose, which was just the year before, was a nice catalyst that fell your way to help put through the amendment. Was that true?

There was a committee formed—

That, of course, would be locally important to any such election, but we were in a kidnapping era then, you know. We had Baby-Face Nelson and all those other—Dillinger and all those other people who were national figures, and kidnapping was very much on the minds of the people in the country, and it took coordination to do anything in that field. We put law enforcement officers together here, [and] we used to have experiments: on a certain day, we would announce that at a particular time that somebody had been kidnapped, don’t you
know, at a particular place, and give a description of the car and the kidnappers, and then send out the word to our people who were organized for that purpose and see how long it would take them to catch them.

FRY: Oh yes, and we have a picture of that kidnap squad, too.\(^{13}\)

WARREN: Yes. It was things of that kind. You know, those things stimulate great interest in law enforcement officers. They're exciting and they demonstrate the need for coordination of activities. We worked hard on all those things.

FRY: Then this mainly just gave you a concrete example of how something like a more unified attorney general's office could help?

WARREN: This what?

FRY: Did the San Jose kidnapping, then, more or less give you a concrete example on which you could show how—?

WARREN: Well, I wouldn't want to point [the Brooke Hart case] out as being the thing, because I don't remember. But it was one of the factors that came along that would arouse people. We had a number of them up here. We had the youngster, the young millionaire, who was kidnapped down in San Mateo—remember that one, Warren? I've forgotten the name of the family. They had, I think, some kidnappings in the South. All over the country we were in that kidnap thing. That's what built up the FBI. We were working in those times, too, and we were working with the FBI, and everything we did was designed to be helpful to them as well as to ourselves. That brought these things into being.

MACGREGOR: I think a factor, though, was the power of that San Jose situation. It awakened a great deal of sentiment for the need for stronger law enforcement and better procedures in the court. See, I wasn't in the office at that time. I was in Judge Kerrigan's court, and I was aware of that surge of feeling that supported the amendments when they were on the ballot.

FEINGOLD: I thought that there was actually a committee formed shortly after that to study—

MACGREGOR: I don't remember that.

FEINGOLD: —to study reforms,\(^{14}\) and it finally came to the conclusion that actually they didn't need any reforms except more power to the attorney general, but—

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14. The Anti-racket Council of Alameda County. See council bulletin no. 3, August 21, 1933, Oakland, California courthouse.
WARREN: What year was that?

FEINGOLD: That was in '34, I think.

FRY: [Speaking to Warren] That may have been the committee you were on. You mentioned it in your speech.15

MACGREGOR: When was the kidnapping in San Jose?

FEINGOLD: Thirty-three.

[Many voices break in at this point, and words are difficult to distinguish]

WARREN: Well, it was a factor, yes. The only thing, I hesitate a little to overemphasize a local factor, don’t you know.

FRY: Because there were so many—?

WARREN: Where there were so many around the country, and where it was [already] just in the thinking of people all over the country because of incidents widespread.

OLNEY: Well, the kidnapping cases were the ones that did attract public attention, but we had had experiences of a very serious kind before that demonstrated to everybody the complete lack of organization and the need for it. We had a whole series of train robberies. One of them was right down here around Albany.

WARREN: Albany.

OLNEY: Just on the other side of the El Cerrito hill there. The train was carrying the payroll—this was before they were using checks—it was carrying the payroll for the Columbia Steelworks up in Pittsburg, and two men climbed over the tender of the locomotive and put a gun on the engineer and the fireman, and they had to stop the train right there. There were two others on the flatcar with a machine gun covering the whole train up and down. Then they went over and dynamited the express car. They had a suitcase full of dynamite and hung it on the door and blew the door open and took the money out. Then they got into their cars and disappeared. It took some little time to get the alarm out, and when the alarm went out, the thing that happened [laughter] was that every officer who got the word went right down to that hill where the train was—the one place [the robbers] were certain not to be. [Laughter] They not only did that, but they held up the same train again up in Contra Costa County near Pittsburg.

MORRIS: On the same day?

OLNEY: No, they got another payroll up there, and the same thing happened. Then we had a bank robbery—the same gang robbed a bank at Rodeo. They went in there and killed the constable. The constable happened to walk in the bank while the robbery was going on, and they shot and killed him. But in all those cases—and they all came close together—it was an exercise in futility. There had been no thought and no plan as to what to do when you got an alarm like this, and everybody just rushed down to the place where it had happened and gave these fellows a full opportunity to get away.

FRY: Get right into another country and—

OLNEY: Yes, and these things happened before the Brooke Hart case.

WARREN: Oh, yes.

OLNEY: And we had been talking about this for a long time. When that kidnapping came along, that must have been—

WARREN: I think the thing that first impressed upon me the need for coordination and the need for some supervision from the state was my very first year in the district attorney's office when I had the Bessie Ferguson case. Bessie was murdered, as you know, and they found a part of her body out in Contra Costa County, just a little over the line from our county. Then they found other parts of [her body] all spread out over both counties. The principal suspect was the sheriff of our county, and the only law enforcement officers who could have had jurisdiction of it were the sheriff of Contra Costa County—if it happened there—and the police departments in either Alameda or Oakland if it happened here, because the other things were found in the middle of the estuary. The district attorney was not allowed to have investigators in those days—we had one assistant who had to be deputized by the sheriff. And here I was with this thing and just no way you could put it together, and no way you could find out even where she was murdered. Parts of her body and her clothing were found all over both counties.

FRY: The investigation just couldn't be coordinated.

WARREN: You just couldn't put it together, and it was just an exercise in futility, that's all there was to it. That's something that just impressed me very greatly, that we shouldn't go on in that way.

And then there were other things, these [other crimes] that Warren [Olney] was talking about now, those bank robberies and the—oh, just all kinds of inter-county activities, you know, and conflicts in jurisdiction between the cities and the counties, and the shifting of responsibility from cities to counties.

We had the Emeryville situation, which was just a cesspool. They had a little city out there that was entirely dominated by the unlawful operators. The sheriff was supposed, according to custom, to police those little cities when they didn't do it themselves. Instead of doing that, [Sheriff] Becker went into the
business of organizing the gamblers and the prostitutes and everybody, and taking their money. So we had nothing then, don't you know.

I just figured that we had to have something of that kind to help us, so I evolved this idea of the state department of justice and spoke of it at that American Bar Association meeting, I guess in 1934, and then we put it in that constitutional amendment, and then I ran for the office [in 1938].

*Chief Law Enforcement Officer Concept*

**Fry:** Well, we're confused about the powers that were given to the attorney general in that some people tell us that the attorney general then became the "chief law enforcement officer" of the state, and others say no, he was the "chief law officer" of the state. And I thought maybe you could straighten it out.

**Warren:** The amendment says that "the attorney general shall be the chief law officer of the state and as such he shall have the following powers:..." and that gave him the power to displace the district attorneys and to displace the sheriffs in situations where there was a need for it. And you couple those two together, and it's pretty evident that when they were talking about the chief law officer of the state that they meant as well the chief law enforcement officer of the state, where he could displace the elected district attorney and the elected sheriff in any proceeding that he felt called for such action.

**Fry:** Well, in the evolution of [the new kind of attorney general], was Kenny more of a law enforcement person?

**Warren:** No, no, Bob wasn't particularly enamored of those things. He did his job and did it well, but he wasn't a crusader in any way, shape, or form.

**Fry:** Some person, I believe it was Lynch, told us that he thought that Kenny was more of a policeman in this job—meaning a law enforcement officer—in the attorney general's office. Now, is that the way you saw it evolve? What Kenny told us was that he tried to run it just like you did, so I don't know what really happened.

**Warren:** I think he did; I think that's an honest statement. I think he did. But I don't think he ever had the intimacy with the sheriffs and the chiefs of police and the district attorneys that I had. But he gave an honest administration in accordance with my views of the matter.

**Fry:** And he didn't overemphasize the law enforcement [aspect?] as opposed to the—?
MC Gregor: No, I would be very surprised if there were any instances of that.

Fry: It didn't sound like him. [Laughter]

Warren: No, I don't think so, would you, Warren?

Olney: Well, I'm trying to recall. I think—-I can't be specific about it, but [to Fry] I think I know why Tom Lynch might have said what he did to you. [To the chief justice] Kenny did try to do what you did, but he made a mistake that we didn't. in my recollection. While the constitution had these provisions in it and [developed?] the authority, the fact was that the attorney general—we—had only four investigators for the whole state, and this meant that on many of these jobs that we had, particularly in the gambling enterprises, the sheriffs would be delighted to turn the responsibility for enforcing the gambling laws over to us because they knew we couldn't do it. We just didn't have the manpower to do it. This made it very, very difficult indeed. We had to work things around so that [the sheriffs] did their job without [our] doing it for them. Do you remember all the problems that we had down in Riverside County with the sheriff?

Warren: Sure I do.

Olney: And he did his best [to turn his problems over to us]. He'd say, "Well, come on, do it yourselves, do it yourself." [Laughter] And if we had once done that, we would have just been hooked.

Fry: You'd have been policing the whole state.

Warren: Yes.

Olney: Yes. We would have taken on an impossible job. Bob did get suckerd in on something or other like that. He had more investigators than we did; they'd given him more.

Warren: Not enough to do jobs like that.

Olney: No. I can't remember where [Kenny got pulled into something like that], do you, Helen?

MacGregor: No, I don't.

Warren: Well, I don't think whatever he did could be characterized as changing the whole pattern of [the attorney general's office] to using it for law enforcement purposes directly. I don't. That isn't in keeping with Bob Kenny's actions in general.

Fry: That might be more in keeping with Tom Lynch's view of the office, so that this is the way he viewed Kenny's, because——
WARREN: Maybe so.

Fry: ——he did much less, I think, than Kenny did on the [local] law enforcement——

WARREN: Yes.

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Power of Attorney General's Opinions

Fry: Let's see, I think that was our main confusion. The other thing is that we have understood that in California the attorney general's opinions and rulings have the power of law until the Supreme Court rules otherwise, and that in view of your battle with [Governor Culbert Olson], I thought this was an important point to explore.

WARREN: I don't think the law says so, but as a matter of interpretation in the courts when the courts are trying to find out what the law of a state is on a certain subject, they would consider as very important the opinion of the attorney general of the state on a law until the courts had finally determined what its meaning was. I know even on the supreme court of the United States, we used to—when there was no decision in a state, we would ask the attorney general who came representing the state what the opinion of his office was, don't you see. It wouldn't be binding on us in any way, but it would be persuasive, at least as to what the law of the state was, because of his interest in the law of the state and his responsibility to interpret it in some instances. I think that's the same in our state. I don't think there was any law that said the attorney general's opinions were the law of the state until the courts so acted. Do you, Warren?

Olney: No.

Fry: I have the idea that this is unique to California in some way, and coupled with it that——

WARREN: What is unique?

Fry: That the power of the opinion of the [state's attorney general is] equal to that of law until the [state] supreme court rules, and also the power of the attorney general to request an opinion from the court. Didn't you have this power?

WARREN: No.

Fry: To request a ruling from the supreme court?
WARREN: No, no. There [is?] no such power.

Fry: You didn't have this power?

WARREN: No, it can only be done through litigation.

Fry: Oh, really?

WARREN: Yes. They have no power to ask the supreme court for any opinion.

Fry: Oh.

FEINGOLD: Could you give an opinion without being asked?

WARREN: Who?

FEINGOLD: As attorney general?

Fry: Does some department in the state have to request an opinion from you before you could make a public pronouncement?

WARREN: Well, I'll make the public pronouncement any time I wanted, and I did at times. For instance, during the war when the Personnel Board (or the Board of Equalization—I guess it was the Personnel Board) issued an order saying that all of the nationals of the enemy countries—to [sentence?] all of the people in that group—should lose their civil service standing, I wrote an opinion (and I'm inclined to believe that it was on my own without anybody soliciting it) that that was contrary to the Constitution and couldn't be done. I might have been asked for an opinion, but I don't know who it would be by, and I know it wouldn't be the Personnel Board if they gave the order to do that. And after the war was over, of course they did recognize my opinion and [the foreign nationals] did all [retain] their rights later.

Fry: Were you able, then, to use this opinion power in your battles with Olson?

WARREN: I don't have any recollection. I don't think I ever—

Fry: Wouldn't that be your main weapon against a governor who was doing irrational things?

WARREN: Well, if you do that very much, it would soon be tagged as political and you lose the force of your opinions then. I don't believe I ever did that. I would rather restrain from doing those things that would bring out a feud between the two offices.

Fry: I didn't mean to imply that you used it in a political sense, but I was just thinking, in an abstract way, that this would help to equalize the power of you and the governor.
WARREN: I don’t think I ever used the office that way.

FRY: [To Feingold] Is that all the questions that you had on the attorney general—on the power of the office?

FEINGOLD: Yes, I think so.

FRY: We’re really putting you through the mill here.

WARREN: That’s all right.

FRY: Would you like to have a drink of water?

WARREN: No, thank you. Go right ahead.

FEINGOLD: Oh yes, there was one more question I had. Somewhere along the line we picked up the tidbit that a case called People v. Brophy—was that the case limiting the power of the attorney general to some—? I think Mr. Lynch told us this, that it limited the power of the attorney general to step in—

FRY: In a local district. I can’t find any record of this opinion.

WARREN: I don’t think it was in my time, [pause] was it?

FEINGOLD: I don’t know.

WARREN: [Softly] I don’t think so.

Wire Services Cases

OLNEY: There were several cases involving Brophy in your time.

WARREN: Was he the fellow who—?

OLNEY: Russell Brophy was the fellow who was at the wire service operation in Los Angeles.

WARREN: Yes. Well then, [the case Feingold is referring to] probably was [during my attorney general days], because it was all over with Brophy by the time I got out, wasn’t it?

OLNEY: Well, we probably had—This [first?] litigation we had with him was when he filed a suit for an injunction against the telephone company [to prevent the removal of] his telephones. The rat did that just before Christmas. It ruined our
Christmas. [Laughter] We had to go down there and ask to intervene as *amicus*. And [we] did [intervene]. And then when the thing came to trial, [addressing Warren] you came down, and that was the proceeding that we tried down there. Judge Wilson denied the injunction—the request for it—and held the telephone company could and was obliged to remove the telephones when they were being used for unlawful purposes. Then we indicted Brophy for perjury because in the affidavits that he had filed in that suit in which he said that he had no knowledge that these telephones were being used by bookmakers, for bookmaking purposes—And that [he knew about the bookmaking] was one thing [we] really *could* prove. We tried him and convicted him, and he went to San Quentin on that.

But we also later, or somewhere along the line, we filed this big suit for an injunction against the Annenberg news service. But that was quite a lot later. Now, this first [Brophy] suit was in December [1939], and we didn't file that Annenberg suit until somewhere along in April or May, something like that. And Brophy was in that. I believe that we caught him violating the temporary restraining order in that case and brought a contempt suit against him—him and Kreling and Cohn at the same time. Now, we lost those contempt cases in [the state] supreme court.

Fry: Oh, did you?

Feingold: Was that when they ruled that bookmaking didn't constitute a public nuisance?

Olney: Well, it was a complicated set of rulings. We had had a lot of cases that were based on the notion that a gambling house was a public nuisance. There's a state statute that defines a public nuisance, and we used to use that statute [by wording our allegations [in a manner] that would bring the case under that statute in things like Chinese gambling houses, establishments of that kind. For reasons that I can't recall, that definition didn't fit the wire service organization. Their contribution to nuisances was aiding and abetting them and giving them something that would supply them, but they weren't running the bookmaking joints themselves. We filed this case against the wire service, not using the statutory definition of a nuisance, but on the theory that the gambling houses were public nuisances at common law—always have been and always so regarded—and we could use that definition of nuisance for the foundation of this suit.

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16. Earl Warren recalls that Los Angeles Superior Court Judge Emmet Wilson did grant the injunction but that the state supreme court reversed the judgment. *Memories*, p. 142.


19. In *Memories*, p. 142, Warren explains, "The [state supreme] Court wrote a long opinion in that case [Chinese lottery in Monterey County] holding that a Chinese lottery did not create a public nuisance. When the Court reached our case...it wrote no opinion, but merely said, 'On the authority of (the lottery case), this day decided, the judgement is reversed.'"
Now, when we got up [to the state supreme court], the supreme court held we couldn't [use that common law definition]. On the same day they decided a case from Monterey County that involved a Chinese gambling house down there, and they held that that was a criminal prosecution but under the nuisance statute, and they held that the conviction was good and that the place was a nuisance under the statutory definition. At the same time they held that our theory of the common law definition did not apply in this case, and we couldn't charge it in this fashion.

We were very upset by this, and it was trumpeted around in the papers that we lost the war with bookmakers, and this kind of thing. But it turned out that losing that case had made very, very little difference to us as a practical matter. We succeeded, in my judgment—we succeeded in putting the bookmakers out of business as we knew them. In the case that we filed against the Annenberg news service, we listed all the bookmaking joints in the state of which we had a record—county by county with address and name of operator and whatnot. We were able to do that because they were all being supplied by leased telephone lines. By running out the leased wires to this, we could locate them without difficulty. But those were great big [horse?] parlors—you know, with big blackboards on the wall, and all the races from all over the country in the thing. Well, when we worked out this method with the communication companies of getting them to eliminate that service, it made the operation in these places impossible. We don't have them now. We have occasional bookies now, but we don't have anything like the bookmaking rackets that we had—and never did have. We got rid of them, not with injunction suits or theories of nuisances or anything of the kind, but by working it out with the communication companies so that they'd take the [leased wire] service out. We had those [big?] proceedings before the Railroad Commission on this—involving these things.

FEINGOLD: After the phone companies were taken care of, didn't you have some trouble with a radio station in Tijuana [re?] broadcasting [race results]?

OLNEY: Yes, but it was minimal. Sure.

FRY: Oh, that was not a great problem?

OLNEY: No. The thing is that you get very hard to—I'm sure that without an explanation these things would seem very peculiar.

FRY: It's also hard to know what was really [a] big [issue] and what was little.

OLNEY: Well, this is [right?]. The reason the telephone business was so important was because of the peculiar nature of the bookmaking business. I know that you may find it difficult, because I couldn't understand it [either]. Before we went into this thing, when we knew that they were a problem and we had to do something about it, people used to tell me that the way to get at them was to get rid of that wire service. And I couldn't see what difference it would make.
FRY: Yes, why couldn't they use the U.S. mails? [Laughter]

OLNEY: Well, the newspapers carry their race results in the morning. You'd get a lot of it over the radio and things like that. I couldn't see that [the wire service] would make any difference. To satisfy myself, I spent three days up in Reno at the Bank Club where I could go and sit in a bookmaking operation there and watch it. Then I found out that this was true and why it was true: Bookmaking has nothing to do with horse races. It's a strict lottery, nothing more than that. And in these places, due to the wire service, they have all the tracks in the country, not just a track, or the local tracks, but all of them are up there, and the people who come in there are making two-dollar bets, mostly. Well, the customer is not going to make a bet on a race until he knows how he came out on the one before—the bet that he made before. So if you've got a long delay in there after he's made his bet—if he's got a long delay before he finds out if he won or lost on the thing, he's just going to be sitting there drinking coffee and doing nothing. To make money out of these things the action has to be fast. That's why the speed of the thing is so important.

You'll have a race run at Hialeah, a fellow's got a bet on it, he gets the result right away, but there's another race in Chicago coming [up?]. Well, he'll bet on that, and then he'll come back maybe later on to the third race at Hialeah or something. You know, if you can make it impossible to get that information within seconds, these places cannot operate.

FRY: I always thought it was because they didn't know when to close down the betting that they had to know the precise [ending?] of the race.

OLNEY: No, you just can't keep the action going.

FRY: Yes, I see.

OLNEY: Now, another effect of—You see, we weren't alone in taking on the wire services; the federal government did too, and indicted Annenberg for running a lottery, and he had to plead guilty on it. But we kept the pressure on with the federal government, with the results that the organization that gets this stuff out of the race tracks broke down.

It takes teams of really very skilled men to get the signaling out from the race tracks on the race data. They have to be paid on salaries. It has to be organized and all this kind of thing. You can't do that—you can't have a staff like that—unless you've got, to support it, this big business with a constant and reliable income. And now it's just all disintegrated. There aren't any of these teams any more getting information out of the tracks, because there's no industry behind it.
Chapter 4: Law Enforcement Issues and Achievements

Warren's 1938 Positions on Gambling and Civil Liberties

Fry: [To Warren] In your attorney general race, I was trying to find some other issues in your campaign for attorney general, and I started grabbing at straws. There was a little item on August 10, 1938, that "Earl Warren repudiates a spurious statement attributed to him," purported to have come out of his Los Angeles campaign headquarters, that as a candidate he was "rabidly opposed to horse racing and pari-mutuel betting, and if elected he would see that the entire state is cleaned up." Why did you say [the statement] was spurious?

Warren: Well, because I didn't put it out. I had never said it. Pari-mutuel betting was legal in California, and I never said [I would clean it out of the state]. But that was the opposition [trying] to get all of the people who were interested in horse racing to be against me, don't you see. My headquarters never put out anything of that kind.

MacGregor: I remember that very, very well. The chief was down in Los Angeles, as he said. This was either Wes Robbins, or the one from the Post-Inquirer called—

Warren: Frank Piazzi.

MacGregor: Frank Piazzi. And [Piazzl read me this [purported statement]. He said, "That doesn't sound like Earl."

I said, "It doesn't, and I don't think he said that."

Then I got on the phone and reached you somehow, and then you said, "Just say it's a forgery, I never said it." [Laughter]

Warren: Yes, yes. Well, I know I never said that. I never have been enamored of pari-mutuel betting or anything of that kind, but I never used it as an issue in a campaign, because the constitution provided that it was legal. The University [of California] got some money from it, as a matter of fact.

Feingold: [To MacGregor] What were you going to say?

MacGregor: I was just going to say that fake press releases are a scurrilous type of campaigning.

Warren: [inaudible]
MACGREGOR: I was grateful to the local men for getting in touch with us right away. The local papers didn’t carry it.

FRY: And they were able to print the statement that this had been a spurious press release?

MACGREGOR: No, I don’t think it was carried in either the [Oakland] Tribune or the Post-Inquirer. But, the papers that did carry it—they were able to [print a retraction].

FRY: The other issue that came up [in the 1938 campaign] was civil liberties. This usually reflects the interests of the society in the state. There were speeches for this. You made some speeches of the necessity for tolerance, and you warned that usurping of civil rights might be attempted here. That was in August. I didn’t know what that was in reference to, unless it was the situation in Europe, because Hitler had started, I think, at that point. Is that right—the ’38—?

FEINGOLD: Yes.

OLNEY: Are you talking about the ’38 or the ’34?

FRY: This is the ’38 campaign, yes.

WARREN: Well, I don’t know what prompted it, but I don’t think you—I think you can take that statement [of my stand on civil liberties] that I gave Bob Kenny when I started to run for the office, and you can be pretty sure that I didn’t depart from that [statement] during the campaign. So those views as I expressed them there—and that letter was made public, I know. I think Bob Kenny made that letter public, and saying that because I had those views and he thought I was otherwise a good officer, that he was going to be for me, don’t you see? So I’m quite sure that I never departed from those statements I made in that letter.

FRY: This warning that the usurping of civil rights might be attempted here: that didn’t refer to anything impending—?

WARREN: It probably did, it probably did refer to the Nazi or the Communist thing. Of course, because those were in people’s minds at that time, you know. By August of 1938, World War II had started in Europe, and so the atmosphere was somewhat charged at the time.

FRY: There is a little note that you had some opposition from the southern California gamblers. [A newspaper story says] they had begun collecting half a million dollars slush fund to defeat you. Did this worry you any at the time?

WARREN: [Softly] I don’t remember it.

FRY: You remember that? They were going to choose one of the Democratic candidates to back—I don’t know whom they did [choose].
WARREN: I don't know. Where did that come from?

FRY: That was the [San Francisco] Chronicle on June 6, 1938.

WARREN: I'm sure they weren't for me, but I don't remember the incident, and I don't think it bothered me very much.

FRY: Maybe they didn't do it.

OLNEY: I don't think they did.

WARREN: There wasn't any half million dollars spent, all told, by all those candidates and myself in that election.

OLNEY: Well, those gamblers never got together on anything. [Laughter] They wouldn't contribute.

FRY: It was disorganized crime, then, wasn't it? [Laughter]

WARREN: But then the only thing important is who is going to control the gambling.

[A brief discussion of the proper time to break for lunch]

WARREN: [Speaking to Nichols] You haven't asked any questions. Do you have—?

NICHOLS: Well, this is [ROHO's] chance. I have you available at other times.

WARREN: Yes, all right.

NICHOLS: I thought it would be best just to turn Chita and everybody else loose here and give them a chance to pepper away—especially with Warren [Olney] and Miss MacGregor. [To Olney and MacGregor] [I won't] hesitate to inject anything along the [way?].

MACGREGOR: I haven't, have I [inaudible]

NICHOLS: No, you haven't.

[More background conversation on scheduling the time to take a break]
Train Robbery; Public Attitudes

NICHOLS: What I have is just one question: Did they ever catch those train robbers that [inaudible]

WARREN: Yes.

MACGREGOR: Oh, I have that story. I was law clerk to Judge Frank Kerrigan, and it was tried in his department. This was a very powerful, large gang, and they weren't sure that they had all its members. I don't remember the names of the people. There was a woman and three or four men on trial. This [trial] was at Seventh and Mission Streets, and the halls were all very carefully guarded, but the officers who brought the defendants into the court were not armed, but the atmosphere around the federal [courts?] was very tense all during the trial. They were convicted. One of the strange—well, it isn't strange if you know how these things go—

About the last couple of days of the trial, there were rumors spread around the building that a man who had been convicted of some other crime had said that he was present at the robbery, and these were the wrong people. Well, they put him on the stand, and it began quickly [to be] apparent to the U.S. attorney and others, and to the judge, that he didn't have the knowledge which he would have had if he had participated in the robbery—that is, what was the physical setup of the express car, where the money was, and so forth. So nothing came of that. And I presume that the conviction was upheld.

OLNEY: Yes, it was. But they didn't try them all. The leader was a fellow called Smith, I think, and they finally located him in a small house in East Oakland, and a group of Oakland police—one or two of our inspectors—to Warren your inspectors—

WARREN: I [remember?] that man.

OLNEY: —and some federal officers—postal inspectors—went out there and surrounded this place. Smith had guns all over the place—around on the window ledges and whatnot. They were obviously prepared to shoot it out. They said—oh, it was a hair-raising experience that they had! They managed to break in both front and rear doors at the same time. This fellow was in there; there was a woman in there, too.

But when they got in there, went tearing through the house looking for him, they found he was on the john—[laughter] literally with his pants down. [Laughter] But they got him. They put him in the car, and he said that he was terribly, terribly sick and he could barely walk, and they had to help him out into the car, and he started talking, telling them all about the robbery, so they were anxious to keep him talking, and he'd tell them a little about this and a little about that. Pretty soon they got down to Broadway [in Oakland] (this was in the middle of the afternoon) where the post office was and the postal inspectors had
their offices, and they were going to take him there. And they got out of the car, and Smith was barely able to get out of the car, but as soon as he hit that sidewalk, boom, he started running down the street as fast as he could go. And one of the postal inspectors, named Schmidt, pulled his pistol and shot and killed him on the sidewalk in the middle of that crowd. So they didn’t try him. Poor Schmidt—he never could get over that. He knew it was justifiable, but the idea that he’d taken somebody’s life—and then the realization of how dangerous it was that he had fired that gun with all those people around there! He just never got over that.

[The following lines, spoken at the end of tape 1, side 1, are unclear]

**Warren:** Oh, I think there’s no doubt that affected him, that’s true [inaudible]

**Olney:** It always [affected?] him as an officer after that. He was a good man. There are a lot of hair-raising stories about that particular gang. They operated in the state of Washington. That’s where your [inaudible] up there.

###

[The beginning of the tape is unclear]

**MacGregor:** They would stay at these ritzy hotels—maybe motels, I don’t remember if they had them in those days, but they would stay at very nice places—and would pay their bill in fifty-cent pieces. [Laughter] And this established a chain that the investigators were able to run down as to some of them.

**Olney:** It would keep them from running very fast, too. [inaudible] apprehended fast [inaudible] [Laughter]

[Break for lunch. Taping is continued at the lunch table at the Faculty Club. Extensive social conversation before the official conversation with Warren resumes. The name of General David Barrows is brought up, and Olney directs the following question to Warren:]

**Olney:** Was David Barrows teaching when you were at the University?

**Warren:** I took the first course he ever gave here—

**Olney:** Is that so?

**Nichols:** I took a course from him—

**Warren:** ——on municipal government.

**Nichols:** He was a very good teacher.
Olney: I did too, you know.

Fry: What do you think of that course now, as you look back on it, after your experience in municipal government?

Warren: Well, he was a good teacher.

Olney: He used to make the Siberian campaign come alive.

Warren: Yes.

Olney: He lived through many of the events he was describing. [inaudible] When he got into the actualities of it, it was exciting. You were there.

Olney: Well, he had a very interesting life. As a young boy, he was brought up on a farm in the Ojai Valley.

Warren: The Ojai Valley—is that so?

Olney: Yes, and at a time when there were so few people in it that he could remember them all by name.

Warren: Well, well, well.

Olney: In recent years (of course, he's ended his life), he decided to write, for his grandchildren, an account of the things in his life that he thought they might be interested in. He'd dictate a little of this from time to time. He never finished it. But after his death, his [daughters?] had these things typed up. It's about so thick. [Gesture] They had it in the family. It's [unedited?]; some of it is [repetitious?], but it's very interesting. I happened to get next to Ella Barrows Hagar at dinner one night and she mentioned this, and I expressed a very great interest and she gave me a copy. I treasure it. It's just fascinating.

Warren: Is that so?

Olney: More first-hand information about this state than anything you'd believe. They settled first in Oakland, according to his father telling him. When they went to the Ojai Valley, they went down in a horse and wagon. He recounts this trip and when they'd make it back and forth between Oakland and Ojai in a horse and wagon.

Then, as a young man, after he got through college, he got very much interested in Indians around the Mojave Desert. He got his thesis for his Ph.D. on research he did on these Indians.

Warren: Is that so?
He recounts all these—He continued his friendships with the Indians as long as they—he made friends that lasted the rest of his life. He'd go [down?] and go camping with them.

[Olney talks about the following topics in Barrow's manuscript without comment by Warren: the general strike of 1934, Barrow's interest in the governor's office, his Siberian experiences]

Did [Barrows] also go to Mexico occasionally, and involve himself in the revolution?

He was a friend of [inaudible] in 1910 when the Mexican revolution started.

Was he down on the border with the—

No.

— the 16th?

No, he wasn't. He went to Camp Louis. Isn't that where you went?

Yes.

Yes, he was up there. Then he was—was it the 94th? What was the number of your regiment there?


Oh, the 91st Division. He trained with that outfit, and then he was detached and sent to the Philippines. He sat out World War I in the Philippines, in disgust. The reason he was sent there was that they had some notion that there was going to be action there. He had been in the Philippines before.

He was High Commissioner there—Commissioner of Education. He left that to come to the University of California when I was here.

[Comments on the completeness of the manuscript]

And you have that manuscript?

Yes, Ella gave it to me. Would you like to see it? Would you like to [inaudible]

Well, I don't think I'd read it. No. Someday I would like to read it, though, Warren; it would be very interesting because I knew the old General very well and I'd like to.
More on the 1934 Constitutional Amendments

Fry: There are two other questions that we were wondering about.

Warren: Just two!

Fry: I'll qualify that—on the beginnings of the attorney general's reorganization [laughter]. I think about the same time that those things were on the ballot, wasn't there also a change made so that a judge would have permission to comment on the evidence and would also have permission to comment on the defendant not taking the stand? Could you explain to us the significance of those things—if it made a difference in the district attorney's office?

Warren: I certainly can. They were both declared unconstitutional by the United States Supreme Court while I was sitting there.

Feingold: [Laughter] Both of them?

Warren: With me abstaining, yes.

Fry: Had you worked for these at the time?

Warren: Well, I worked for all those—

Feingold: What advantages did you see them bringing?

Warren: Well, I thought at that time that for a man not to answer would entitle the prosecutor to comment on the fact [that the defendant] did [not] answer, which would prevent [the defense] arguing so forcibly that the evidence against [the defendant] was not reliable—[because the defendant] was available and could deny it if he wanted to but didn’t deny it.

So I thought that was all right, but I didn’t participate in the [U.S.] Supreme Court decision because I had been for those things. I disqualified myself. And I’m glad they [were ruled unconstitutional], but I thought at the time that it was all right.
Fry: Well, I understand that [the ruling] really wasn’t used much anyway by judges.

Warren: Not very much.

Fry: Because this puts a big load on the judge.

Feingold: That’s the other one.

Fry: I’m commenting on the evidence ruling. They were both later declared unconstitutional.

Feingold: I didn’t realize that the one on commenting on the evidence was unconstitutional.

Olney: I didn’t realize that that had been passed on—commenting on the evidence.

Fry: Maybe it just faded away from disuse.

Warren: I rather think [it] did. I know the one commenting on whether the defendant takes the stand was declared unconstitutional.

Olney: I think that in fairness to the early Earl Warren, that you ought to know that at the time that those amendments were being proposed, there was a decision in the United States Supreme Court, Twining v. New Jersey, which held that the State of New Jersey—In [New Jersey], where it was the practice to comment on the failure of the defendant to testify, they held it was constitutional, so that that was the law of course in ’34. [The U.S. Supreme Court] had to reverse Twining v. New Jersey when the case came up [the chief] is talking about.

Feingold: What about the other one, the judge commenting on the evidence? Was that seen as something new at the time?

Warren: No, they’d been doing it in the federal government for years. It wasn’t permitted in our state government, so we were really asking for the federal rule.

Feingold: You were trying to equalize—-

Warren: Yes.

Feingold: And was it allowed in other states?

Warren: In some states, I believe—I’m not sure. I believe so.

Feingold: That wasn’t used very much, either, was it, at the time?

Warren: Well, I don’t know. I think it was used quite a bit, don’t you, Warren?
OLNEY: Well, I know that Charlie Wehr and I used it. One of the cases was the Louis Gosden case. That was one of the first state cases that got to the state supreme court in which the supreme court held that it was constitutional.

FRY: Oh, I hadn’t realized that.

Chapter 5: District Attorney Prosecutions; The Gosden Homicide Case

OLNEY: I think there were three cases before the [state supreme] court at the same time. Gosden was one of them.

WARREN: Well, that was one of the most dramatic cases that we ever had in my time, only I didn’t write anything about it, because I had little or nothing to do with it. Warren [Olney] was the architect for that case. We put Warren on to try a case of this fellow—a fellow named Gosden—for committing abortions on young girls up in the garret over his garage. While Warren [Olney] was looking into that he found that this fellow’s wife died under very suspicious circumstances. [He?] called the police just as she expired, and [Gosden] told them a story about how she had acted and so forth. It was a perfect case of pneumonia, so the coroner just gave it a brush-off and said it was pneumonia and let it go. Then [Olney] looked into it further and he found about three years before that time that [Gosden] had another wife die exactly the same way down in San Jose.

We went into that one and finally came to the conclusion that [Gosden] had poisoned the both of them and that they had died of strychnine poisoning. [The investigators] found a bottle of strychnine under the house of this fellow and dug up the druggist that he got it from and so forth. We charged him with these murders. His motive was to get the insurance on these two wives whom he had insured without their knowledge. It was only a small amount. I don’t know, about how much was it—one, two, or three thousand dollars?

OLNEY: It was pretty small.

WARREN: It was pretty small, anyway, and the kind you’d [inaudible] Then [Olney] found that the signatures on the applications [for insurance] was a forgery and was [Gosden’s] writing and not the writing of his wives. Well, they tried the case and exhumed the body of the woman, and found that she still had strychnine in her stomach. You know, strychnine never goes away.
Then when the case came to trial, they brought the mother in to testify for her son. She took the line that she knew these wives of the [husband?] had asked for the insurance and had ordered it and so forth, and that her son hadn’t done anything wrong in connection with it. On cross-examination they brought out that the reason she remembered was because the family had a complex against insurance and this was the only insurance of any kind that the family had ever had. And then they pulled the trigger. They brought out an application that he had just made on his mother. And as I recall the story, she got up off the witness stand and walked right by him, never even spoke to him and never came back to the trial. Is that reasonably accurate, Warren?

**Olney:** Only reasonably. [Laughter]

**Nichols:** That’s a great story, though.

**Warren:** What’s wrong with it, Warren?

**Olney:** Well, the way that it was discovered, and with respect to the mother, we asked her if she had any insurance or had made any application for insurance. My recollection is that we did not show her this application, but what we did was to wait for rebuttal, and then we put the application in evidence. She had already testified and established——

**Warren:** That she had not.

**Olney:** Yes. But I don’t think we had that confrontation with her in the courtroom.

**Warren:** How can you have a good story if you don’t have a confrontation? [Laughter]

**Olney:** But the man insuring his mother with the idea of killing her is a very rough thing to suggest, and Charlie [Wehr] and I were afraid of this. We could try this thing and go too far. We had gotten all right before the jury that the mother didn’t know anything about this insurance at all, and that [Gosden] had indeed taken this out. But when we came to argue the case, we never mentioned this at all in the argument. When, after the verdict was in, some of the jurors came right over to see us and they said, “You know, you boys tried this case very well, but really, you missed the main thing in it. That fellow was going to kill his mother!” [Laughter]

**Warren:** That’s a pretty good confrontation, too!

**Fry:** Well, the jury had made the connection.

**Olney:** Oh, yes. We were sure that they got it. We were being so careful and so long—we [unclear passage]. If they’d think they’d discovered it and that we had missed it—— Well, of course, you wouldn’t mind this.
What made you think to follow up this pneumonia case, anyway? A sixth sense?

No. It had really a different background than that. I was supposed to be trying homicide cases, and one day out of the blue an insurance man came in to see me, and he said that they had written a policy on a woman and she had died very shortly after, and they wanted to have an inquest, a formal inquest. At that time we had all these insurance rackets going, and this was one of these little fly-by-night insurance companies. They’d write a policy on a person without any medical examination, for example. I thought, well, this is just another one of these outfits that wants to welsh on this claim. But [the insurance agent] talked to me about it, and I said, “Well, what makes you think there’s anything wrong?”

Well, he said that she apparently was in pretty good health at the time that she was insured, and a week later whereas she’s dead—it—thought there ought to be an inquest.

I said, “There must have been an autopsy or something on the death certificate.” Well, he didn’t know that.

I said, “If you’ll go across the street and look in the records, you’ll probably find there was an autopsy that will show what the cause of death was. Why don’t you go look.”

So he did; he went across [the street], and he came back because I asked him to. He said, “Yes, there’s a death certificate on her. There was an autopsy, and she died of double lobar pneumonia.”

That was enough for us. We didn’t realize there’d been this autopsy. That was the end of it. Later, I got one of these phone calls from Highland Hospital, you know, when they have somebody out there about to die; we had the hospitals house-broken so they would give us a call on the telephone and we’d go out there and try to get a dying statement before they passed out.

[Highland Hospital] called me up and said, “We’ve got a girl out here who had an abortion, and she’s in pretty bad shape. We think she’s going to die, and if you want a statement from her you’d better come out.”

So I went out. She was in her teens. I talked to her and discovered she would talk very freely. That was quite unusual. Usually women who’ve had an abortion won’t tell you the time of day, but she told me that she had been working taking care of a widower’s baby when this pregnancy had occurred and that her [inaudible] boy friend was down in the San Joaquin Valley somewhere, and she didn’t know exactly where [the boy] was who was the cause of this. And when she found out she was in trouble her employer agreed to help her out. Her employer had taken her to an abortionist over in Alameda, one, incidentally, whose real business was automobile mechanics. She gave us so much detail on it; she knew where she had gone and things of this kind, and she said she had been taken there by this man.
Then we brought the man in so we [could?] talk to him. He confirmed what she had said, that she had been working there. He had this little girl—his wife had died not long before—and [he] had hired her to take care of [the child]. When he found out she was in this jam, he made these arrangements. He would talk as well as she would. We went and got a warrant of arrest for this abortionist in Alameda. We picked him up and brought him in.

I was concerned about the trial. Here we had this employer who would make a very good witness and all, but we had to be awfully sure that we weren't going to get double-crossed by him. I was afraid that he might at the time of the trial say, "Well, yes, I told you the story and all, but this isn't the fellow." So I asked them to bring the abortionist over from the jail to our office so we would have it down in the shorthand and reported that when we had spoken that this was indeed the man we were talking about.

While that was being done and they were getting the [abortionist], I wanted to keep this employer talking. If you let them stop and think, they may change their minds. So we had been talking—and I—asking him everything we could think of, including about his first wife—well, not his first wife, but his deceased wife—and how long they were married, and was she the mother of the little girl? Well, she was, and questions like that, and what had happened to her, and he said, "Well, she died very suddenly of fish poisoning," and then we went on to other subjects, and pretty soon they brought in this abortionist. He said, "That's the man."

That was the end of the conversation, and [the abortionist and the employer were both sent] back to jail because, knowing we really had this fellow cinched, and what his story was, we then charged him with contributing to the delinquency of a minor—-not because we wanted to lock him up, but because we wanted to put him under bail so that he wouldn't blow—so he'd be around to testify.

BAUM: The employer?

OLNEY: Yes. We thought that all we had was this abortion case, by all indications. It turned out that the girl on whom the operation was performed did not die, as they thought she would, so she was available, too. That was not a case that either Charlie [Wehrl or I would have to try, because [we were covering homicides].

It was purely happenstance that somewhere along in this period I thought that I should go on out and see Arch [Archibald] Tinning. [inaudible] I hadn't seen him for a year or two, and he'd been out there.

WARREN: Who's this?
Arch Tinning.

Oh, Arch Tinning. He was the district attorney in Contra Costa County.

I was very fond of Arch and liked him, and I used to go out and see him once in a while. So I went out there by myself and just was driving along in the car with nothing to think about and got to turning it over in my mind for no good reason—well, I was thinking about insurance and about homicide cases and I remembered this fellow—this insurance man who had come in to see me about this case, and it stuck in my mind because the name [of the man who had bought the insurance] was unusual. I'd never heard this name before, and I got to wondering what kind of a name it was. I thought it was some kind of a [Slavonian?] name. But then I realized that I'd heard that name more recently than that, and had in mind this employer. It began to dawn on me that the name of that employer was the same name as this woman who had been insured. I might say that while we were prepared to go ahead and try the abortionist, we had been more than a little skeptical about this story as to who was responsible for this pregnancy. We couldn't get any support for that.

So I thought, when I get back to the office, it would be easy to check up and see if my recollection was right—that the name was Gosden. When I got back I checked the name of this employer, Gosden, and his address, and then I sent for a copy of the death certificate across the street. And it said Laura Gosden and the same address! Well, here was double lobar pneumonia, and I knew that didn't square with what the fellow [Gosden] had told me.

Fortunately, we had a transcript. I got the transcript out and looked at it, and sure enough, I had asked him what had happened to his wife and he said she died suddenly from fish poisoning. How can you mistake fish poisoning for pneumonia, and how can a husband have a wife die of pneumonia and think of it as fish poisoning? This is what started us looking.

It was the employer and not the abortionist that was the murderer?

The employer, yes.

It was the employer who murdered his two wives?

Yes, that was Louis.

Oh, I was off, wasn't I? I thought it was the abortionist who had——

No, we were preparing an abortion case.

I know that, yes. Oh. I really——
OLNEY: We had terrible times with that Gosden because we couldn’t understand how the autopsy surgeon could have come to such a conclusion, and about the time we started questioning the person who knew this girl, it was obvious she had been in the best of health within a few hours of her death. Pneumonia may kill, but it doesn’t kill like that.

Then we found that there had been an attending physician called in just at the last minute before she had died, and we interviewed him, and he described this girl’s symptoms.

And we said, “Well, what did she die of?”

He said, “Well, I don’t know. Of course, I was called in at the last minute, and I had to notify the coroner because I couldn’t sign the death certificate. I wasn’t there long enough.”

We said, “Do you think she died of pneumonia?”

He said, “What?” He said, “Did you ever talk to the autopsy surgeon?”

We said, “No.” I said, “No, we haven’t.”

“Then ask the autopsy surgeon if he knew anything about this woman’s symptoms.”

All the autopsy surgeon was told was here’s a woman and the doctor was called in so recently that he couldn’t sign, and he didn’t know what caused this, so he opened her up and found this inflamed condition in the lungs, which is typical of pneumonia, and that’s what he put down.

We asked him about her—if he’d known the woman had these symptoms like this, would he have thought it was pneumonia?

He said, “Well, I would have known it was not pneumonia. I’d have known that.”

Then we talked to [the dead woman’s] family. Her mother and father had never liked Louis, and they had not wanted their daughter to marry him at all. They said he was a lot older than she was and he’d been married before, and they didn’t think it was a proper setup, anyway. We didn’t know that he’d been married before, but they said he’d had a wife in Sunnyvale but that she’d died about six or seven years before.

And so we thought, “Well, we’d better go down to Sunnyvale.” [Laughter]

So we went down to the police department—George Hard and I did—and introduced ourselves, and the chief said, “I wondered when you fellows were coming down here.”
WARREN: He said what?

OLNEY: He said, "I wondered when you fellows would be coming down here."

I said, "Why is that?"

"Well," he said, "we know Louie," and [the sheriff] said, "He lost a wife down here, and it sounds just like this other one."

So he was able to give us great help. There again he knew who the attending physician had been and we went to see him, and the description he gave of the symptoms of the first wife were so identical with the symptoms of the second one, that you would have thought they were talking about the same woman. Then we got the death certificate, and it was double lobar pneumonia in that case. But in that instance, the autopsy surgeon was Dr. Proescher. Remember him?

MACGREGOR: Vaguely.

OLNEY: Famous surgeon. He was the one in the Lamson case down at Stanford. Proescher was supposed to be one of the prominent autopsy surgeons of the country, and we thought he might be pretty formidable, but when we talked to him he said, "No history was given to me at all, and what this is based on is an inflamed condition in the lungs which I detected, which is typical of pneumonia."

So we gave him what the attending physician said, and he said, "Well, of course it isn't pneumonia at all."

We said, "Do you have any ideas what it is?"

He said, "I know what it is from what you tell me—from the symptoms—it can't be anything but strychnine." Those are the classical strychnine symptoms, and nothing else produces these awful spasms that work on the muscles. The strychnine is not a corrosive. It doesn't eat you, it causes muscular spasms so that you smother. Your chest muscles can't work, and you just strangle.

He said the reason for the inflammation is that undoubtedly during these spasms material is taken into the lungs—caused by these spasms—which leaves this inflamed condition which doesn't come from the pneumococcus at all, but just from—

Well, the other doctors told us the same thing. I didn't mean to go so long on this. It's fascinating.

WARREN: How did this famous doctor come to make that diagnosis, then?
Olney: He made it because he knew nothing about the history. [He] didn't know anything about the spasms at all; he had just been told that the woman had died, and that the doctor who had attended was there so short a time he wasn't authorized under the laws to sign the death certificate, so there'd have to be an autopsy to find out what it was. He performed the autopsy and this was the condition he found, and nobody suggested anything else, and so he thought it must be pneumonia and put it down that way.

Nichols: He had no history of her past health?

Olney: None at all. But both Dr. Proescher and [Dr.] Tiffany, who was the [doctor] in Alameda—both of them were witnesses in the case, and we did not have any problems. We had no difficulty in explaining what had happened, and that no one thought it was pneumonia if they'd known what the history was.

Fry: Was there ever any attempt made to require a statement of the history before a coroner could give his report, or anything like that?

Olney: No, I was about to add to it, I imagine they're doing the same thing now. It's very, very difficult to—well, not just in government, but in private affairs—to get things to mesh systematically and regularly.

Nichols: You'd think there would be a requirement by now with so many cases, I imagine, of this kind, where the autopsy simply hasn't recorded what's gone before.

Olney: I'm sure that there are. When the Chief had had me working on these homicides, I got interested in homicides in general, and I used to read about homicide records in other countries, and one of the things that was conspicuous then, and I'm sure it must be the same today, is that our murder rate is far higher than it is in most European countries. But our rate of murder by poison is extraordinarily low—very low. Well, this never made any sense to me, because we are a vicious, murderous—[Laughter]

MacGregor: [inaudible] It just doesn't fit.

Olney: I've always wondered—wondered then and wonder now—as a matter of fact if there are not a great many more poisonings than we think, that never come to light. These two cases are just a very good example of it. It does not occur to an American doctor that somebody might have been poisoned. It's the last thing that seems to enter his head.

Nichols: Do they have a different method of medical examination in European countries?

Olney: Well, yes, their methods are different, but why they would be any more alert to this I don't know.
Nichols: Because that would have to be established in order to make that premise stand up.

Olney: Strychnine is an alkaloid, and that is a peculiar poison; but one of the commonest, in Europe at least, is arsenic, and that's a corrosive one, and that makes you awful sick—terribly sick—and then you go to pieces. The external symptoms are very much like digestive problems—you know, cancer, gosh knows what it could be.

Nichols: I think it's pretty close to cardiac arrest, too, so that the cases can be confused.

Olney: Yes. It's the kind of poisoning where you can feed it gradually over a period of weeks or months or something.

Nichols: And you can develop a tolerance to it.

Olney: Yes, you can do that. It can be detected, though, in the body long, long after the body's dead, and during the lifetime, too, if it ever occurs to anybody to look at it, and to suggest it.

Warren: You're speaking of strychnine?

Olney: No, arsenic. Remember when Clare Boothe Luce was our ambassadress in Italy, and she got frightfully ill, terribly ill. Nobody could figure out what it was, but they finally did find it before she died. It was the paint on the plaster in her bedroom, which had an arsenic base, and she was being subjected to arsenic poisoning.

Warren: She didn't die?

Olney: No, she didn't die.

Warren: I thought you said "before she died."

Fry: He meant "before she didn't die."

[Brief exchange of laughter and comments]

Olney: These poison cases are fascinating. With all the murders we've had going on recently, and the papers are full of them, can you think of any poison case recently?

Nichols: No.

Fry: A whole new field to be plowed.
Frightening to think about. This suggests a whole new book—a secondary spin-off here—*Famous Criminal Cases*.

Well, that story could almost make a book in itself with a real point to it, too, which would lead people to investigate a lot of these so-called pneumonia cases more diligently than they do.

Melvin Belli was the defense attorney in this case, wasn’t he?

Yes.

Even then he was—

[Laughter] Yes, even then.

Yes, he never liked that case, and he’s never liked me since. [Laughter]

You don’t find that mentioned in his books, I imagine.

Gosden was the last man in California to be hung. After that they took up the gas chamber.

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**Chapter 6: Alameda County District Attorney’s Office:**

**Organization and Concerns**

**Plea Bargaining**

We were talking yesterday about the trend—what we think might be the trend in prosecution—and we wanted to ask you about it. I think that [there were] the pre-trial hearings and [plea] bargaining which goes on a great deal now, but I think went on less when you were district attorney.

Well, less in our county, but there was plenty of it in other places, wasn’t there, Warren?
Olney: Oh yes, sure. There was in our county to some extent, Chief. We used to discuss with counsel if the defendant pled guilty to one count, or something, would we dismiss the rest [of the charges].

Warren: But we didn’t make the distinctions they do now between robbery and petty theft, and things of that kind that they are doing now because of—largely because of the tremendous backlogs that they have. Most prosecutors can’t see light, so they try to reduce those calendars by negotiating pleas.

I think if you’ll look at the vast majority of our [cases], if a man was arrested and held to answer for first-degree robbery, he was tried for first-degree robbery. Maybe if he had a half-a-dozen counts, we would let him plead guilty to one and overlook the rest because the judge would probably make them run concurrently anyway, don’t you know. The idea was to take him out of circulation, and when the punishment was five years to life for robbery, they could keep the man as long as he was dangerous, don’t you see. But we did very little bargaining for pleas in our day.

We had a calendar problem, too, but we worked out our calendar problems, and when we did, there wasn’t the pressure on us they had in other places for [plea bargaining].

Fry: Yes, by getting your thirty-day limit actually working, you——But I heard the other day that now there are something like seven or eight hundred cases that are run through the district attorney’s office—is it per month? It sounded like just too many for any county to even handle. So that by this pre-trial bargaining they’re able to get rid of a lot of [the cases], apparently.

Warren: We had about five or six hundred felonies a year [inaudible] in our county in those days.

Olney: A year.

Warren: I don’t know what it is now, but I’m sure it’s much more, but they’ve got a much bigger office now, too, than we had, and more courts to try them. There were nine courts when I was there, and they have thirty-five now.

Fry: It sounds like they ought to have about ninety now.

Warren: Well, maybe they do need more, maybe they do need more.

Feingold: One of the things we were wondering about with this plea bargaining was, we were told the other day that one of the things that happens now is that often a defendant won’t accept a bargain unless he can know exactly what his sentence is going to be.
WARREN: There's no way you can do that under our system in California, because they have the indeterminate sentence, and if he gets a felony conviction, all the judge says, "You're committed to the state penitentiary—or to the Department of Corrections—for the term prescribed by law." Then the Adult Authority fixes the term. Now, there might be some pre-bargaining, as a great many times where the judge has the option of punishing him here by imprisonment in the state penitentiary or by imprisonment in the county jail. Maybe they go to the extent of bargaining with some fellow who'd say, "I won't plead guilty unless you assure me that I'm not going to the penitentiary but I'll only go to the county jail." That could be done, and I don't doubt but what it is done a good bit, but—

FEINGOLD: But that wasn't done back in your day?

WARREN: No, we didn't do that. We didn't deliberately try to prove a major offense. Very rarely we did the other.

NICHOLS: Even when you took office, wasn't the delay then from the time the thing went on the calendar until the case was determined something like ninety days, and you reduced it to twenty-nine?

WARREN: Well, I don't know what it was, but I know that it was too long when we started, and we ran it down so that everybody got a trial in thirty days, not because of his insistence that he be tried speedily, but we just insisted that the cases be tried that were ready to be tried and were tried within that length of time. We used to try our important murder cases in thirty days from the day of arraignment.

Investigative Staff; Staff Meetings; Grand Juries

Fry: Now while Helen MacGregor is here and Warren Olney, I'll ask a question which I asked you before, and that is, how did the staff manage to get all of this research done so that a person who had a case could keep it moving along that fast?

WARREN: Well, we didn't have any forty-hour week. [Laughter]

MACGREGOR: We just kept [plugging?].

WARREN: We kept their feet to the fire, almost. Well now, there's just an awful lot of truth in that too—we didn't have any forty-hour week; we just worked all hours of the day and night when it was necessary to do it, and that's the only way you can keep up with these things.
OLNEY: I say you'd said, "This needs help at night," when it was necessary, and it was necessary most of the time.

NICHOLS: How did it work [inaudible]? You obviously had a great team spirit, too, at least from all appearances.

MACGREGOR: It was beautiful.

WARREN: Yes.

OLNEY: The inspectors that we had really made a very great contribution. They were awfully good at helping get these cases ready. They knew their jobs. They knew how to interview people and how to get evidence, and we couldn't have done it without them.

MACGREGOR: Captain [George] Helms was such a—he was the head of the investigative staff, and he was such a gentle person.

WARREN: Yes, a gentle soul.

MACGREGOR: People would just naturally talk to him. The other men were excellent too, but George Helms set the tone of the investigative work in a beautiful character.

WARREN: He sure did.

MACGREGOR: This is a bit of a digression, but—

WARREN: I always wanted George to write a book and he wouldn't.

MACGREGOR: Do you know what he said about that?

WARREN: No.

MACGREGOR: He used to talk about it. He said—he always called me Lady—"Lady, that goes in the book. I'm going to write a book some day, but only you and I can read it." [Laughter]

WARREN: And he had a wife who was a librarian, too, and I just tried to importune her too, to have him write one, but George wouldn't write. He had a wealth of experience, and he could have told so many things.

MACGREGOR: One of the things that you never knew, Chief, was [that] situations would come up that were ambiguous, and George would be working on it and people would come to him with a story, and we would have a little session—he'd come over and talk to me—and our point was, "Do we need to bother the chief about [this], or can we handle it ourselves?"
WARREN: [Laughs] Yes, yes.

MACGREGOR: He was very serious, of course. It bothered you [inaudible]. He was able to work so many things out. When obnoxious, argumentative people would come in he'd say, "I guess I'll have to go out and kill them with kindness."

FRY: Kill them with kindness! [Laughter]

NICHOLS: Did you have a system of meetings, as you did as a district attorney, when you were attorney general—meeting with one division of your department one day and having everybody in on a Monday? I can't remember the exact schedule of [the] district attorney's office.

WARREN: Well, we had one every day of the week in the district attorney's office at eight-thirty in the morning. Was it eight-thirty or eight o'clock?

OLNEY: It was early! [Laughter]

FRY: It sounds inhuman.

WARREN: I kind of think it was eight, yes? One day I had a meeting with my people who were in the courts out in the county; one day I'd [meet with the staff covering] the police court of Oakland; one day for our civil division; one day for our trial deputies in the criminal department. I've forgotten—one day for my investigators. And then Saturday morning at eight o'clock we'd have one [with] everybody there for the whole office. And we did that every day—every day.

NICHOLS: That must not have been very popular with the wives.

WARREN: It wasn't. No sir, it was really a rugged show, but they all got into the act and did it well; and no complaints. But I'm sure they were sorely driven sometimes.

FRY: You had more to decide then, I think, on cases than district attorneys now do.

WARREN: There is more law in that field by far now than there was then, but then you were left to your own sense of fairness and your own sense of relevance, don't you know, in what you were doing.

FRY: And deciding whether to bring a case to trial or—Did you have the choice then of whether to use a grand jury or whether to have a preliminary hearing?

WARREN: Oh yes, yes.

FEINGOLD: What sort of rules did you establish for yourself about when you would use the grand jury or—?
Well, we felt that most cases could better be held through arrest and preliminary examination and so forth. To have a grand jury in session all the year around every day is quite a chore for the grand jurors and not a particularly satisfying one for us, so we decided to do that, and it was only when it was some unusual case, like the graft prosecutions or some big conspiracy case that involved a lot of defendants, and so forth, that we would use a grand jury.

I believe that out of all of the cases that we had there, that we didn’t use a grand jury more than, oh, say fifteen times a year to indict people. We sure used it in a way where it was effective. Every time we called a grand jury together, there was some business done, and we went right to trial pretty speedily after that. People really respected the grand jury in our county, where they don’t in a lot of counties.

This is kind of a bone of contention today, as in the Marin County grand jury case, where some of them feel they are used too much by district attorneys.

The grand jury?

Yes, and that they should be more a kind of ombudsman agency for the general public—for the community at large. How would you feel about that today?

You mean the grand jury should—

The grand jury should launch its own investigations independently and become a—

[Investigations] of county departments and things like that.

They can’t do that unless you set up another law enforcement agency that’s conflicting. The grand jury in itself isn’t worth anything from an investigative standpoint. All they could do would be to stir up a lot of trouble unless you gave them a lot of investigators and so forth to duplicate what the district attorney and the sheriff and the chiefs of police are obliged to do. It just isn’t feasible. Do you think so, Warren?

No.

I thought maybe they were pitching for just civil investigations, which I think grand juries have annually, anyway, of the other county departments.

The other departments? Well, yes, they ought to do that. And I always felt that that had a priority in our office—to investigate anything the grand jury wanted, and to get them a maximum amount of information.

You remember when they appointed Frank Leavitt the foreman of the grand jury in the year that I had the graft prosecutions? The judge who was presiding at that time appointed Leavitt foreman of the grand jury because he
knew [Leavitt] didn’t like me (and I had had a little trouble with the judge just before that). So, when the grand jury was convened, I asked the foreman of the grand jury to come into my office, and I said, "Now Senator"—he’d been a former state senator—"I know that you don’t feel too warmly toward my office, but I want you to know that we want to do an honest job for you, and I wish you would give us the opportunity to investigate anything that you feel the grand jury is interested in. Then if we don’t do it, why, then you do it on your own, any way you want, but I wish you’d give me an opportunity to do it [first]."

So he said, "All right, you do that." So we went along a little while, and we just showered attention on them and gave them anything they wanted. Then we got into this graft proposition, and he became tremendously interested in it, and he was the best friend I ever had. Oh boy, how he stuck with me through that whole thing! The grand jury of eighteen men and women instead of nineteen because one of them couldn’t serve because of illness, and we had seven members of the Ku Klux Klan on our grand jury—

**Fry:** Yes, how did that happen?

**Warren:** Oh, the judges just picked them! Oh, the Klan was just rampant in those days here. Gee whiz, it had just saturated the community, and a lot of states of the union, too. They elected governors, they elected an awful lot of people, and those people were just—well, they’d go along with [indicting] the ordinary criminals. When they got into a case of anybody who was of their persuasion, why, they just didn’t want to indict them, you know.

**The Sheriff Becker Case**

**Feingold:** Yes, wasn’t that a problem with [Sheriff] Becker?

**Warren:** It was the problem with Becker! They just—they said, "We’re not going to indict Becker. We’ll indict the fellow who collected the bribes and paid them to him, but we won’t indict him." And so they didn’t. See— [addresses Olney] Were you there at that time?

**Olney:** No.

**Warren:** You were— So they said, "We’ll file an accusation to remove him from office for willful misconduct in office, but we will not indict him."

"Well," I said, "all right, you’re entitled to indict anybody you want. You go ahead and tell me what you want and we will indict them."
So they did, and they indicted Ormsby, who was the collector of the graft for [Becker], but they didn't indict [Becker]. And I took the [indictments] into court, and the foreman of the grand jury reported them, and the judge said, "Mr. Foreman, is there anything else you have to report?"

And he said, "No, your honor."

"Mr. District Attorney, have you anything more to report?"

And I said, "Yes, your honor, I move to dismiss the indictment against Ormsby because I can't see how I can prosecute a man who collected the graft and paid it to the sheriff and not prosecute the sheriff, and the grand jury has declined to indict the sheriff." The judge turned to Frank Leavitt, the foreman, and said, "Mr. Foreman, could that be true—the situation?"

Well, Frank Leavitt said, "Precisely, your honor."

[The judge] said, "Then the indictment is dismissed and the case is re-referred to the grand jury for appropriate action. They will meet in the [grand jury] room right away."

They get in the room, and so I called the sheriff right away and put him on the stand, and he refused to testify at that time. He had already testified fully, but then he refused to testify on the grounds that it would tend to incriminate him. Then the head of the Ku Klux Klan group came to me and said, "Well, go ahead and prepare your indictment," he said, "If the so-and-so won't take care of himself, well, he can't expect anyone else to."

Fry: [Laughter] To protect himself.

Warren: So we indicted [Becker] and brought him in and convicted the whole kaboodle of them.

Fry: Were grand juries appointed then very much like they are today?

Warren: Yes, very much the same, yes.

Fry: And did the judge know these people were Ku Klux Klanners? Were they questioned about that?

Warren: I don’t know. If [the judge] belonged, he might have. I don’t know; but I don’t think he did. I don’t think he’d understand. Oh, they were all people who had good reputations in the community. They were—normally you wouldn’t throw any of them out, but—but they did belong [to the Klan], all right, and we just couldn’t get through on the [Becker] case until this happened.
Then I indicted everybody, and we cleaned up the whole outfit and got rid of it and never had any more trouble in our county all the time I was there. And I don't think they've ever had much of any corruption since then, have they, Warren?

Olney: Not that I know of.

Graft Prosecutions

Warren: I don't know—that I know of. They haven't had any prosecutions. If they had any, Frank Coakley would have been after them, I'm sure of that. [Laughter]

We did have [some problems with] a little city [called] Alameda—that little detached [city]. It wasn't corruption in the sense of playing with organized crime or anything like that. They were just a bunch of petty chiselers [who] got in there, and everybody was stealing lumber to build a place out in the country or to build a road up to their country place with city labor, and things of that kind.

Nichols: Were these city councilmen?

Warren: City councilmen, yes. Oh, it went on for a long time, and we knew about it, but we couldn't break into it because it wasn't organized or a big pattern of any kind. It was just each one of them trying to eke a little out of the city, you know.

So, one time I read in the paper in the morning that they had had a falling out the night before, and when I came down to the office that morning, one of the group was waiting there to see me.

I said, "All right, bring him in," and I talked to him. He told me how the other group that he had fallen out with was crooked and so forth. It just happened that that day the grand jury was down studying a county audit downstairs, so I said, "Excuse me just a moment, please," and I went downstairs and told the foreman that I thought that we'd gotten a breakthrough on the Alameda situation. I asked him if they could put aside what they were doing and take care of it now, and he said, "Sure."

So I took this fellow right from my office down to the grand jury and told him the grand jury would like to hear the story.

Fry: [Laughter] Wow, that was quick!

Warren: So they put him on [the stand], and then we sent all the inspectors out and they went out and they gathered up all the other people and brought them in. They had a story to refute this fellow—to make a crook out of him—[and?] in forty-
eight hours, every one of them—including the mayor—was indicted. There was only one fellow on the city council who hadn’t been in on the thing at all, and all the rest of them were indicted. And then, by George, something happened to the case that escapes me now—just what it was—but anyway, they all wanted to come in and plead guilty.

We found that there was a flaw in the charter—in the Alameda [city charter]—and that there was no way that we could see that council filled if we had let the whole bunch of them plead guilty in one day. So we told them no, that they would have to plead guilty one at a time. So one would plead guilty one day, then the crooks that were about to go to jail would elect someone that the town had gotten together on, you know, for the [vacant] place, and book them one by one until the whole outfit was convicted. It was petty graft, and they all went to the county jail instead of the penitentiary, but they were out of office and we got a decent group in there then and never had any more troubles in Alameda.

Fry: Was Joe [Joseph R.] Knowland at all apprised of this, or do you remember? I’m asking you this because I think he was one of the stellar residents of Alameda at the time.

Warren: He was just a boy then—just a child then.

Fry: Joe Knowland.

Warren: Oh, Joe Knowland. Oh, he was running the newspaper, that’s all. He had nothing to do with the county government. You know, I think [that] some of the writing people have overemphasized the position of Joe Knowland in the county. He had no political organization. There wasn’t any political organization. He was one of the anti’s against the Mike Kelly group, but he had no organization of his own, and he was always friendly to me and helpful as far as he could be in his newspaper, but that’s all. He never had any knowledge of what was going on in my office.

I remember in our graft prosecutions when we removed all the city commissioners [of Oakland] except the mayor and one other—removed them for willful and corrupt misconduct—I called up for [the very first] trial the one who was a friend of Joe Knowland’s for the simple reason that I didn’t want people to say that because Mr. Knowland was friendly to me that I’d let this fellow off. So we designated him— [Speaking to MacGregor or Olney] You remember him, the lawyer who was about your time in college?

MacGregor: Oh yes, I know who you mean, a rather small fellow—

Warren: A light-complexioned fellow—
MACGREGOR: Isn't that funny, his name— [Pause] Sturgis, Gene Sturgis.

WARREN: Gene Sturgis, yes. Well, we put him on first, and the only punishment for willful and corrupt misconduct is removal from office, so [like] all of those fellows, he resigned then, and of course that got rid of that. And the rest of them all kind of came in and resigned too. We tried the commissioner of streets for bribery and convicted him, and then went on to the other phases of the corruption in the county, through the sheriff and paving contractors and so forth.

But Mr. Knowland didn't pay any attention to my office at all and never had anybody in [my office?] whom I ever knew was friendly to him particularly, or anything. But a lot of people think that he was thoroughly a real political power in the county. He wasn't a political power; he was an interested citizen and he was conservative—but he was for most of the decent things that were in the county. I knew him in that manner and was friendly to him, but he really played no part in county politics at all.

City Manager Government

FEINGOLD: That makes me think of an issue which I think he was concerned about in about 1930 in Oakland. There was an election to change the form of city government to the city manager plan, and I—

WARREN: Well, the thing that changed the city manager plan was the corruption that I prosecuted just before that happened, don't you see? We removed the whole city council under the old commission form of government, which had proven a failure throughout the state. It had caught on like wildfire about twenty years before and then petered out until there were practically no more commission forms of government, and they all went to the city manager form of government. And [Joe Knowland] was active in that as he was— He was active in our hospitals. He was chairman of [a] board investigating the operation of our county hospitals, once, by appointment of the board of supervisors. To the operation of our hospitals in the—in our county hospitals— Only in a nonpaid way. It was on a commission—

FRY: And parks. He was—

WARREN: Well, that is a mistake. He had nothing to do with the city parks, I think.

FEINGOLD: I have another question about the city manager election. I came across a note that in the first of those elections about the city manager plan, there was some funny business at the polls that you got wind of—that some of the voting places had been short-changed in ballots. The neighborhoods that were thought to bring in the highest votes for the city manager plan—that Kelly's machine had
seen to it that [these neighborhoods] didn’t get enough ballots, and that you had investigated this.

**WARREN:** I don’t happen to remember that. On election day, was it?

**FEINGOLD:** Yes, this was in November of 1930.

**WARREN:** Yes, that would be election day. The election would have been over by the time I did any investigating.

**FEINGOLD:** Yes, well, then they had another election the following March.

**WARREN:** Didn’t it carry in November?

**FEINGOLD:** Well, yes, it did carry, but then there was this suspicious behavior at the polls, and according to this little note that I had, at first the city clerk was suspended and he was later reinstated, and it wasn’t clear whether you had found that there had actually been trouble or not.

**FRY:** Was the election in March a new election for the same thing?

**FEINGOLD:** What happened in March was that they put up a new compromise city charter which called for a strong mayor, and that was defeated, so the city manager plan remained in effect.

**WARREN:** In other words, they tried to wipe out the city manager after it was established?

**FEINGOLD:** That’s right, [after it had been] voted in.

**WARREN:** That had escaped my memory, but I was quite sure that in November that carried, and of course the thing that carried it was the disgust of people over the graft that had been in the city before that.

**MORRIS:** Was Mr. [John F.] Hassler the first city manager?

**WARREN:** No, Jack was not the first city manager. They brought [in] a fellow by the name of Ossian Carr—C-a-r-r—an outsider. In those days they had a little fraternity of city managers throughout the country. It was a more or less new thing [being city manager]—a little fraternity. It was thought that a man had to be a civil engineer to be a city manager, and they had a little tight organization, and whenever a fellow would get into difficulties in one city, why, he would resign and this little group would find him another place, don’t you know. And that’s what happened. Ossian Carr came from—I think it was from Dallas, Texas, or some town down in Texas—came there, and I’ll never forget our old friend Sheriff Driver, who succeeded Becker.
Fry: Oh, yes!

Warren: He was an old-timer. He was a truck man, and had a drayage outfit here in Berkeley, and was mayor of the city of Berkeley—a real homespun fellow, you know. And he had a great big handlebar mustache and looked just like an old frontier sheriff. (He'd sit there and he'd twist his mustache.) And I remember I invited him to go with me to this city manager's dinner—the dinner to welcome the new city manager, Ossian Carr. It was held in the auditorium—the biggest dinner they had ever had in Oakland—I don't know, somewhere close to three thousand people they had in there.

This old man [Sheriff Driver] was sitting there, and he said, "Mr. Warren," he said, "Mr. Carr must feel very fine tonight to be welcomed this way. It's a nice thing to do, but you know, as I look at these city managers, it seems to me that they don't last very long." He said, "I wouldn't be surprised if about two years from tonight Mr. Carr would be leaving Oakland and will be down at the train with nobody to carry his suitcase." [Laughter] And do you know— And oh, yes, [Driver] said, "And a hometown boy will have his job, at half the salary."

Do you know that almost two years to the day, Carr was on his way out with no one to carry his suitcase, and Jack Hassler, a young banker, was put in the job at exactly half [Carr's] salary! But they were paying city managers then $20,000 or $25,000 a year, you know, when everybody else was getting six or seven. It was a fetish, you know. That happened almost to the day from the time that old man told me that! [Laughter]

[Driver] didn't have a city manager in Berkeley, you know, for when he was mayor there he'd studied it a little. He was one of those characters—quite an old man.

Morris: You said a while ago that the Bureau of Public Administration here [at UC Berkeley, where] you were working at just about that same time, was interested in city managers.

Warren: Oh, yes!

Morris: Were they training city managers here then?

Warren: They didn't have any training school as such, but they taught people the various—the organization of city manager government and so forth. I know a lot of people who were city managers got their first inspiration for it here at Sam May's school.

Morris: Had Mr. Hassler?
WARREN: No, he came direct from the Central Bank of Oakland to become city manager.

That old Sheriff [Driver] was a card! The parole board of the county consisted of the sheriff and the chief of police and myself as district attorney. One day we were in his office, and the phone rang and they called him to the phone, and he answered and he said, "Hello, yes, madame. Yes, madame"—we were so close that we could hear everything that was said. And she said over the phone, "Sheriff Driver?"

"Yes, madame."

"I just wanted to ask you if you would like to get 10,000 women voters in the coming election?"

"Yes, madame, I would like very much to have those votes."

She said, "All right, then cut off that goddamned mustache of yours." [Laughter]

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[Ed note: The discussion continues with the following question from Miriam Feingold which was not picked up on the main tape but was recorded on the backup tape]

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Migrant Workers and Labor Contractors

FEINGOLD: Did you ever have any trouble in Alameda County, while you were district attorney, with the migrant workers?

WARREN: Well, down in the Imperial Valley, with the itinerant workers and the seasonal workers, they had great troubles down there, and I knew that those people would move from one crop to another up the state, don't you see. Our first crop was the pea crop that came along in about the latter part of March or April. And we'd have from six to seven thousand people come in here, and in about six weeks they'd go over the whole crop and get it all and then move on to some other crop.

I didn't want any trouble in our county the way they were having down there, so I sent Oscar Jahnsen down to Imperial County to live with those people for a while on their way up here. He was with them for quite a while and sent me a daily report on their activities. He came to the conclusion, and through him and other information that I got, that those people were not radical people; that they were working people, and that they wanted to work, but that they were
given atrocious living accommodations, and atrocious conduct by the employers and the labor contractors.

When it was all over and they were about to come up, we organized the situation. [Oscar Jahnsen] had also told me that there were only just a few, very, very few agitators who weren't workers at all, but who would stand on the periphery [of the fields] and try to stir up trouble. He thought, and I concluded, that if the [migrant workers] were treated properly, they wouldn't pay any attention to those people.

So, I went to the farmers and I gathered the farmers together—there were only a few of them, because those pea ranches were big acreage—and I told them the story of what was going on down there [in Imperial County], and that we weren't going to have any of that in our county if I could help it. I told them they would have to do better on the accommodations, and they would have to understand that those people were entitled to as much as they could give them. They didn't have housing for all of them—oh, some lived in their automobiles, or along side of it in a little tent. But there were a lot of things that could be done for them, and I told [the farmers] that if there was any chiseling on those men that we were going to hold anybody that chiseled on them criminally responsible. And one thing the farmers below [in Imperial County] had done to enrage these people—if [the migrant workers] wanted to quit [the farmers] wouldn't pay them their wages right away, or if they fired them, they wouldn't want to pay them their wages. They'd hold them on. You know, those people had nothing in reserve to live on. You know, they were just ready to starve or do something when they were off of employment unless they had their wages. I told [the farmers in Alameda County] that if anything of that kind came along, that we were going to prosecute anybody who contributed toward it, because the law said that when a man quit he was entitled to his money then and there. And so forth.

So when the contingents came along—and they'd come just like swarms of bees, you know, from the other crops, because when the peas get ripe they're ripe, and if you don't get them within twenty-four or thirty-six hours, why, they're over the hump and they're no longer prime product. So, I had Oscar and the other boys in my office go out and meet the itinerants when they would come in, and they would tell them that they were welcome to the county, that they were going to be well treated, that the officers of the county were their friends, and that if anybody imposed on them, all they'd have to do was call the officers and they would look into it and do whatever was necessary to be done. And oh, [the farmers] did everything they could to make [the migrants] feel comfortable.

Well, they went in and we held things in line all the time, and for several years we never had one workman arrested in our county for anything during that pea crop that was such a weird crop to handle (because you had to be right there when they were ripe or they were gone, you know). And for years there we had absolutely no trouble with [the workers] at all.
My boys used to watch some of their young women who were about to have a baby, or something, and they’d rush them to the hospital. Or, maybe they’d be way up in the hills—I know once Chet Flint and someone else stayed up there a couple of nights waiting for this young woman to have her baby, you know, then took her to the county hospital, you know, and had it delivered.

We just had the best relations you can imagine, there. And really, their living conditions were almost intolerable, too, but they knew they weren’t being oppressed, anyway, and that the officers were there to help them. And they welcomed the officers any place any time, and it was great.

BAUM: Did you have the gratitude of the ranchers for that, or were they annoyed that you’d prevent the chiseling?

WARREN: No, no, they didn’t buck it very much. I think probably if they’d had a lot of trouble they’d have blamed it on me, but they didn’t have any trouble under this system, you see, and they got their crop picked, and there wasn’t any reason for them to get mad. But no, they supported me; they were all right.

They’re a little different breed than those down on the border, you know; they believe that the Chicanos are just born to be servants to them, and they use the wetbacks and everything. They can say, "All right, if you don’t do this, back you go to Mexico," and so forth. But they’re a different people up here, and they didn’t complain about it.

But we busted that labor contractors’ organization. The farmers would rather work through one labor contractor than they would through six thousand individuals, you know, so [the farmers would] operate through them. But in a lot of counties [the contractors] just didn’t obey the law in the way they treated the people whom they were representing, and we made them do that. And I don’t think the labor contractors were ever very friendly to me, but they were transient, anyway. It didn’t make any difference. We never had to prosecute any of them because they—

FRY: You warned them ahead?

WARREN: —they did what we told them and they got along all right. That’s what you had in mind, wasn’t it?

BAUM: Yes, that’s a good story.

WARREN: I think you will find in the Daily News of San Francisco [sic]—I think they wrote a series of articles about that—some editorials, I remember some editorials in the Daily News about how we had solved that problem without having any difficulties [with them?]
Nichols: What a difference from today, eh? The way that they handle Chicanos in east Los Angeles, and some of the strikes—the Huelga strikes—were completely different. No advance communication, no attempt on the part of the law to force people to reach an accommodation beforehand.

Warren: Well, this worked splendidly. We had no trouble at all. And they were turbulent times, too, and they were having problems in most parts of the state with that.

Fry: Yes.

Warren: We could have had an equal amount of trouble if we had just let nature take its course and let them get into all those rows.

MacGregor: That fits in, by way of background, to what you did, I think, in 1950 or '51 [in] appointing that commission, of which Earl Coke was chairman, to investigate the migratory labor problems in the San Joaquin Valley.

Warren: In 1950.

MacGregor: Fifty?

Warren: Yes, yes.

MacGregor: And that was the commission—

Warren: The housing conditions were still very bad.

MacGregor: All kinds of things. See, I followed this through a number of years with the Governor's Advisory Committee on Children and Youth. And we had a standing committee of which Florence Wyckoff was chairman, and she organized sponsors—We called it the annual Conference on Children and Families Who Followed the Crops—but it really would be maybe a conference every two or even every three years, bringing together the farmers, people from the University agricultural department, and through Rosenberg Foundation grants, what we would call "scholarships," for migratory laborers themselves to come. We really had some remarkable developments.

Warren: Well, well, is that a fact? I'm not familiar with the history of the committee.

MacGregor: But it was your calling this investigation—There was an epidemic of infant diarrhea in one of the San Joaquin counties, and your friend Jack O'Neill, a farmer, a big farmer, was very helpful.

Warren: Yes.

MacGregor: I always thought it was one of the greatest stories that—Well, you didn't finish, but you started it.
WARREN: Yes, yes, I remember Jack was very interested and very helpful in that.

Crime Prevention

NICHOLS: This seems to be a consistent pattern. I've called it preventive communication before, your [referring to Earl Warren] ability to get in there beforehand and anticipate, and appoint a group either to study the situation or you would set up a committee that would anticipate problems, as with the planning during the governorship years, or the racial committee—I forget what it was, but after the zoot-suit riots, you appointed a committee to study minority problems in California, and they apparently headed off a good many problems that might have arisen. And, just all through your career, Chief Justice, there seems to have been a consistent pattern, and one that too few politicians follow today.

WARREN: Well, you know, that's one of the main problems of law enforcement today. We wait until men's lives are broken and they take to criminal conduct before we do anything about it. The great emphasis on crime at all times should be prevention of crime—to prevent people from getting into criminal life. You can get plenty of money to put on policemen to arrest people who have committed crime, but it's just like—well, it's just trying to do the impossible to get enough probation officers or juvenile court people to investigate the conditions in the community and the community patterns of conduct, and so forth, to prevent crime and criminals from developing.

FRY: When you were district attorney, weren't there some studies on juvenile crime prevention?

FEINGOLD: I was just about to ask.

FRY: I thought maybe you'd know something about this, too, Helen. It seems like there was a county study that was done out of your—

WARREN: Oh, there are always studies done, but I don't know when the first started. But crime prevention—and I've preached it for many years—is the thing we ought to emphasize as much as we can. Of course, now the thing's gotten out of hand to the point where you have to bear down terrifically on the enforcement of the law against crime, but this is largely because we've overlooked the necessity for dealing in terms of crime prevention.

FEINGOLD: Weren't you at one point on a subcommittee—on the problem of juvenile crime—as district attorney?
WARREN: Subcommittee of what, would you say?

FEINGOLD: I don’t really know what it was a subcommittee of; we just came across somewhere a report that you turned in.20

[Interviewer shows report to the chief justice]

WARREN: Subcommittee on the problem of juvenile crime? [Pause] I remember Roy Feld, Norman Felton, Michael Roche and those fellows [members of the subcommittee]—

[Scattered conversation and pauses while Warren reads the report] I see right here at the very beginning I start talking about one of my own pet peeves, and that is about the juvenile courts—the way they were administered. You know, judges on the average are interested in legal matters and not social matters, and the law required them to serve at times in the juvenile court, and there the work is 99 percent social to 1 percent legal when you’re dealing with children, and the judges don’t like that and they’re irritated by that kind of work.

So, I suggested, and it says here on the very first page [the chief justice reads from the report], "the committee"—and I was the chairman of the committee—"the committee is in thorough accord with the conclusions of the White House Conference on the Delinquent Child as set forth in the above extracts from the Conference report. It recognizes that the work of the juvenile court is in the main social rather than legal. The judges are trained in the law, and their major attention is often focused on the legal aspect of the administration of the juvenile court rather than on the social aspect. To many of them the social side of the work becomes a burden and an annoyance, particularly when their assignment to the juvenile court is a minor part of their responsibility to the public."

Now, here is what I had in mind: "A referee appointed with special reference to his social training and qualifications and subject to no other responsibility than the work of the juvenile court, would undoubtedly have a greater understanding of the problems involved, and [would] be better able to direct efforts toward solving them. It is obvious that in the smaller counties of the state it would not be advisable to appoint referees, because there is not a sufficient amount of juvenile court work to be done. In the larger counties, however, the committee believes that the adoption of the referee system is highly advisable."

I promoted that and got our grand jury to recommend it to the legislature over the protest of our presiding judge, old Judge Harris, who didn’t want to give up any of the superior court jurisdiction. But it didn’t go through the legislature; we missed out on it.

MORRIS: It was eventually approved in some counties, wasn't it?

WARREN: I beg your pardon?

MORRIS: Didn't Los Angeles finally adopt this kind of system?

WARREN: Oh, I think San Francisco had them too, but I wanted to make it of general application throughout the state. [San Francisco] had it under their charter, I think; that's the way they got it. You see, we have a very great autonomy in our state as far as local government is concerned—both the cities and the counties can write their own charters and have their own officers as long as it doesn't conflict with state law. And these things were written into their charters, I think, and they had them, but it didn't apply to the rest of the state, and I wanted to have it done for counties like our own, and we hadn't provided for that. [Pause] Well, I think—

FEINGOLD: I think that's all. It ends right there. What comes after that is something else.21

Family Court

FRY: You did mention in your autobiography manuscript about getting a family court established. What was that?

WARREN: That was in the city of Oakland. We had one police court—just a police court up there with three or four judges, and they would take all misdemeanors. And all of these family cases—husbands and wives who disagreed, or were having problems with the children or anything—would come up there along with the drunks and the prostitutes and the gamblers and everybody else, and it was just a degrading thing to have. Even children came in there with the parents. I wanted to see those things treated as a separate kind of problem.

So, I got the judges up there to agree to have a separate calendar for those [family cases], and have—then handle it at a different time of day than the[se other] people. And I got the police department to put some special officers on that work, to go around and weed out a lot of these family disputes that come up and really don't call for judicial action. They call for just a little adjustment and so forth. And I know they were carrying it off all the time I was there, even while I was governor. I don't know whether they still do or not.

21. Reporting forms for correctional statistics developed by the University of California Bureau of Public Administration for the document of which this is a part.
MACGREGOR: Well, I think I can bring you up to date on that, so far as the police department is concerned. They have recently—and I don’t know how recently—established a family crisis intervention unit, on duty twenty-four hours a day, to go out—these are specially trained officers.

WARREN: That’s part of the same principle, yes.

MACGREGOR: The same principle, yes. But I don’t think it’s carried—I have no knowledge—that it’s carried on in the district attorney’s office or in any other agency. But there is a substantial movement [now] to have public agencies equipped to deal with crises on a twenty-four-hour basis. But that’s today, that’s not history. [Laughter]

FRY: But that’s really interesting—to see how some of these things [that started in the D.A.’s office in the thirties] are evolving now. It’s all a continuous story.

MACGREGOR: There’s still a need, of course—

FRY: Right.

MACGREGOR: —that Mr. Warren was recognizing and meeting.

FRY: I’m about to leave the district attorney phase, so I’ll be quiet and let the rest of you [ask questions].

Chapter 7: Warren’s Republican Party Activities

1928 and 1932 National Campaigns

FEINGOLD: I’d like to back up to your very, very early years [in public office]. I was wondering if you were at all involved in Republican party—you know, within the party—in the very early twenties. [Did] you get involved in any of those presidential campaigns?

WARREN: Let’s see, my first one was—[pauses]—when did I first become—’20—my first [national convention] was ’32 [as a delegate]. Up to that, no, I’d never played any part in Republican politics. I was registered as a Republican, and my name
was attached to some Republican activities, but I really never paid any attention to it.

**FEINGOLD:** You mention, I think, in your autobiography that you went to the national conventions, I think in ’28 and ’32.

**WARREN:** Twenty-eight, yes. I went as Mr. [J.R.] Knowland’s alternate to the 1928 convention at Kansas City, and then I went to the 1932 convention—let’s see, 1932—

**FEINGOLD:** Wasn’t it in Chicago?

**FRY:** That was Roosevelt.

**WARREN:** The 1932 convention was at Chicago, and that was the one where I ran for the presidency, myself, don’t you know.

**FRY:** Wasn’t that in ’36?

**WARREN:** Oh, let’s see.

**FRY:** That was Landon.

**WARREN:** That’s right! That was ’36. Thirty-two I went as a delegate to Chicago, yes.

**FEINGOLD:** And in both ’28 and ’32 did California vote for the candidate who finally won?

**WARREN:** Voted for Hoover, yes, in both of them.

**FRY:** In ’28, was that Coolidge?

**WARREN:** No, that was Hoover.

**FEINGOLD:** Coolidge was ’24.

**FRY:** So you missed the Coolidge [campaign]? You were not involved then in politics?

**WARREN:** No, I wasn’t at all interested then. Oh, I wasn’t terribly interested in ’28 or ’32, either. I know I couldn’t even afford to take my wife back to the convention then. [Laughter]

**FRY:** That would cool it. [Laughter]
In the '36 convention, how did you end up getting your name on the ballot? Who was it who urged you to put your name up?

Well, it was kind of a roundabout affair. The Republican party was very much in disarray in 1936, and there were no particularly outstanding candidates for the Republican nomination except the Hearst-promoted candidacy of Alf Landon, who was governor of Kansas at the time. There were a lot of us who felt that there ought to be more of a choice for California in the convention than Alf Landon, and the Hearst people were so vigorous in promoting him that we just didn't want to be tied to the Hearst interests in the thing.

So we decided that—Oh, and I had been elected in '36 to be the chairman of the Republican State Central Committee, and as I think I said in my manuscript, that I was elected more because of an absence of any other candidates than for any other reason, because I hadn't been active in that regard. But I was elected, anyway. So we decided that we would have—because no one else was actually campaigning for the presidential nomination at that time—that we would have an uninstructed delegation that would feel free to vote for the best candidate as they saw it at the time of the convention.

We intended to have an outstanding man who was known not to be interested in the presidency to head up the ticket, and we decided upon my predecessor, old General U.S. Webb, who was about seventy-eight years old at that time and well known in the state, but obviously without any presidential aspirations. He had agreed to do it.

But when the thing got hot, the Hearst people put the heat on Governor Merriam and got Governor [Frank] Merriam to endorse their ticket, and our ticket just seemed to crumble in public support. It was just considered pretty dead, and we just couldn't find anybody who would head the ticket up and run, you know, under the designation "these people, whose names follow, are committed to vote for John Doe," or whoever it was, for the presidency of the United States. We couldn't get anybody to do that.

So finally they said to me, "Well, Earl, you started this thing, and if you're going to finish it, you'd better finish it in your name."

So I didn't want to give up, and I said, well, if that's the only way we can put it through, why, we'll do it that way but with the complete understanding, both publicly and privately, that I was in no sense a candidate for the presidency, and that I would release them the minute we were elected, if we happened to be elected.

22. U.S. Webb was still attorney general in 1936, and he was sixty-eight years old not seventy-eight (born in West Virginia, 1888).
So we went on, and it looked for a long while like it was a hopeless campaign. I remember George Cameron, the owner of the Chronicle, was on our delegation, and he was very much interested in it, so he thought that because of the good names we had in our delegation that it would impress people to have these names printed every day, so he required his paper to put our ticket in the paper every day where it could be seen. And one day it showed up in the obituary column! [Laughter]

FEINGOLD: Who were some of the members of that delegation?

WARREN: Oh, I really don't remember them offhand, but there's so much literature on that—

Fry: Yes.

WARREN: ——newspaper stuff—that there's no trouble to find it.

Well, I thought we were gone, too [laughter], and one day George Cameron suggested that we have a luncheon of his over at the Chronicle at which there would be himself and Mr. Knowland and Mr. Hoover and me.

So I went over there, and we got to talking about it, and finally Mr. Hoover said, "Well, Earl, you've been around the state and you probably got a better feel of this situation than any of the rest of us. What do you think can be done to head off this surge against us?"

And I said, "Well, Mr. President, there's only one thing that I can see that would save us, and that would be if you were to say that you are not a candidate and you would not be a candidate for the Republican nomination." Because everybody was saying—the Hearst people were saying that [our delegation] was an undercover way of getting the nomination for Hoover again. That wasn't the fact, and I said, "I think, Mr. President, that's the only thing that would save our ticket."

And oh, he became so furious with me that he hit the ceiling [laughs] and said nobody was going to disenfranchise him, and so forth, and oh, he was just wild.

I said, "Well, Mr. President, you asked me what I thought, and I told you honestly what I thought." Well— But, you know, he never got over that; he never got over that. He was never really friendly to me again after that one statement.

But anyway, he wouldn't do it, but he had Chester Rowell, who was with the Chronicle at the time and formerly the publisher of the Fresno Republican—[Hoover] had him make a statement to the effect that he had talked to Mr. Hoover and he knew that Mr. Hoover was not at all interested in the primary campaign. I don't know whether it helped any or not. Not nearly so much as if
[Hoover] had, himself, said that.

But when the election came off, we won by a hundred thousand, and of course I immediately released the delegation. We went back to Cleveland. I think it was—wasn’t it in 1936?—yes, I think it was Cleveland—and no [other candidate] showed up, and Landon had a clear majority of it, so everybody voted for Landon on the first ticket. That’s the story of that.

FEINGOLD: Did Mike Kelly and his people play any role in that campaign? Were they allied with Hearst, at all?

WARREN: I don’t remember at the moment. Mike was a Republican, and I’m inclined to think that Mike was for Landon—for the Hearst program—but I’m not at all sure. It didn’t affect our relationship, any here in the county.

FRY: Was that when you had to make a speech against Hearst?

WARREN: Yes, I did make one. I didn’t have to; I made one, against the objection of my friends. You put words in my mouth, you know, when you said, “Did you have to do this, did they make you do that?” [Laughter]

They didn’t make me; I did it myself because I felt it was one way we could kill off some of that influence, because—My friends all said, though, “Don’t you make a speech against Hearst because he’ll never forgive you, and he’ll just be after you the rest of your life.”

I said, “No, we’re in this thing, and we’ve got to do what we can to make it work, and I’m going to make a speech and it’s going to be about Mr. Hearst, and it’s going to be announced as a speech against Mr. Hearst.”

And so I did, and, I don’t know, [it was] either a Friday or Saturday before the election [that] I made a statewide radio broadcast speech. And I took him on on two counts: that was that Mr. Hearst had no right to try to dictate the policies of the Republican party, because he had never been a Republican in his life, which was the fact; and, secondly, he had no right to try to control any kind of politics in California, because just a year or two before he had renounced his citizenship in California and had gone to New York because he didn’t want to pay our taxes. (He was against the income tax, and he announced in his papers that he was leaving California because of the income tax business.) So I took him on on those two counts, and that’s all I—

FRY: But then he did support you after you did that!

WARREN: Oh yes, he did. I saw Clarence Lindner afterwards, and he said, “Well, the old man and I sat up and listened to your speech the other night, and the old man had to agree. He said it was a pretty damned good speech. [Laughter]
Yes, yes. I never talked to him about it, but I saw the old man after that on occasions and he wasn’t unfriendly to me, [ever?].

Fry: So there never was any retribution, then?

Warren: No, never, never. In the later years, the Hearst papers were always joined against me—about the last three or four years I was in California—but it wasn’t because of that. It was because they wanted a crew in there they could deal with, don’t you know, and they wanted [Goodwin] Knight, my lieutenant governor, to be the governor, and they tried everything possible to shake me loose and to get him in there, but I just stayed put and wouldn’t— And [he?] finally withdrew.

Fry: Was that because of any particular issue, or what?

Warren: Oh, I think it was because they didn’t—well, I really don’t know. Fellows like Dick [Richard] Carrington turned against me, and it was something [to do with] national politics. I think it was because I didn’t go along with Taft in national politics, and they were for Taft and MacArthur and people like that, don’t you see. Not the MacArthur then, but Taft in those days.

Dick [Richard] Berlin was [still?] another.

The old man died and [the Hearst newspapers were] in the hands of a group of trustees—the papers. And Dick Berlin of New York [was] the head of it. He’s a kind of a dictatorial fellow and likes to be a king-maker and so forth, and so he dictated the policy, I’m sure, against me out here.

Influence of the Press

Fry: You addressed yourself a while ago to the theory about the Knowland influence in Alameda County.

Warren: Yes.

Fry: You might want to also talk about the theories of the political trinity. You probably have read some writers who have said that you were backed by the Chandler-Hearst-Knowland political trinity in the newspaper world—and sometimes it goes Knowland-McClatchy-Hearst. You know, it varies with whoever is writing.

Warren: Well, I tell you, they could just as well—at the time that I was first elected governor—they could just as well have added to that Knowland-Cameron-Chandler-Hearst list, nine-tenths of the newspaper publishers in California, because they were all for me.
Fry: [Laughter] That was a funny shaped trinity!

Warren: Well, it is, it isn't a trinity. They were practically—the Democratic press was just almost nonexistent in that campaign. A very few smaller papers in the state were for Olson, but not very many, and I had most of the newspaper support then. And, yes, it would be Mr. Knowland and Mr. Cameron and Mr. Chandler, and the various publishers of the Hearst papers were then all very, very favorable toward me.

Fry: Oh, now, McClatchy—McClatchy was not for you in '42, was he?

Warren: No. They maintained a fairly neutral stance, but they liked Olson. They were part of the New Deal, and they didn't give me any great break. They gave me a great break all the time I was attorney general, and a great break all the time I was governor after the election, because I liked Walter Jones and he liked me, and the McClatchys liked me too. But they were oriented [toward Olson]. But they didn't harm me any way in the campaign. They were not really against me.

But, oh yes, sure, I know they say that—most of the time they put it that the Knowland-Chandler-Cameron trinity [were the ones] who were responsible for me.

Fry: Were your allies, yes.

Warren: Well, in the sense that they were all very friendly, I suppose that they were considerably responsible, but no more than the others. Take all these other newspapers in the state—some of them were just 100 percent for me. But some people are inclined to write those things in terms of aggressive political organization support. Now, there was no organization support—common support—given by the Hearst papers and Joe Knowland, or George Cameron and the Hearst papers, or Harry Chandler and the Hearst papers. They just didn't sleep in the same political bed, as a rule. But they all were either for me or against Olson and, you know, many times people support a man not because they are particularly for him, but because they're more against the other fellow.

Fry: Yes.

Warren: So you get a lot of support of that kind, and you never know whether they're really your friends or whether [laughs] you're just the least objectionable to them.

Fry: Well, can I ask some more questions on the attorney general, or [speaking to Miriam Feingold] do you want to go on with more district attorney ones?
Chapter 8: Additional District Attorney Prosecutions

*Shipboard Murder Case*

FEINGOLD: Well, I just had a few questions on the Shipboard Murder Case.

FRY: Oh, good, that's good.

WARREN: Oh, sure. Go ahead. [inaudible comment]

FEINGOLD: Do you want to get into that? I know that there was quite a to-do with the question of Conner's confession, and that the defense claimed that it was not a voluntary confession, and I wondered what kind of instructions you gave your deputies and investigators about their behavior when questioning suspects and taking confessions.

WARREN: We had no real problems of that, because I was always alerted to the third degree, so-called, and I didn't approve of it, and I don't believe that my men were ever guilty of any third-degree methods. [Suspects] were advised of their rights, that they had a right not to talk, they couldn't be compelled to talk, but if they did, their testimony would be used against them, and so forth.

But as to Conner, there just wasn't any question about Conner because they sent him out to the—His confession came not to me or not to any of my officers, but to the doctors out in the county infirmary—the county hospital. The defense had made some claim that he was not competent, and so they put him out there because he'd said some things that would hurt the rest of the defendants to beat the band, you know, as well as himself. So they sent him out there, and he told them the whole story without any probes at all. And of course they claimed that it wasn't free and voluntary, but nobody testified that it wasn't.

FEINGOLD: I was under the impression that [your deputies] had also spoken to [Conner] at the Hotel Whitecotton, and his defense argued that they kept him awake for a number of hours.

WARREN: Oh, they had things over the radio that we had put blinding lights on him, you know, and kept him awake and tortured him until he confessed, but nobody ever testified to any such thing. That was all propaganda on the radio in those times.

Harry Bridges came over here and had big meetings over in the auditorium, told about all the horrible things we had done, and so forth, and claiming the innocence of these people, but nobody [Warren bangs his fist on the table] came to court and testified to anything of that kind, and that's what you judge cases on. King and Ramsay and Conner never testified that any of their statements
had been involuntarily taken. There wasn't any question about the fact that they spoke voluntarily and that there was no coercion.

There was only one thing that we did that these days we wouldn't do because the law, as the [U.S.] Supreme Court has declared it, is [to] be more careful to see that guile as well as force is not used to get a confession from a man. And in those days we would hold a fellow longer and the officers would try to be friendly, maybe. Now I'm speaking of my officers—I'm not vouching for the police and the sheriffs and so forth—but my officers might talk to him and might take a long time in getting an answer from him, but never by any force.

Now since that time, the Supreme Court has held that you just can't induce a man either by guile or by force or any other way to make a statement that can be used against him. I'm sure that judged by present-day standards, some of our statements would not be accepted today. But I'm also reasonably sure that none of my people ever indulged in any force or coercion or any threats to get a man to confess.

[Gabrielle Morris says good-bye and departs]

FEINGOLD: How much help did you get from the San Francisco police in gathering evidence for that case?

WARREN: For which case?

FEINGOLD: The Shipboard Murder Case.

WARREN: Oh, I don't know. I don't think it was very much. I wouldn't say. Do you remember, Warren?

OLNEY: Not that I know of.

FEINGOLD: I was wondering, because I was under the impression that San Francisco had a reputation of being a fairly pro-labor town, and I wondered if there was any feeling that they really didn't want to have anything to do with this case because it would involve them with [inaudible]? 

WARREN: I don't think they had anything to do with it officially.

FEINGOLD: No, they didn't, but I wondered if perhaps they were reluctant to give you any assistance.

WARREN: No, I don't remember any reluctance. The chiefs of police over there were my friends in those days, and I have nothing but favorable recollections of the treatment that I got from the chief of police while I was district attorney. They were very helpful to me.
I remember when we had our rash of bank robberies that came off in the twenties, I guess it was— When they started having all these branch banks of the Bank of America, they used to knock them over like they were grocery stores, you know, or for a while there, and I've forgotten how many we had, but the fellows would rob them here and go over to San Francisco. For a long while there, San Francisco police caught practically all of our bank robbers for me [laughter], and would bring them over here.

Every once in a while Duncan Mathewson, who was the chief of detectives over there, who hated bunco men as I did and couldn't get much action over in San Francisco from the district attorney's office, but he would find that they had stepped over our boundary at some time during the thing, and he'd call me up and he'd [laughs] say, "Mr. Warren," he said, "we found that so-and-so in the commission of this offense was over in your county. He went through there in the airport, and he did so and so, and I wonder if that wouldn't give you jurisdiction?"

So I took two or three of them on that, and we convicted them, too. They reciprocated in all ways—San Francisco police did to me. As a matter of fact, for I guess twenty years—about twenty years, every one of their annual police balls that they had over there in San Francisco, I headed their Grand March. They would always introduce me as their "real friend and honored guest," and so forth. So we got along very well. They were very helpful to us, and we tried to be to them, too.

FEINGOLD: I was also wondering, getting back to the Shipboard Murder Case, if you used secret operatives at all in unions to help gather evidence.

WARREN: Oh, we had undercover operators in all of our big operations. You've got to do some undercover work, and we did there. I don't know that we had any undercover work in the unions, but we had—some of the members—one of the members of the union was our principal witness. He was the assistant secretary; Murphy was his name, and he was one of our principal witnesses against them.

At that time there was an awful lot of Communist activity on the waterfront, and every once in a while we would find someone trussed who'd come up from the bay out there—you know, was undoubtedly the victim of some waterfront activity. The Communist movement was very active in there, and we made it our business to know what was going on in the Communist movement around the bay and used undercover people for that. But I don't know that we ever had any undercover men in any union, do you, Warren?

FEINGOLD: Does the name Mathew Guidera ring a bell?

WARREN: Yes, Guidera is a name that I remember.
FEINGOLD: He was involved in the case.

WARREN: Guidera—yes, I remember.

FEINGOLD: He was a friend of Murphy's.

WARREN: I remember the name of Guidera, but at the moment I just can’t place him. Murphy, Murphy I remember very well, and the part he played in the situation. But Guidera—[turning to Warren Olney] Do you remember that name?

OLNEY: Yes, I remember the name, but I have the same difficulty that you do. I can’t remember what part he played.

WARREN: It doesn’t strike me as a very important part that he played in the thing. But I just don’t remember at the moment. If I read some of the clippings on it I could probably refresh my memory quickly.

NICHOLS: Later on Harry Lundeberg and his union supported you openly, and [was] one of the very few labor unions that did.

WARREN: That’s right.

NICHOLS: Did that affinity stem from this period?

WARREN: Well, I’ll tell you. I don’t know that— It stemmed from this period, yes, but I don’t know that it stemmed from anything we’ve been talking about. But the Harry Bridges group was violently opposed to Harry Lundeberg. Harry Lundeberg was the president of the Seaman’s [Sailors’] Union of the Pacific, and Harry Bridges was the head of the Longshoremen’s association—I’ve forgotten the precise name of it now. But they were bitter antagonists. Harry Bridges was very much against me and was very much for these people in the ship murder case. Harry Lundeberg was my friend all through the years when I was governor. I don’t remember that I knew him at that time—I mean while I was district attorney. I may have, but my memory doesn’t go back to that. But I remember [that] when Jimmy Roosevelt ran against me Harry Lundeberg had just built a big building over there on the waterfront right alongside of the bridge, and he said, "Governor, I want to have—" Oh, he prided himself on the fact that he had the biggest auditorium in any private building in San Francisco, and that it was air-conditioned, and there were only two or three air-conditioned buildings in San Francisco at that time. He said, "Governor, I want to have a union meeting in my building for you here, and I want you to come over and talk to these fellows."

Well, I was a little reticent about it because the waterfront union and Harry Bridges were pretty strong, and so forth, and he [Bridges?] was a pretty powerful figure, and I didn’t want to have a row in the meeting, you know, that might jeopardize the campaign, so I was a little reticent about it. And Harry said—I told him what my views were—"Oh," he said, "Governor, you come over to my
building. I'll fill this building to the rafters," he said, "and you won't have any trouble, either." He said, "You come over. I'll bet you that I'll bring you a bigger meeting than Jimmy Roosevelt with all of his labor endorsements could get.

I said, "All right, Harry, if you think that, you go ahead and have it, and I'll be over there and I'll talk to them."

So I did, and Harry sure filled that building, too. [Laughs] We had quite a meeting over there and had no trouble at all. They were very friendly to me all the time I was there. But just when I became acquainted with Harry, I don't recall at the moment.

FEINGOLD: I guess we were just wondering about one other thing, which is that you mentioned, I think, in your autobiography that during the Shipboard Murder Case that at first they were holding court at night, and then the jury foreman eventually asked if they could discontinue the night meetings because they didn't like walking through the picket lines.

WARREN: Yes.

FEINGOLD: I was wondering if that picketing of the courthouse could be at all construed as intimidation of the jury?

WARREN: Sure! [Warren laughs, and several voices in the background express agreement] That's all they were there for! That's all it was there for! And the judge wanted to declare them all in contempt and wanted to commit them for contempt, and I talked him out of it. I said, "Just where are we going to take care of a thousand people? We just haven't the jails to do it, we haven't any place we can do it." I think we had something like sixty thousand people on strike at that time—'36—and I said, "They can just be pouring them in here by the thousands, and what are you going to do with them?"

So [the judge] finally said, "All right."

And I said, "The only thing to do is just lock up the jury and try our case."

FEINGOLD: Is that why the jury after that was kept in the hotel?

WARREN: Well, I'm not sure whether that—I have an idea maybe we, because of the importance of that, we locked them up. I might have said, "Keep them locked up," instead of, "Lock them up." I kind of think we started, as we did on most important murder cases—big murder cases—if they were going to be of any length at all—we put them—we kept them in a hotel. And, I think we probably did this at the beginning of the trial.
FEINGOLD: So this wouldn’t have been done in any case?
WARREN: What?
FEINGOLD: You wouldn’t have locked the jury up most times?
WARREN: Oh no, no. In the average case we don’t do that. But in an important murder case, yes, we do. We did most of the time, didn’t we, Warren?
OLNEY: Oh, yes—big murder cases. But in some others—I think when Joe Lacy was put on trial we had to lock up the jury. [Laughter]
WARREN: Yes, we had to lock them up, I think!

Joe Lacy Case

FEINGOLD: What’s that story?
FRY: What’s Lacy? Who is this Joe Lacy?
OLNEY: Lacy was a local lawyer.
WARREN: [inaudible]
NICHOLS: What was he up for, Warren?
WARREN: For extortion. We put him in the penitentiary for extortion. There were about twenty fellows in San Quentin who were available to us for witnesses to testify that he took money from them on the theory that he was going to fix the district attorney and the judge, you know.
OLNEY: He kept making promises to them.
WARREN: He’d make a promise and then he’d say, "Now, they can’t do it right away; the only thing for you to do is plead guilty, and then they’ll change [your sentence] afterwards," don’t you know. Then they’d go up there. So finally we got on to him, and we prosecuted him for extortion, and we brought down a whole bunch, a whole flock of prisoners from San Quentin. I remember one fellow was named Miller, and he had been there for operating a still, and oh boy, Lacy had taken him to the cleaners, and so I said to him, "Well, Miller, you know I”—(this was after they’d testified and the case was over)—I said, "Miller, I always understood that you folks up there in the penitentiary had a code that prevented you from testifying against anybody, no matter how bad he was."
And he said, "Yes, Mr. Warren, we do have such a code, but," he said, "you know, the last word I heard when I left San Quentin was, 'You bring that so-and-so Lacy back with you, or don't you come back.'" [Laughter]

Nichols: They made an exception in his case.

Feingold: I can see why you had to lock up the jury.

Nichols: This was protective custody, really.

Olney: Well, we had had to try him twice—the first time he did get to a juror. We got a disagreement and had to try him again. And then, after the case was completed—the testimony was completed—the jury was to be instructed the next day, and when the jury got there, Lacy didn't show up. We had to wait and phone around and whatnot, and no Lacy. He was let out on bond. I guess this was after the jury had reached their verdict.

Warren: That's right. It would have to be. He got it from those bailiffs. He heard that he was convicted, and so he just— He was there until a half hour beforehand, and when they got a verdict, why, he was just on his way out to the—

Olney: He was gone for over a week. We had to keep the jury out.

Warren: Yes. In those days the law didn't provide for recording a verdict in those circumstances. A man had to be present at the time the jury returned the verdict, and if we couldn't produce him, why, it wasn't any good. So we kept the jury in detention for about a week until they finally caught him down in Los Angeles. And we brought him back, and then the jury returned their verdict of guilty, and he was sentenced to San Quentin.

But right after that we went to Sacramento and had the law changed so that if a man absconded that way we could—the jury could bring in the verdict and it would be effective even in his absence.

Olney[?]: I bet that jury was so mad at being locked up a week that they would have sentenced him—

Warren: Yes, I'll bet they were madder at us than they were at Lacy before it was over. [Laughter]

Olney[?]: [Lacy] was telling everybody that he could bribe judges—

Warren: Beg your pardon?

Olney[?]: His device was that he could bribe the judge, or buy off—
WARREN: Yes, sure, he could buy off the district attorney and the judge and they'd take care of him, you know.

NICHOLS: I guess for the usual criminal type, they would believe that more readily than they'd believe a legitimate prosecution of their case.

WARREN: Oh, sure!

FRY: Well, in a lot of counties they could do that, I guess.

WARREN: There are some places in the country they can.

NICHOLS: Speaking of which, did you?

WARREN: Had that right up, apparently—had that right up in San Joaquin County just recently. [There] actually was a superior [court] judge up there who was just convicted of about [a] dozen counts of bribery up there for doing exactly that. He was just sentenced to prison the other day.

Integrity of the District Attorney's Office

NICHOLS: I was just going to ask if there were any cases of attempted bribery of your staff, of anybody during your district attorney or attorney general days?

WARREN: No, I never—

NICHOLS: Was anybody approached, or—?

WARREN: I never heard of any, did you, Warren?

NICHOLS: That's [remarkable?] in itself. It's an indication of the integrity that you established.

FRY: Didn't even try!

WARREN: It's all the way you live, you know. Now, I found a lot of law enforcement gatherings where I've heard people tell about turning down five-, ten-, fifteen-, twenty-thousand-dollar bribes, you know, and so forth, and I just say to myself—when I hear that, brother, you'd better look to your conduct, because you're living in a way that makes these people believe you're susceptible to a thing like that. If you don't show that you might be susceptible to something like that, nobody's going to come up and offer you $25,000, or any thousand dollars, to fix a case. They just don't do that. That's not human nature. They've got to have the idea from the way you live or the associations you have that
you’d be susceptible to it. If not, they don’t—

I had one case that I always thought the fellow was approaching me, and if I’d given the least opening he would have done so, and that was that judge out in Pleasanton, who was a nephew of Judge Harris. Remember?

MACGREGOR: No, I don’t remember.

OLNEY: I don’t remember him.

WARREN: Well, anyway, he could practice law, too, because he was in one of those justice courts. And I had heard that there was a movement on to fix a case, or to get a fellow out of the county jail who had been convicted of statutory rape of a little girl who worked for him. He was a plumber—had a plumbing establishment, I think. So we had convicted him, and he was over in the county jail. One day this lawyer came in to [see] me and he said, "Earl, I want to get so-and-so out of jail."

And I said, "You can’t get him out of jail, because he’s over there convicted, and he’s very lucky that he didn’t go to San Quentin for a term of years, and he can’t get out."

"Oh, I know, but don’t be so tough," and so forth, and we talked for a little bit. And he finally said, "Do you know what this means to me? This means $5,000 to me if I can get him out."

And I said, "Well, it wouldn’t make any difference if it was fifty, you can’t get him out, Charlie." ([The lawyer’s] name was Charlie Graham, or Grove, or something.)

MACGREGOR: Gail?

WARREN: Gail! Yes, [bangs the table] Charlie Gail. He was the brother of the jury commissioner. Don’t you remember old Charlie Gail?

OLNEY: Yes, [hesitantly] sure.

WARREN: He was a nephew of Judge Harris.

OLNEY: No, that I’d forgotten.

WARREN: And I’m just sure that if I’d opened the door one inch there, he’d have approached me.

NICHOLS: It sounds that way.
WARREN: But I don’t know—It wouldn’t have made any difference if it was $50,000 to me, he couldn’t make it. So he got [mad?] and went out, and that’s all. But I think that’s the nearest I ever came to anybody wanting to offer me a bribe, and I just interpreted that language of his that way. I may have been wrong, but I don’t think so.

OLNEY: Is my recollection accurate about this? This is something that I recall your telling me—nothing that I knew about. When you were first district attorney, you would be asked occasionally by your predecessors—one or another of your predecessors—after all, you had about five district attorneys practicing law around there—to come up to the office, they wanted to see you. And when they did that, you always went to their offices instead of having them come to you, and that you finally came to realize that you were going in there talking to these lawyers and there were clients sitting out there watching you go in. [Laughter]

WARREN: That happened once with me.

OLNEY: Is that right?

WARREN: Yes, I remember that very well, and that was just to impress the clients on their fee—[that] the district attorney came up to see them [their lawyer?]. That was the last time I did that! [Laughter]

We were all friends, you know, all friends. It goes back to the days when—well, the turn of the century. You know, there never has been a district attorney beaten in Alameda County this century. It’s always just been a matter of succession to the office. For instance, everybody who’s been district attorney since I left was out of my office and was one of my assistants when I was there, until Lowell Jensen came in just a couple of years ago. He was the deputy of one of my former deputies, and so we were all friendly people, but some of those people represented people in criminal cases. And I did have that experience once, yes, but that was the last time I went to see anybody.

FRY: How do you catch on to those things?

MACGREGOR: I can tell you. He has a sixth sense. [Laughter]

WARREN: Well, anybody can sense it when you’re in the atmosphere of the thing, you know; you feel things very sensitively, you know. I think almost anybody would have that perception if he was willing to analyze his conduct a bit.

FRY: [Laughs] And he were a district attorney named Earl Warren!
Chapter 9: Concerns as Attorney General

Lobbying and the Philbrick Report

Fry: There were a couple of things that I noticed are not in your manuscript, probably because they're of local interest, but I wondered if you would want to comment on the Philbrick report—when you were attorney general—on lobbying?²³

Nichols: [inaudible]

Fry: Is that in there? [referring to Memoirs] Oh, I didn’t see that.

Warren: I mentioned it tangentially. I told about when I came into the governor's office, I found it all wired for sound, and also, how I disposed of that by calling the leaders of both houses of the legislature in, showing it to them, and assuring them that there wasn’t going to be any such surveillance during my term of office.²⁴ Because I was afraid if I just went ahead and crossed it over then, then when I left the evidence would still be there, and they'd look in and think, "My god, all the time Warren has been here he's had everybody under surveillance who's in the office," and I didn't want that. So I called them in and told them and said publicly that there wasn’t going to be any surveillance of that kind during my administration.

One reason that I was anxious to do that was because the governor [Merriam?] had had an investigation of the legislature, primarily, and in it they found, over at the Senator Hotel, they found recording machines, you know, where they could take all kinds of testimony. And then they found a mike in the bedroom of the speaker of the house, speaker of the assembly.

Feingold: Was that [Gordon H.] Garland?

Warren: Beg your pardon? Garland, yes, and they found that over there and it created a great scandal.²⁵ Now, that was all the Philbrick thing. I didn’t bother to name Philbrick, because it wouldn’t make any difference who he was, but that was Philbrick who did that, and I just didn’t want to comment too much on the thing.

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²⁴. Memoirs, p. 169

²⁵. Garland as newly elected speaker in January 1940 publicly pulled out the wires on a telephone on the rostrum in the assembly chamber which newspapers reported "was connected directly with the office of Governor Olson." Burke, p. 121.
other [than] to say that much, because that was all publicized, don’t you see, and Philbrick was the fellow who did all of that.

Olney: Chief, your recollections have fallen, and you’re getting mixed up on Philbrick. That fellow who put that thing in was Henderson. He was a—

Warren: I know, but he was with Philbrick, too.

Olney: The Philbrick report that you’re talking about was the one on lobbying activities. It involved Artie [Arthur H.] Samish—

Warren: Do you think that doesn’t involve the legislature?

Olney: Yes, sure it involved the legislature. But this was quite a different thing. He produced a big document, a great big document that was supposed to have all the low-down on lobbying. It was quite separate, quite distinct from this wire-tapping.

Fry: Maybe this was the investigation for that report, could that be [it]?

Warren: Philbrick was in that whole mess there.

Olney: Philbrick was hired by Olson to undertake this thing.

Warren: So was Henderson.

Olney: Yes, Henderson was too. I don’t think those things are the same.

Warren: Well, one might be an extension of the other, but they were all mixed up, anyway, and I didn’t want to get into the thing. It didn’t prove anything—the Philbrick report.

Feingold: No, except that there was a dispute about whether it should be made public, and I think that’s where you came into it. Because Olson wanted it to be made public and—

Fry: Well, it was released in the legislative record, and then unreleased very quickly, and the legislative record for that date was ordered reprinted, and it was, so that there were just a few copies extant of it. And then there are some press stories that say that Governor Olson wanted a copy of it and it was in the attorney general’s office. It took a few days, apparently, before you could release it to the governor, because I think you were going through it to see if any innocent people would be hurt, or something. Do you remember any of that?

Warren: Well, I remember now that there was some report that came to me in a public way—no, not secretly, of course, but came in a public way—and then they wanted to withdraw it so I couldn’t see it. I just wouldn’t let that be done.
Fry: Maybe that's why Olson wanted it.

Warren: That's why they wanted it, before I could see it. I just don't operate that way. If anybody gives me a report they're not going to take it away from me, if I can help it, before I have a chance to study it and see what's in it. I think that's the only extent I was in the thing. I don't remember anything else, do you?

Feingold: I just remember that you—the one little note we have about it, that you said about the report that there were too many unsubstantiated statements in it, and that it shouldn't be made public.

Fry: But then later on it was released, and I think Olson ordered fifteen—a large number of copies—fifteen hundred or something like that to be printed.

Warren: I don't have a clear—

Nichols: It didn't have wide circulation, as I remember.

Fry: No.

Warren: I don't have a clear recollection of it. But I remember them coming over and trying to get it out of my office, and I just told them that I wouldn't give it to them until I had a chance to see it. They said, "Well, the governor wants it," and I said, "Well, he'll just have to wait, that's all."

Artie Samish

Fry: This was about the first anti-Samish action that had ever occurred— with this report—and it did go into the activities of Samish and some of the other lobbyists. But then nothing was done, and there was no legislation that came out of this at that time, because this was in April of 1938 or '39—1939, yes, right after you took office.

Warren: Yes.

Fry: And then nothing really happened until about ten years later when—

Warren: When I put through the lobbying legislation.

Fry: Right, the Collier Act and all of those.

Nichols: And this was the end of Samish and the beginning of lobbying controls in 1949.
WARREN: Yes. Of course the evidence that sent Samish to the penitentiary was all gathered by this man right there, Warren Olney, and was given to the Kefauver Committee, under our Crime Commission. And that's what broke Samish, was that thing, and Samish says so in his book.26 Did you see his book?

OLNEY: I saw the book.

WARREN: [Laughter] He speaks well of himself, doesn't he? [Laughter]

OLNEY: He does, quite well of himself. It has an index, so I looked up my own name in the index to see what he had to say about me. And then I started in to try to read the thing. You know, he started off in my father's office.

WARREN: Is that so?

OLNEY: Yes, as an office boy.

WARREN: Well, I declare! He and I started together in the legislature—

OLNEY: I know you did.

WARREN: —— in 1919.

OLNEY: I knew that too. But I just couldn't stomach the rest of it. I couldn't bring myself to read it all.

FEINGOLD: What sorts of things did he have to say about you?

OLNEY: Well, he lays his downfall to animosity that he incurred when we had him before the Crime Commission and I was questioning him and he wouldn't give proper answers to the thing. He describes me shaking my finger at him. And then animosity on your part too [to Warren], and he says that when I went back to Washington and I was in the criminal division of the Justice Department, that this was your doing and that it was on your inspiration that we got him indicted. None of it is——I mean it's completely inaccurate, and yet I can't——I can see how he might get that notion. There was the strangest series of coincidences in that matter.

The Crime Commission got interested in him not because we were investigating lobbying, or because we thought he was particularly a racketeer, but we kept running across him all the time with these big hoodlums——

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—people like Myalaski and [Benjamin] Bugsy Siegel, and real out-and-out eastern racketeers and criminals. When we were getting information about their activities we kept running across Samish. He used to go to Hot Springs, Arkansas, in the winter, and he just loved to pal around with these fellows and liked to talk with them.

And then we found there was a big bookmaking operation going on down in San Mateo County, and we kept running across Porky Flynn and Jasper. We ran that out and we were able to verify—they were actually in and out of the place, and the information we were getting then was that Samish was bankrolling this. Well, this was one of the biggest bookmaking operations—it was a layoff center for laying off bets all over the country. So of course, with that sort of [thing?] we gave him a pretty thorough scrutiny, as thorough as we could. And we concluded that for some reason he liked to run around with these people. He liked to talk with them and be with them. But we never thought of him as a gangster or anything of that kind. And we knew enough about him to know that his method did not include the payment of bribes—he didn’t do that, he didn’t have to. He selected the people who were elected. He took the money up to get them—just as he describes in his book. That was it.

When I went to Washington, which was before you did, it was before you came back as chief justice, at lunch one day with the other assistants in the attorney general’s office, Brian Hahn, who was in Boston and was in charge of the tax division, told me that he had just been going over a file from California in which he had to act and act very quickly—that was a case where the statute of limitations was going to run [out] in less than a week—the week. The Internal Revenue Service thought it was a good case, but it was circumstantial, and he [Hahn] wondered if I’d ever heard of the fellow, and he said his name was Samish.

Well, I said, “Sure, I’ve heard of him.” I said, “What’s the gist of the case?” Well, he told me in general what it was and I said, “It sounds familiar.” [Laughs] So he asked me if I’d read the file, which I did, and when I got their list of witnesses, these were all people I’d examined myself before the Crime Commission. These had to do with how he was making his money and his expenditures—the expenditures that weren’t accounted for by his returns.

So Brian and I went in to see the attorney general about this and there simply was no time for the tax division to get anybody ready to put this out before the grand jury, so they sent me out to San Francisco and I presented that case to the federal grand jury in San Francisco. We got it in within the statute of limitations. Now, Samish knows that, that I came out and did that.

I did not take any part in the trial. Lloyd Burgess started the case, and I didn’t have to have anything to do with it. But like I said, I didn’t need any preparation to put that thing on with the grand jury, but that was pure circumstance.
Yes. [Laughter]

But he wouldn’t believe that!

[Laughter] He’d never believe that.

Never, never. No, he would think this was surely a plot.

Tony Correro and the Gambling Ship Case

Well, that and the way that you bumped into the Correro—the other end of the Correro story in the Pacific—were two coincidences that were pretty lucky in your case.

[To Warren] I don’t think I’ve ever even told you about that.

I don’t know.

I noticed in your manuscript that you mentioned that during those ship cases we did our best to find out who Tony’s backers were, without success. I think you said that years later Tom Clark had told you that he thought his [Tony’s] backers were Chicago gangsters—the [Syndicate] group.

That’s right.

That ain’t the way it looked to me. [Laughter] His support came from the South Pacific, and I’m pretty darned sure of this. [To Warren] Did I ever tell you about this?

No.

Well, when we were trying to make our inquiries, one of the men that we worked with was an investigator for the alcohol tax unit, a fellow named [William] Dresser, who had been more or less concerned with Correro for years. One of the things that he had was a very large judgment for unpaid alcohol taxes due to Tony’s having operated a still.

Dresser and I had many conversations about Tony, and about who the people were that were supporting him and backing him, and Dresser said that they had never been able to get fully satisfactory information on that, either. But he said there was a case that had happened during Prohibition when Tony was involved with rum-running operations, and on one of these rum runners a

27. See Katcher, p. 244.
dispute had arisen between the owners of the cargo and the owners of the ship, and they'd had to go to law about it. Of course nobody could be frank about what the real nature of the ship was, and they didn't have to, to settle their difficulty.

So this thing had been litigated in the United States District Court in Los Angeles, between the ship owners and the cargo owners. He [Dresser] said, "We became convinced that the cargo owners were Tony's backers—"

WARREN: Who?

OLNEY: The cargo owners on this ship case were his backers during his rum-running days. He said, "I think he's been playing along with the same people right along."

Well, Oscar [Jahnsen] went down and got a copy of the complaint or something—anyway, got the names from the file. None of them were familiar to us; we hadn't seen any of them before. Most of them were in the names of individuals, maybe a half a dozen. But there was at least one corporation, and maybe more, that was mentioned, and those I tried to identify simply by looking them up in the telephone book. Here was one—Burnes Philip was the name. They were listed in the Los Angeles telephone book as importers, and in San Francisco as importers.

NICHOLS: They're a big trading outfit.

OLNEY: Well, to me, I just thought it was some local California importing outfit that I'd never even heard of. The name meant nothing and we did nothing with it.

But when I went into the marine corps years later, I was sent to Samoa, and when I got off the ship at Pango [Pago Pago], there are only three places of business in the place; the rest are grass huts. This was all very strange to me, the area and everything about it. But one of the businesses was Matson—that was the only familiar name I saw down there—and there was another one named Kneuble—K-n-e-u-b-l-e—had a store there. And then a second store, a large one, Burnes Philip.

When I got off the ship, they sent me in a truck to the air field and I went into the hospital—I had pneumonia. I spent the next month in bed at the air field with this pneumonia and nothing to do but think about it. These experiences of landing there in Pango were all very vivid. Finally it came to me that Burnes Philip—my gosh, I had heard that name! Then I couldn't remember that it— I was sure that it was in that list of names that Oscar had gotten for me.

So I wrote Oscar a letter and asked him if he could find this anywhere and send it to me. But he never was able to do it—couldn't find it. Well, after I got out of the hospital, out at the air field one night, we had some fliers that I knew who had been on the ship with me going out. They'd been up flying against the
Japanese in the [inaudible] area and were back for a little rest. We had dinner one night and decided we'd all go in to see the movie in Pango, because we didn’t have anything out at our [place]—no movies or whatnot. Four of us went in a jeep. On the way down, one of these fliers asked if we minded if he tried to look up a friend, or rather, it was the father of a friend. He said that he was engaged to a girl in Georgia and his fiancee roomed with a girl who came from the South Pacific somewhere, and she had always told him that if he ever got into the South Pacific to be sure to look up her father. He said he hadn't paid any real attention to this, but he thought that it was in Pango. Anyway, her name was Kneuble, and he spelled it for us and it was this name, K-n-e-u-b-I-e, which is on the only other store down there.

So we said we knew where to go and we went there and it was just absolutely black, with these stairs down the side of the building. The store was on the lower floor and the living quarters were on the second floor, and it's all black because to turn on the light attracts the mosquitoes and bugs.

Well, pretty soon our flier stuck his head over the balcony and said Mr. Kneuble was at home and we were all invited in. So we went up and we found Kneuble and two friends sitting on the deck in the evening, and they invited us to sit down, and we spent one of the most fascinating evenings that I ever spent, because he had been a trader all through the area. He had come there in World War I and married this native girl and set up this business, and he was the only living person we ever met who had ever been to Tarawa. This was just before we were going to make the attack on Tarawa, and to be able to talk to somebody who had actually been there and knew something about it and get his history and description of the place was fascinating.

There were two men who were with him, one of them was the postmaster and the other was the harbor pilot. Now, we were introduced to them when we came in, but it was completely dark—we only heard voices and shook hands. We went through this whole fascinating evening, and when we got out—on the way back (we didn't bother to go to the movie; this was better than any movie) we were talking among ourselves about what a remarkable experience we'd had and how valuable Kneuble was and how silent the other two were, especially the harbormaster. He just didn't open his mouth the entire time we were there. He was so silent that we remarked about it among one another.

About a month later I got shaken awake in the middle of the night by a man with a little mustache, and he had eagles on his shoulder, and it was a colonel. He turned out to be Colonel Baraco, who was the attorney general and provost marshal of American Samoa all in one package. He’s an Italian Texan and he has the outstanding qualities of both Italians and Texans. He was really a character. [Laughter]

He wanted me to undertake a criminal case to defend his brig warden on charges of maltreatment of prisoners. Now, that's another story, and I'll try to keep this within limits. I didn't want to take it, but I got ordered to take it. It
was a very dramatic trial in itself. It lasted for over a week.

I was extremely surprised to have Baraco come out there in the middle of the night—it was miles from where his headquarters were—to wake me up, because nobody out there knew I was even a lawyer. I had done everything I could to keep that in the background, because I was afraid that if they found out I'd be assigned to legal duty, and I didn't go out there for that. Well, in due course I got to know Baraco pretty well and I finally asked the colonel, "How in the world did you ever hear of me, and why did you come out and ask me to take this case on?"

"Well," he said, "I heard about you. I know you used to be assistant attorney general in California." I said, "Where'd you find that out?"

"Well," he said, "don't you know the harbor pilot?" (the harbor pilot in Samoa). I said, "I met him once down at Mr. Kneuble's house in the dark. I never actually saw him. What's that got to do with it?"

"Well," he says, "the harbor pilot is my roommate and," he said, "after that night that you were down there at Kneuble's house he came back and told me all about you." He still wouldn't give me a clue as to what it was, but finally he did, and he said, "Well, I'll tell you. The harbor pilot is Stanley, who was Tony Correro's captain of the Rex," and he had given Baraco a whole fill-in on the operations that we had against the Rex. But I hadn't remembered the name of anything, and by the time that Baraco told me this, Captain Stanley had been transferred somewhere else, down to [inaudible]. So I never got a chance to talk to him.

But here I had Burnes Philip, and by that time I had discovered what Burnes Philip was, that it's a great New Zealand-Australian trading operation. It's almost a monopoly down there. One could see what a natural this would be for rum runners, because here was American Samoa and British Samoa just next by and Burnes Philip in both places and business offices in Vancouver and offices all over California! They were interested in selling liquor—that's one of their big lines down there—so this was all quite interesting.

But later, after World War II was over, I came to open up an office in San Francisco and was going up California Street one day and I encountered Joe Scolls. [To Warren] You remember Joe—he used to be one of your investigators.

WARREN: Joe who?

OLNEY: Scolls. Remember Joe Scolls?

WARREN: No, I don't remember him.
Olney: Well, he's one of those—I don't know whether he was there with General Webster or not.

MacGregor: I think he was.

Olney: I think he was. He was there all the time you were attorney general. He was a good man. And he had worked on the gambling ship cases, too. And one of the things that we'd had him do was try to investigate Tony Correro's background and past. Well, Joe had gone into the navy, and I hadn't seen him since the war started. So we stopped and exchanged what had happened to us in the meantime, and he said he was back in the attorney general's office again—he'd taken his job back.

So I said, "Joe, what brings you down here?" And he said, "Well, you'll laugh. You know Tony's got this new ship, the Lux, and he's operating it again, and I'm down here trying to check on Tony's background." He said, "He's doing the same thing. He's A. C. Strala, agent. There's nothing in his own name, and we're trying to find out where the money came from." He said, "We ran into a large bank account, which is the initial capital, apparently, that went into this, and there's a check for $60,000 that went into that account and was drawn on the American Trust Company" (it was then). "And I'm going down there to see if we can identify what the account is on which this $60,000 was drawn."

I said, "Do you have the name or anything?"

"No, only the amount. But we have the date of the clearing—the day it went through the clearing house." So I said, "Joe, if you can't find it through the amount, ask them if they have an account there under the name of Kneuble." So I gave him the spelling of it and went on to my office. Well, a couple of hours later, Joe came in and he said, "Who is this Kneuble?" I said, "What happened?"

He said, "We couldn't find the check, so I asked them about Kneuble. They have an account there in the name of Kneuble from Samoa. And the sixty-thousand-dollar check was on that account."

Now, when we went back—Dresser told me; I haven't seen this myself—Dresser told me that in that original list of names we got that Kneuble's name was in there. Kneuble was backing Tony in Prohibition days. He had this little hole-in-the-wall store selling supplies to natives down there, and yet he was obviously a man of a great deal of money. He sent both of his sons through Stanford, and his daughters were all educated in the East. When we were there he had one little daughter left, of about ten or eleven years of age, and [she] used to go around and play the piano on Sundays for religious services in the encampments. And I had a friend just this summer who went through Pango, and she's still in there. Kneuble is dead, but she's there and married and has children of her own. The same little girl.
But I have no doubt at all that's where the money came from. For all of his [Corneo's] operations.

**Nichols:** From Kneuble in conjunction with Burnes Philip?

**Olney:** Sure. Oh yes, yes. I think that Kneuble must have been up to his eyebrows in rum running. That must be where he got his money.

**Warren:** Couldn't he have been connected up with the [gambling] people, too?

**Olney:** I don't think so. I don't think so.

**Nichols:** I don't think he'd need to be; the Burnes Philip operation is big enough [to support] anything they wanted. They have steamships, too, and they're all through the South Pacific. A very respectable, on the surface, trading operation.

**Olney:** I know, but—

**Nichols:** Of course, one never knows what's going on behind it.

**Olney:** Smuggling liquor—-for them, they wouldn't regard it as being anything out of the way.

This schooner that was involved in this lawsuit, according to the papers, he was on a voyage out of Samoa, with some other destination, I don't remember where it was. He had a headquarters down there at that time.

**Nichols:** That's fascinating.

**Baum:** I wonder if everybody would have these coincidences if they could only remember names [laughter]—-could keep remembering little things that happened to them.

**Fry:** If you could carry a catalogue of all those names in your head, we might all meet a lot more people that connected up with us.

**Nichols:** But there was never any effort made to follow through on that. Would there be anything under which you could prosecute if you could [prove] that there was a direct financial connection?

**Olney:** Well, this was all ancient history at that time. At the moment when Scolls was working on it, Fred Howser was attorney general—-

**Nichols:** That explains it.

**Olney:** —-and they weren't very serious about putting that thing out of operation.
Other Cases of Interest

Fry: There were some other cases, too—the Nazi Bund case that came up while you were attorney general. Did you handle that, Warren [Olney]?

Olney: The Friends of Progress?

Fry: The Friends of Progress!

Olney: Yes, I tried that one.

Warren: We were looking into all those things—the German, the Nazi thing, the Communist end of it, and so forth. We thought we were protecting ourselves pretty well along the line, and I think we did in some incidents, don't you, Warren?

Olney: Yes.

Fry: And the Christ Church of the Golden Rule.

Olney: Well, Earl Warren was governor at that time. Bob Kenny was attorney general.

Fry: Oh, was that under Kenny? Oh, I see. [To Stein] I got that information from you and didn't realize that was later. I guess that's in Kenny's manuscript.

Feingold: [inaudible]

Fry: Every time we go through old newspaper files and come across a story about an opinion from the attorney general's office we made a card on it. Some of these are no doubt unimportant and minor except that they were the ones that happened to hit the press at the time. There was one that had a lot of editorials and letters to the editor on it in the *Los Angeles Times* about a ruling on a child who failed to salute the flag. Do you remember that one?

Baum: Was it a Jehovah's Witness case?

Fry: It may have been a Jehovah's Witness case. I'm trying to find it here [in the card file]. It was in '41 in November, and here's the end of it. [To Feingold] Maybe you can go through and find the card on the beginning of it.

The *Times* editorial, in response to all these letters that came in on it, said, "Readers have either agreed wholeheartedly or disagreed violently with an editorial in the *Times* recently on the question of flag salutes by school children." This was following the attorney general's ruling that "children who refused to salute and are expelled can be made wards of juvenile court." Now, the *Times* took the position that too much emphasis is placed on the form of such salutes with blame being placed on children rather than parents. "Sometimes teachers do not pay enough attention to the spirit of true patriotism." One of the allies of the *Times* on this was Dean Edwin Lee of the School of Education at UCLA. And
then there was another one from a housewife who was against the *Times*, and she was the wife of Judge Russ Avery. Does any of that ring a bell with you?

**Warren:** No, that doesn’t, except that was the time, I suppose, when this matter was being litigated in the Supreme Court, and the first time that the court had it up it decided that it was constitutional to require the youngsters to salute the flag. Then within a year or two at the most, they completely reversed themselves and held that it was unconstitutional to compel them to do it. Now, I don’t know just what this time — maybe we were relying on it — maybe we were relying on the earlier Supreme Court case, I don’t know.

**Fry:** It’s interesting here, in the original card, on the start of it all, it says that this ruling was made. Then it says, “Governor Olson disagreed.” How can a governor disagree with a ruling by his attorney general? It seems to me that he would want to follow that.

**Warren:** He can disagree, perfectly — he has a right to, every right to.

**Fry:** That brings me to another question that would relate to something we were talking about earlier on the powers of the attorney general. What could you do regarding legislation? The reason I’m confused about this is that sometimes it seems that opinions can be given on legislation — on proposed legislation.

Chapter 10: Warren’s Relations with Governor Olson

*Partisan Rivalry; Attorney General’s Rulings; Special Legislative Sessions*

**Warren:** Can’t do anything, but what I did with all of my legislation — and I know by my last term I had had ten thousand bills presented to me for signature during the time I was governor — but I had every bill, every one of them, reviewed by the attorney general and obtained his views as to whether it was constitutional or not. I didn’t have to follow them, but I got his views, and I don’t remember any important cases where I disagreed with him. The thing was I’d put my own lawyers on it too, don’t you know, and I used to have a staff of about six or eight lawyers during legislative months going over all those bills to determine whether they were constitutional or not and giving me their opinion on it. I borrowed
some from the Department of Public Works, from their legal department, and some from some other department, don't you know, to supplement my own staff, and that was their job—to go through all of them. But, no, a governor has a right to both seek the opinion of the attorney general and to disregard it if he wants to.

**Fry:** Were your services requested that much when you were attorney general?

**Warren:** Olson rarely requested any opinions from me. We just didn't have any relationship, as I said in my manuscript [Memoirs]. The only private conversation that I can remember having had with Governor Olson was the first day I was attorney general. I went over to his office to inform him that I was going to have to investigate and probably prosecute the private secretary of his predecessor. I didn't want him to think that I was just going after the governor's office indiscriminately and that I would be after him next, you know. I wanted him to know what was going on and that it didn't affect his office.

So I went over there and I had quite a talk with him at that time. But outside of that I don't remember that I ever had another conversation, private conversation, with Olson in four years. He just treated me as though I wasn't there, as far as he humanly could, and that's why he wasn't governor a second time. [Laughter]

[Helen MacGregor leaves]

**Fry:** In the Burke book, that I think there are some Xeroxes from, Burke seems to make a great deal out of the fact that there was partisan rivalry between you and the governor—

**Warren:** A little bit [inaudible]

**Fry:** —and I wondered if that was enough to explain this problem, the fact that you were a Republican who had come in as a nonpartisan, actually, and that he was a Democrat. Was there a lot of that feeling?

**Warren:** Sure, that was the basis of the disagreement. Governor Olson just treated everyone as an enemy if he didn't believe the same as he did, whether he was in his party or another party. He hated the Democrats who did not go along with him just as much or maybe more as he did me. I think Garland was elected to the speakership of the assembly, and boy, they just hated each other and were bitter.

I avoided much of that by just not talking about it, and so forth, as much as I could. In the first place, I don't like to live that kind of life, of just charges and recriminations and so forth. That's no way to live, and I tried to avoid that as much as I could. When I got into the campaign, I was more articulate, but up to that time, I said very little. I don't remember saying anything against the governor up to that time.
Fry: The very beginnings, then, of this was simply the fact that Olson chose not to communicate with you.

Warren: That's right, that was the thing of it.

Fry: Now, are you saying this was not so much due to political party as to the fact that you did not share in his ideology? Is that right?

Warren: Well, I suppose you could put it that way. There were a lot of things that Olson advocated that I could have supported. It wasn't that I was opposed to everything that he did. There were things that I could have supported very well, but I had no opportunity to be helpful to him. He would announce in the papers that he was doing such and such because he had the opinion of lawyer X and lawyer Y of Los Angeles that that was the thing to do legally, don't you see? Things of that kind. And those things were humiliating, and of course I resented them. I didn't talk much about them, but I resented them just the same.

Nichols: The first head-to-head disagreement came when he tried to inaugurate his takeover of the state guard and appointing his people to be area commandants of—this is prior to our entry into World War II.

Warren: I disagreed violently with that, and publicly, but I'm not sure that was the first disagreement that we had.

Nichols: Was there an earlier one that—

Warren: Well, I don't know. I became governor [attorney general] in '38, and while we had a civil defense program in the latter part of '40, it didn't become acute until Pearl Harbor, which was December 7, 1941, and within three months after that, and largely because of his attitude on that, I announced myself for governor.

So there was a lot leading up to it before we got to that. I don't know just when it started but it wasn't anything. I think that he knew of me before he was elected governor, because I was up around the legislature a lot and he was a state senator from Los Angeles. So he knew of me and probably had formed an opinion by the time I ever ran for attorney general.

Feingold: Did the State Relief Administration—was that ever an issue between the two of you?

Warren: Well, it wasn't when I was—I don't think it was when I was attorney general. I changed the concept somewhat when I became governor and put more of it in the hands of local communities than he had, but whether you'd call that anti-Olson or not, I don't know.

Feingold: We just came across a couple of notes of rulings that you had made as attorney general, and I didn't know what context they fit into. There was one about SRA funds not being used to build housing—public housing—on state lands for
warfare recipients.

**WARREN:** Well, I don't remember. It wasn't a very important thing, because before I became attorney general, even, I think, the state had decided to have its public housing programs through the cities and not through the state. It wasn't—it wasn't any burning issue or anything at that time, as I recall it now. It would have to be before, probably before I was attorney general, because, you see, the World War started in Europe in '38, and I didn't become attorney general until '39, and then in '40 it developed into the real World War, don't you know, with all of France and so forth. You couldn't do any public housing or anything during those times, because you couldn't get materials or manpower. So I don't think it was any burning issue during that time or anything that we would have any great controversy over.

**FEINGOLD:** Then there were a couple of other rulings you made: when Olson called a special legislative session in 1940 and, I think, Senator [John] Phillips requested your opinion about whether this special session was even allowed to consider a bill that would have put the state relief back into the county hands, because this hadn't been specific in Governor Olson's call to the legislature. Do you remember that at all?

**WARREN:** I don't, but the general rule is that on a special session the governor can limit the legislation to be considered to any subject or subjects that he includes in the call.

You had an incident of that the other day [December 1971], where the governor and the legislature were at loggerheads about two issues, one the tax issue and the other reapportionment. The governor wanted to certify [the already proposed reapportionment], so he announced that he would have a special session the day after the legislature adjourned for the sole purpose of considering the tax measure—those tax measures, don't you see. And the legislature was mad because they [he] wouldn't let them also consider reapportionment.

They bickered back and forth for a few days, and Reagan included the reapportionment in that. So then they could consider it. As soon as he included it in there, his lieutenant governor made the statement that they had no power to deal with it now, because they hadn't got it in their first regular session. Then the legislature claimed they'd been double-crossed because the governor promised them they would do it, and then to have emanate from his administration the fact that they couldn't legally consider it, and so forth.

But that illustrates the point about the governor can determine what the scope of the special session is to be. I don't remember the incident at all, but that would be the principle that's involved [that is] under discussion.

**FRY:** But then you have to stick to that limitation, according to that—
WARREN: The legislature can’t go beyond it—can’t go beyond what he puts on there.

FRY: And the governor can’t add anything new?

WARREN: Oh, add it any time he wants. He can add it any time he wants, but they can’t consider the legislation unless the governor does. I think one time I had half a dozen special sessions going at the same time.

FRY: Yes, and does that make it tough for people who are trying to figure out what happened many years later [laughter]—all happening simultaneously and all in different books.

WARREN: [Laughter] Yes, it does. I’ll tell you the reason the governor does that once in a while. If he just leaves it to the general session, why, they’ll just let it lie there and do nothing with it. It just floats along to the end of the session, and then it just washes out and nobody knows it. But if you call a special session of the legislature on a live issue and limit it to that issue, and they don’t do something in that special session to that one thing, which is the only thing they can consider, then the public knows that they’re just not doing their job. Unless the public agrees that it’s something that should not be done, the legislature’s in trouble.

I used to do that. I did it with highways, oh, a lot of things where it was evident that the legislature wasn’t going to really, seriously do anything about the matter. And if I thought it was important I’d call a special session to go right along with the regular session, too.

FRY: It sure separates the legislation out down in the basement of the library, because any session is in a different book. You know the date of it and it doesn’t help you a bit! [Laughter]

WARREN: Oh sure, sure. Some of them were simultaneous.

*Civil Defense Controversy*

FRY: I went through the whole civil defense council controversy and the whole state guard controversy, and what bills were put in and which ones got stuck in committee and so forth, and it’s all outlined there in Burke’s book, and the only thing I was left wondering was, what were you doing during all of this? Because there definitely seemed to be a desire to limit the powers of the governor, and particularly in regard to setting up the state guard. And in this you had the *Chronicle*, at least, on your side, and Hearst had come to the aid of Olson, which I thought was a funny partnership. The thing that’s left out is your role in this.
WARREN: Is my what?

Fry: Your role in it. I wondered if you had friends of certain people in the legislature, or was this not supposed to be done then?

WARREN: I don't know what you're asking me. Was what supposed to be done?

Fry: To see that amendments were added to the bills so that there was less power given to the governor. You remember, he [Olson] wanted a great deal of power. This was right after Pearl Harbor.

WARREN: Yes. I don't have in mind all the details of it, but when Pearl Harbor came along the governor had the idea of activating a bill which the legislature had passed many years before in peace time, and that had to do with emergency treatment of floods and fires and earthquakes and things of that kind, where he could send people down there and bring the full force of the state to bear on it.

Now, the legislative history of that bill showed clearly that when they had started talking about it in the legislature and were trying to determine what the scope of the governor should be, they started out so that he could do it in a military situation, too. But the legislature just wouldn't stand for that, and they cut that out, don't you see. So as the bill emerged and as it was signed it had nothing to do with anything but local things such as fire, flood, earthquakes, and so forth.

When it came, he [Olson] wanted to divide the state up into units and be in a position to send down his own people to replace the regularly constituted law-enforcement officers of the state in their functioning. To me, that's just an abolition of civil government, and it's getting to martial law! And so I just resented that deeply, as did all of the law-enforcement officers of the state and the fire people of the state and a great many other people that I could enumerate if I thought about it a little.

But I fought that bitterly to prevent him from doing that. Then the legislature convened, and the result of it was that the governor was not authorized by the act that came into being, to do anything of that kind, and it set up—what did they call it, the war council?

Fry: The civil defense council.

WARREN: The civil defense council, and the governor presided and I had the jurisdiction of taking care of the civil defense.

Fry: Civil Protection Committee; you were head of it.
Decision to Run for Governor; Campaign Financing

WARREN: Civil Protection Committee, yes. And that I intended to function with, don't you see, with all the law-enforcement agencies. He [Olson] tried as best he could to ignore me in that, and I just wouldn't be ignored. We fought that out publicly, and that's one of the things that caused me to run for governor. I didn't want to run for governor! Why, I couldn't afford to run for governor. I had six children, and they all were of school age, and one of them was college age, and I didn't have any means. I just didn't want to leave a legal position. If I happened to get beaten for attorney general, I'd still have contact with the law and I could go out and make a good living for my family. But if I got into the governor's office and then was beaten even the second time, I'd be clear out of the law and maybe [it would be] difficult to get back.

So I didn't want to run for governor, and I never would have run for it if he hadn't bedeviled me in that way. But he just treated me as a common enemy and tried to thwart me on my job. So finally, without any assurance of winning, or even any likelihood of winning, I just made up my mind and decided I wasn't going to sit out four years as attorney general and do nothing during the war; that I'd run for governor and if I was beaten, I'd do something for the war effort.

My friends all told me that I was foolish to do it; that with Roosevelt as president in the middle of the war and only six governors in the country that were Republicans at the time, I think, that it was just foolish to think that you could win. I told them whether I could win or not was not the vital issue; I was going to have to change the situation either for him or for me, and that I decided that I was going to run.

When I went down to Los Angeles a few days later to look the situation over, all the moneybags who had urged me for two or three years to run for governor got together in the California Club—there were sixty-five of them—they all got together and decided and publicly announced that they were not going to take any part in the governor's race, that they were going to put in their time and their energy and their money on electing a conservative legislature to curb Olson when he was reelected. Those were the people who had been urging me to run for governor up to that time.

Well, of course, it was quite a shock to have that done. But I had never asked them for any money, and they just did that voluntarily. So I said, "Well, we don't have any money, so we won't have to spend any." I just started out from there and went. But it was really a blessing in disguise. It was the greatest thing, probably, that ever happened to me in politics. Because those were all the special interests of the state, and all of them tuned out on me in the crunch. And they never could say to me again, "Well, you know who elected you to this job. You know who put up the money for you," and so forth. They couldn't say that. And I treated them that way, too.
FEINGOLD: Yes, they tried to come crawling in later, didn’t they?

WARREN: They were [fine?] with me when I got my own nomination without any opposition, hardly, and got 400,000 against his 500,000 on the Democratic ticket. They all said, “Now, we’ll go after Olson. We’ll have a nice finance committee and we’ll just work him over.” I said, “Nope, we’re going to have the same little old finance committee.” They said, “We can’t get any money,” and I said, “Then we won’t have any to spend.” And we just ran it that way. It was the best thing that ever happened to me.

NICHOLS: You told me the story of James Dean and the reply he had to somebody who claimed to have put up some money for—

WARREN: Oh, not Jimmy Dean! No, that was Gordon Campbell. Gordon Campbell. He was my chairman. He was the one out of the sixty-five who were at that meeting in Los Angeles at the California Club who stood up and called them a bunch of hypocrites and said, “You know you’ve been talking about how Warren ought to run for governor, and now, because you think it’s a bad time, why, you just refuse to do anything for him,” and so forth.

I didn’t know it at the time, but he was a junior partner of a big insurance firm, and he was representing his senior partner, who would have gone along with the rest of the crew, undoubtedly. But he didn’t, and I met him later. I remembered him as— he was a great USC fullback, and brother, he worked it just like he played fullback, too. I made him finance chairman, and when we got up to Sacramento after the election, the legislature had tried to put through some legislation—I think it was anti-labor legislation—and they’d appoint the committee at the desk and then have the committee meet at the desk and report it right out, and so forth. It was all on its way, greased through to go through the legislature in a matter of a couple of days. I just announced to the public that if the legislature thought that this was an anti-labor administration because labor hadn’t endorsed me, or that they could do things of that kind, they were very much mistaken; that I would veto legislation of that kind.

Of course they dropped it, and there was some fellow—a lobbyist representing, I think, the milk distributors in Los Angeles—said out in the hall, “Well, I guess we just put our money on the wrong horse.” Campbell was there, just happened to be in there and backed him up against the wall [and said], “So you put your money on the wrong horse! When did you put up any money?! How much did you put up? Now, you tell me! You tell me how much you put up, and you’re going to get it back, because we don’t want that kind of money!” [Laughter] Oh, he was a son of a gun. It was just like he was going right through the line-up, right down the middle, you know. [Laughter]

FRY: I think every public officer needs at least one friend like that.
WARREN: Oh yes, yes.

NICHOLS: I wish it were still possible to do today, but from the look of the amount of money that's spent even for—I think Alioto spent half a million dollars—

WARREN: More than that. [Six hundred thousand?]

NICHOLS: It came out to something like six dollars a voter—six dollars a vote—

WARREN: Well, I'll tell you. Of course, it'll go along that way and then some poor son of a gun with no money but with a great issue will come along, and he'll just turn them topsy-turvy.

Now, you take that fellow who was elected—was it governor or senator—in Florida this year. He was a little country lawyer, Giles, his name is—he's a little country lawyer, he had no money of any kind to spend, but he told them he was going to start in the north of Florida and was going to walk clear through the state making his campaign. And, by George, he did. He'd arrange every way that—to start in the morning where there was a television station, and they'd pick him up there, say something about him, and he'd always stop at a television station at night. [Laughter] He got publicity that way and never spent a nickel on it, and he went all through the state, and he beat the whole outfit. [Laughter]

Fry: And he got all that free TV time!

WARREN: Oh yes, he got all that free TV time.

Fry: He must have had a million dollars of TV time!

WARREN: [Laughter] And never paid a dime for it!

OLNEY: He must have had to pay for several pairs of shoes!

Fry: I was just thinking that.

WARREN: Yes, I guess he did. [Laughter]

OLNEY: Bunion plasters and stuff.

WARREN: Yes.
Civil Defense Under Governor Olson and Governor Warren

FRY: Well, I gather then that in this civil defense fight you didn’t have to deal directly with the legislature on any of those issues, that the issues were already made, is that right?

WARREN: Oh, I sure had to deal with them to get a law that would put [them in shape?] for it and then for appropriations and so forth.

FRY: I thought from what I read that maybe Arthur Breed was a person who was able to really carry the ball in the legislature for some of this.

WARREN: Oh, I don’t think so.

FRY: No?

WARREN: Arthur Breed. Well now, that’s his father, the father of this—Junior.

FRY: Junior.

WARREN: He wasn’t in the senate at that time, his father was. Arthur Breed was the president of the senate.

FRY: How many Breeds were there?

WARREN: Two.

FRY: This says Arthur Breed, Jr.

WARREN: In what year?

FRY: This would have been right after Pearl Harbor.

WARREN: I thought the old man was there at Pearl Harbor time. I knew him for many, many years. No, Arthur was just a kid; he didn’t have any importance of any kind. Never did.

FRY: The other man who kept putting in a bill or two was [Irwin T.] Quinn, a Democrat.

WARREN: Oh, yes.

FRY: And then I thought maybe [Richard] Graves’s League of California Cities helped also.

28. Arthur H. Breed served in the senate from 1913 to 1933. His son Arthur H. Breed, Jr., served from 1939 to 1956.
WARREN: Oh, yes. They were important in a lot of ways.

Fry: And they'd also want local control.

WARREN: Yes, they were in favor of local control, yes, of many things, many things. Oh yes, Graves was the representative of the League of Cities, and they had a lot of influence in the legislature.

Fry: Of course then, I guess—wasn't he the one who had been the executive head of the California Defense Council, and then he lost it?

WARREN: I think Olson had appointed him, but it wasn't doing anything. No, Graves was not unfriendly to me.

Fry: No, no.

WARREN: No, he wasn't unfriendly to me. They had set him up as a sort of a figurehead on the civil defense when Olson was governor.

Fry: Graves complained about Olson wanting too much of a hand in appointing the staff and other people.

WARREN: Oh, sure! He wanted to appoint everybody. He wanted everything to stem right there from Sacramento, and I didn't believe in that. You couldn't get support for that. After it got going, even, if you got the authority to do it, you had to have people who knew the community, people who knew the problems in the community and could deal with the people and so forth, if you were going to have an effective program.

Fry: Did you think that the Chronicle's charges were correct when they said that it was obvious that what Olson wanted to do was to develop this fifteen-thousand-man army but use them primarily as a big campaign army for the governor's race?

WARREN: Well, I know there was that talk. I don't think I ever took any part in it, I don't remember the time. But he couldn't have gotten much benefit from the state guard, because the nondescript people that he got in it were really something.

Fry: I was wondering if there were fifteen thousand men left in California at that time. [Laughter]

WARREN: Oh, my. It was really a rag-tag affair.

Nichols: Wasn't the military kind of contemptuous of that whole setup anyway?

WARREN: Oh, yes. They'd recruit them down on skid row, and every place, you know, and it was a sorry sight.
Nichols: They felt that everything would fall into military hands, if there were an invasion, and all of this structure of Olson's would very quickly fall away anyway, and they would have to and would take over.

Warren: [inaudible]

Fry: Maybe so, but they'd have to have more than two ships and one plane.

[Laughter]

Warren: I know myself that a lot of military people used to sit around these clubs that they were all admitted to during the war and say, "Oh, that civil defense business is all a lot of bunk, and when the chips are down we'll take over everything anyway."

And then the legislature would get that kind of talk from high military people, and they wouldn't want to appropriate any money. It was rough going.

Fry: You had this to contend with, I guess, when you were governor and had—

Warren: Beg your pardon?

Fry: You had that sort of talk to contend with later when you were governor and—

Warren: We put a lot of money into civil defense while I was governor and followed everything the federal government asked us to do, and I think that New York and ourselves are about the only two states that did do that. But then to watch it degenerate over the years—that's a frustrating experience.

Chapter 11: Further Attorney General and District Attorney Questions

Civil Service and Minority Employment

Fry: I have a question here. I probably should have slipped this name to you beforehand so that you could rack your brain a little bit about it, but this is from our interviewer who is doing our black history series, and somehow she discovered that the first Negro ever to be employed in the attorney general's office was in your office, and her name was Florence Crawford. She was a stenographer, and
somehow she was called in for an interview when a vacancy arose. This may have been at C. L. Dellums—-it may have been with the help of C. L. Dellums or something. I don’t know.

WARREN: I never heard of her.

Fry: You don’t know anything about this. In black history it’s sort of a first.

WARREN: No, no [I don’t remember]. It might have been—I don’t know that I put the first Negro in the attorney general’s office. I might’ve but I don’t remember it if I did. But I did insist on them having equal rights in the civil service, and there were just thousands—not thousands but there were a great many Negroes in the civil service. In the attorney general’s office there was no civil service, and I don’t remember whether we had any or not. [To Olney] Do you remember if we had a Negress?

Fry: She was there for a while, I guess.

OLNEY: I think we did, but we didn’t think much about it. [Laughter]

WARREN: I wouldn’t have thought anything about it, no.

‘Nichols: It wasn’t [as] big an issue then—

WARREN: No, it was no issue then.

OLNEY: If she was any good, we were glad to have her!

WARREN: No, I don’t remember that at all.

Secondary Boycott Ballot Measure

Fry: Oh, let’s see. Do you want to go into the hot cargo issue and get that straightened out for us? There was a ruling on it. Remember, they had it on the ballot?

WARREN: They had it on the ballot—

Fry: ——and you had to give a ruling on it?

WARREN: Well, I don’t know. But, politically, I rejected it. I didn’t go for it, because I thought it was—-They called it hot cargo, but whatever they called it, they made it so antiunion that I just couldn’t go for it, and I know a lot of my Republican friends resented the fact that I didn’t go for it. But a lot of big business got
together and put it on the ballot, and then they thought that they could just get everybody committed to it during—They always put those things on in an election year, you know, for governor, they did. And they [you?] had to repudiate them, and I repudiated that, and just wouldn't go along with it.

**Fry:** As I understand it, your ruling was—you upheld the ban. The ban on secondary boycotting was passed by the legislature over Governor Olson's veto, and then—

**Warren:** I upheld it over his veto? I couldn't [have] upheld it over—

**Fry:** Well, I'm not sure that the question asked you was a direct question about "can we have a ban," because this reads that the legislature has the power to ban it, but they cannot ban picketing, and you called for a clarification—

**Warren:** Yes.

**Fry:** —for them to make a clarification in the bill so that it could never be construed that picketing was also banned.

**Warren:** Yes. Well, I don't remember the opinion on the thing. But I know [that] on that provision that they had on the ballot against hot cargo, I said I would not support it, and I said I was opposed to it.

**Fry:** And that was what the labor unions had put in, then, after this had failed, I think.

**Warren:** Oh no, the labor unions wouldn't put that in; they were—very much opposed to it—to the hot cargo bill.

**Fry:** Oh, all right. It was on—

**Warren:** Oh [drawn out], no!

**Fry:** —the ballot early, like '42 or something.

**Warren:** Forty-two, I'm sure it [was?].

**Fry:** And then it also came up again—

**Warren:** Forty-six? Sure, they put that on every time we had a gubernatorial election. Those people in Los Angeles, and big business and special interests, would figure out a bill, you know, that would cripple union labor and would put restrictions on it that were not reasonable, and they just would think they could drive a lot of people to support it. I just wasn't going to be caught in that bind, and I said no, I would not support it, because I didn't think it was wise. I'm not sure whether I thought it was unconstitutional or not, but I thought it was not wise, and I wouldn't support it, in spite of the fact that a lot of the newspapers and people
who were friendly to me did support it. But I wouldn’t do it.

**Fry:** Oh, I see. I thought that I remembered one of the labor leaders telling me how they wanted to have it on the ballot, and he said they’d get murdered if they put it on the ballot, and they put it on the ballot anyway. And I guess that’s what gave me the idea that it had initiated in ’42 with labor, so that it was—

**Warren:** [Emphatically] No, no, just the opposite on that.

**Fry:** It would have been stated the other way, then, if business had put it out?

**Warren:** I don’t know whether some labor unionist was bragging and said he’d like to see it on the ballot so they could beat it. That’s fight talk beforehand, you know, but the people who put it on were big business interests and big employers, some of the farmers, and so forth.

**Fry:** Yes, yes. At any rate, you are establishing that you were against the secondary boycott—?

**Warren:** I was against it on the ballot, yes.

**Fry:** The ban on the secondary boycott? Did I say that right? [Laughs]

**Olney:** It’s all right.

**Fry:** Well, it has two negatives in it.

**Warren:** Anyway, I was against that issue as it was on the ballot. Now, all it contained—they might call it hot cargo, but they might have a lot of other things in there that would make it unacceptable to a lot of people, don’t you know, and so I don’t want to categorize it as just saying I was against anything that would stop secondary boycotting. I don’t put it in that context. I put it in the context of this particular bill I was against, because I thought it was not a reasonable regulation.

**Fry:** Yes.

**Nichols:** This passed? Did this—?

**Fry:** Yes, yes, it was banned. [To the chief justice] And then it came up again in ’46, as you said, and that time you were governor, and didn’t you just put it in your pocket?

**Warren:** [pauses] I don’t know. You say it was banned—that hot cargo [inaudible]—?

**Fry:** Labor lost in ’42. Whichever way it was stated, labor lost, and then it came up again.
WARREN: I don't think you're right. I think you're mixed up on that.

Fry: I don't have my chronology sheet here, but—

Olney: [inaudible]

WARREN: Not your chronology, but your concept of the bill and who [was] for it and who was against it. Now, you think the hot cargo bill was promoted by the labor people, and it was not; it was just the opposite of that.

Fry: No, what I thought was that labor was trying to get hot cargo legalized—that they were trying to get secondary boycotts legalized.

WARREN: No, no, no. It was a bill to prohibit that that the [ballot issue was about].

Fry: And labor was fighting that?

WARREN: Yes. And labor was fighting that, yes, yes.

Fry: Well, anyway, I do have this all stated on that chronology.

Nichols: Is this phraseology correct: that somewhere labor took exception to your allowing an anti-hot cargo bill to be passed?

WARREN: I don't know, but I'll tell you, I thought we were going to talk today just about my district attorney and attorney general days because I've given no thought at all to what I'm going to write on the governor's days.

Fry: Right, we're unprepared, too.

WARREN: I just want to keep it that way until I get into it.

Feingold: Can we hop back?

Speakers: Let's do. Yes. We want to get all this work done. Please.

Dog Racing and Black Jack Jerome

Feingold: I'd like to hop on [to] the dog racing [issue] and Black Jack Jerome. And we were interested if he had any connection with, you know, the big-time gambling people?
WARREN: Well, I don't think we ever thought that. I didn't, particularly. But Black Jack Jerome had the name of being a very, very tough operator. He was a professional strike-breaker. And I remember one time, myself, seeing him ride in a flat car, screened over, up through Broadway in a strike just to show that—and they had a couple of men on there who were working, too—just to show that they were breaking a strike. And he brought in men from other places.

He was just a professional strike-breaker, but then he got into this horse racing business—I guess there was more money in that, maybe, than there was in the other. And he settled out here in El Cerrito, which was right across the line from my county. I always was of the belief that the dog racers were illegal because they were— All betting on races of that kind were [sic] illegal except the horse racing and the pari-mutuel at the tracks that had been authorized by constitutional amendment. And so I never would let one operate in my county. But I was hedged in. We had this one in El Cerrito, we had two down in San Mateo County. We had one down in San Joaquin County at Tracy. We had one over in Contra Costa County, and so forth.

So I never would let it come in my county, and I was against it, of course, in the rest of the state, if I had any responsibility in regard to it—

FEINGOLD: Yes, well, that means it was operating illegally in these other—

WARREN: —illegally in all these other counties, and there were a lot of them in southern California. So when I became attorney general, I was deciding what I would do first, and I thought, why, it was an easy job, as I conceived it, and I thought I would just put them all out of business.

The only one that was operating at the moment was Black Jack Jerome, over here in El Cerrito. So I said to Charlie Wehr, my deputy over there, to build up a case on it. It was a simple thing because they were wide open—betting on them just like they do at a horse race. And so he got all the evidence that he wanted and reported to me that he was ready to test it out. And so I said, "Well, have Jerome come over and see me and tell him that I think it's a matter of greater importance to him than it is to me, but that he should come over and see me."

So he came over—came over alone, too, without a lawyer—and I told him, I said, "Now, Mr. Jerome, I suppose you're thinking you're in a legal business because the authorities in your county have let you do it, but I want to tell you that it's not legal, and that you can't continue to run. Now, there are two ways that you can be stopped. One is, you can stop on your own accord and get out without any cost to you or without any trouble of any kind, or it can be done the hard way. But it's got to come one way or the other, and I think I can assure you that in the end you won't be able to run."
He said, "Well, can I talk to my lawyer?"

And I said, "Sure you can."

Well, he sent for Tom Carlson. Tom came over and they talked for a while in another room and came in.

And Carlson said to me, "Are you taking after Jerome just because he’s Jerome, or are you going to treat all the other dog tracks in the state the same way?"

I said, "It’s only incidental that Jerome is the man that I’m calling in here. He’s the only one who’s operating at the moment, but there are going to be no more tracks in California. They’re all going to be treated the same way."

Carlson turned to Jerome, and he said, "I’ve known this man for many years," and he said, "I’ve had a lot of litigation with him." He said, "His word is good. If he says he’ll do that, he’s going to do it."

So Jerome said, "Well, how would it be if we closed Saturday night?" [Chuckles]

I said, "Well, I can’t tell you to operate illegally till Saturday night, but I don’t think I’d be ready to do anything before Saturday night."

So he said, "All right."

So that night they went on the loudspeaker and told the people that they had been informed by the attorney general that it was not legal to operate, that they were not going to fight with the law, and that Saturday night would be their last night. And they did close that Saturday night, and we’ve never had a dog track in California to this day. And whenever they’d start to train their dogs around these other places, I’d have [Oscar] Jahnsen go down and tell them the story of Black Jack Jerome. [Laughter]

"Now, you’re not tougher than Black Jack Jerome, are you?" [Jahnsen would say]. And they never opened up. Never any of them opened up.

**FEINGOLD:** Did Black Jack Jerome himself go on to legal activities then, or did he show up ever again in—?

**WARREN:** Oh, he made a fortune, and maybe I did him a great service. He went over to San Francisco and invested his money in private garages for parking.

**FRY:** Wow! [Laughter]
And I think somebody told me [that] when he died he had about $12 million—something like that. [Laughter]

I can believe it!

What?

I can believe it!

Yes. Oh, I’m sure he’s never had any hard feelings against me [laughter] for me routing him around to that business. But I could have fooled around, you know, and made a raid on this track, a raid on that track, and that thing. I’d have been bothered for years getting rid of them. But doing it that way got rid of the whole outfit and [we] never spent a nickel on it except going over there—my deputy going over there for a few days and looking the situation over and getting the evidence. And we put them all out of business.

[To Warren Olney] Had you run into Black Jack Jerome at all when you were working in Contra Costa County?

No. He wasn’t operating there when I was over there. I left Contra Costa County and went to work in San Francisco in my father’s office for a year and a half, or something like that. It was during that period that [Jerome] built the dog track. They got a change of district attorneys in Contra Costa County.

[inaudible]

He never would have been able to operate in Contra Costa County there if Arch Tinning had been district attorney.

No, no. Tinning was a classmate of mine at the University and at law school—a fine man.

He was, indeed.

Fine man.

Was there much trouble with bookmakers during this time?

Oh, yes. That’s a story Warren can tell you. Oh, we had a lot of litigation over it, and Warren talked to you about it earlier in the day, here, about the injunction suit we brought against the Annenbergs and so forth. Yes, Warren has an
idea that we slowed the bookmaking business down a little more than my recol-
lection would tell, but I know we did put out [of business] all of those Oakland
parlors. None of those ran, but just how much of the other we put out, I don't
know. But [speaking to Olney] I'm glad to hear that you think that it was more
effective than—

Olney: Oh, I think it was very effective. You remember that we were concerned about the
timing on that thing. We had been very much occupied with the gambling
ship cases, right?

Warren: [Murmurs assent]

Olney: When that was over and ended—it ended very quickly—I took my wife and went
up to Calaveras Big Trees for a few days and came back. And you told me that
we were going to move on those bookmakers, that now was the time, probably
because Annenberg had been indicted in Chicago both for operating a lottery,
income tax, and antitrust—and several indictments.

Warren: That's the father of our present ambassador to the Court of Saint James!

Fry: Yes! I was so surprised. [Laughter]

Olney: And Annenberg had entered a plea of guilty on the lottery charge, and the
United States Attorney, Bill Campbell, had asked the attorney generals or the law
enforcement agencies in other states to appear at Annenberg's sentencing, in
order to make it clear to the court that this was indeed a serious matter, and
justified a prison sentence. One of them they got in touch with was you, and
Tom [Thomas E.] Dewey was the other—I mean, those two, there may have
been others, besides.

Warren: Yes, yes.

Olney: Tom Dewey wrote [Campbell] a letter. But you told me when I got back from
the mountains, "If this is genuine, if this fellow is on the up and up, if the
government is really making an effort on the wire service, now is the time for us
to move, right now."

And we got on an airplane—[chuckles] it was a sleeper plane. Remember the
sleeper planes?

Warren: Yes, yes.

Fry: Yes. With bunks? Yes.

Olney: Yes. We went to Chicago without telling Bill Campbell we were coming. We
didn't know him. And we went into the courtroom when the proceeding came
on, and you watched there for a while and became convinced that this was no
fake, and [then you] made yourself known to the U.S. Attorney and he called
you. You made a statement to them about what the bookmaking racket was—
(you made a statement) to the court——

Bill Campbell is now a United States judge, and we both have known him
very well in recent years. But he's never gotten over this—the fact that you
came in person and made that pitch. He thinks that had an awful lot to do with
Annenberg's getting a pretty good sentence out of it—which was very important.

Now, along with that, Annenberg had agreed to dissolve his Nationwide
News Service. This was a corporation in which this was all organized. And he
did dissolve it. He had to when he went to prison. But the people who were in
it—who organized the Continental Press, they called it—press service——

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**Olney:** ——and tried to carry it on, the Regans, and others. They were a lot of real
crooks in there.

But that was—— We thought for a while that we were going to get rid of
them without too much difficulty. Then we had these conversations with the
[telephone?] company and got them to agree to take their service out.

**Warren:** Yes.

**Olney:** And then when Continental Press started to function, we filed that injunction
suit, and—no, it was before that. The first thing that happened was the Nation-
wide News Service successor, the Continental Press—we brought both of them
in, and [then they] filed this suit against the telephone company in Los Angeles
because they [the telephone company?] were threatening to take their téléphone
service out.

But, Chief, the only reason that I say that we were successful was because
we got rid of the horse parlors, and the bookmaker has never been the menace
and the drain that he was before, because they never had the money. They were
small, piddling things, and we had to keep after them; they were a terrible nui-
sance. For a long period there were many efforts made to put this network of
stuff together again and get it functioning. We used to have to get on that. But
here we are now, and nobody gives them any attention, and it just doesn't
exist—that racket. You can go and place a bet, but you can't go into a place
where they've got——

**Warren:** Like a stock market——

**Olney:** Yes, and make bets on all the race tracks around the country.

**Warren:** Yes, I'm sure that's true—more than my recollection. But I was all the time
worrying about the little clubs that were going along all along, just like being nib-
bled to death by a lot of minnows, you know.
Fry: Could I ask a stupid question? Why is pari-mutuel betting okay?

Warren: Because the people have said so in the constitutional amendment that was put on the ballot, and they voted for it, and in order to sweeten the thing up so it would look right, they provided that some of the money would go to the University of California, for public education and so forth, and that's the reason that it's there.

Fry: Well, then, I should be all for it! [Laughter]

Warren: No, no. Well, as much as I like the University, I've never thought it was a good partnership for the state. But that's what they did, and that's the way they did it.

Fry: Well, seriously, I thought maybe that the nature of off-track betting somehow enabled organized crime to latch in with it more than pari-mutuel betting, which all happens right there at the track and you don't need all the big money and— —

Warren: Well, I think it does, but that's a long story, and— —I don't even like the pari-mutuel, because it brings about too much corruption every place. [Pause] That's an awful long story, though, to go into that.

Fry: Well, I feel lost even asking questions about it because I just can't distinguish between any— —

Warren: You can say this and not have to worry about it: that it is paradoxical to say that the state can be a partner in gambling at the track and derive a profit from it, whereas it's a criminal act to bet on a horse race away from the track. That's paradoxical, but the people have put it into our constitution by voting for it, and that's the law. So, it isn't a question of judgment as to whether you should let the off-track betting go on or not. The state has determined how far you can go with horse track gambling, and that's as far as you can go.

Fry: Did you have any trouble with other crimes being bred at race tracks?

Warren: Oh yes, there are all kinds of, all kinds of things that develop from race tracks. It's been a terrible problem for them even to keep the races honest—to keep them from throwing races, and things of that kind, which is racketeering just as much if it's pari-mutuel or what it is. I know for years they were doing all kinds of things—doping horses and things of that kind—so [that] they would either win or not win. Oh yes, it's been a bad influence, I'm convinced of that. But it's being done in more and more states now, and in New York they have the off-track betting. They're doing it now not in the name of reasonableness but in the name of providing money for state government which is definitely needed.

Nichols: Somebody's just come up with a completely computerized method, too, which they're trying to sell the State of New York now.
Yes, yes.

It's going to make it all the easier, you just push some buttons and there goes your week's salary or your family's bread, or whatever.

You can withhold it from your [paycheck?]. [Laughter]

[Laughter] That'll be next.

Well, is there anything else?

The only other question I——

We'll probably have to move out. I think they're going to set this [table] up for dinner.

I think Mimi had a last question, here.

[To Warren] It was on your list [of interview questions]—about Max Radin. I don't know if we want to go into that.

Oh, is that important? [To Warren] Do you want to go into that Max Radin——

What?

Max Radin.

The Max Radin appointment.²⁹

Oh, I don't think that's a matter of any importance. There have been judges that have been proposed and have been rejected. They try to put a partisan look on this, but it wasn't that. It was a normal procedure, and I don't think that it's of importance, myself, and I don't propose to write anything about it.

Well, I think that's about all.

Oh, fine. Well, that's fine.

[The tape ends with several minutes of incidental conversation while the group prepares to depart]

²⁹ Radin was appointed to the state supreme court in 1940 by Governor Olson, but the appointment was not confirmed by the judicial qualifications committee, composed at the time of California Chief Justice Phil Gibson, Democrat John Nourse, and Attorney General Warren.
II. FIRST TERM AS GOVERNOR: LIQUOR CONTROL, WATER POWER, AND OTHER CONTINUING CONCERNS

[Second Interview: 17 April 1972]

[Tape is turned on while Warren is talking about a class he recently visited]

WARREN: I don't talk more than about five minutes, you know, and just answer questions the rest of the time.

FEINGOLD: I bet they really like that.

WARREN: Sure. No use of going there and lecturing to something they're not interested in. And how do you know whether they're interested or not? The only thing to do is let them ask questions and try to answer them. Then you get into a discussion with them.

FRY: I'm curious. What kind of questions are they asking?

WARREN: Everything under the sun.

FRY: Oh, really?

WARREN: Yes, everything about politics and everything. It's supposed to be a rhetoric class, but I haven't had a question on rhetoric yet. [Laughter] Maybe I scared them out at the beginning because I said, "I'm not here to teach you anything about rhetoric. I'm not a rhetorician, and I've never been accused of being one, and I'm not very much in sympathy with rhetoric in public affairs anyway, these days."

FRY: I think rhetoric is our department for generalized other topics—topics which won't fit under a small division.

WARREN: Well, somebody told me that they used to call this a speech class.

FRY: Speech class, right. And they had fascinating people. If a novelist was nearby they would rope him in and put him in the department for a semester, and it wouldn't be speech; but it was a department somehow where, administratively, it was possible to do these things.

WARREN: Yes, yes. But as for [me?] they don't ask me about rhetoric, because that's only an excuse for being there, I guess.
Fry: I bet those students who managed to get in really consider themselves lucky.

Warren: They're very interested, and we have good sessions.

Fry: We've all read the manuscript that you just wrote for Doubleday [Memoirs]. I think we may have missed the first ten pages of it and we don't know why. Or, maybe we didn't.

Warren: Didn't Luther [Nichols] show you that? He's got it some place.

Fry: Okay. We'll assume that there's nothing in those first nine pages that we didn't already know.

Warren: Let me see, what was in there? The only thing that I remember about those first ten pages was [pause]—gee, I just don't remember how it started.

Fry: It looks like it may be a pagination problem, because it does seem to dovetail nicely with the last part of the last section that we got.

Warren: I know I only wrote ten pages on it just to show them that I was in that area, don't you see?

Fry: [Laughter] I see. To let them know you were thinking about it.

Warren: Yes. [Laughter]

Chapter 12: Early Days in Sacramento

Transition Study of Finance and Water

Fry: Our first question or two might overlap, so if it does, tell us. We wanted to get some more information on how you settled in to become governor right at first, because we'd picked up some newspaper clippings about some cram sessions, I think, that you had held with the director of finance, and also with a water resources man. Did you consistently do this even before you got into the governor's chair?
WARREN: You mean between the election and—

FRY: Yes, between the election and when you first took office.

WARREN: I did, of course, because I wasn't organized at all before I was elected, but I spent a good bit of time—I had to spend a good bit of time—attending sessions on the budget. Because, you see, the incumbent governor had prepared the budget that goes through in January, a few weeks after I was elected, don't you see, a few weeks after I took office. I didn't know what was in the budget, and I would attend the hearings that they had before the committees of the legislature. They'd go over it and I'd sit in there and I'd ask questions and familiarize myself as best I could with the situation before I got into office. As a result of that, I suppose when they got to discussing the water problem, or something of that kind, I would take advantage of the situation and ask a knowledgeable person in that field something about it to get me oriented in the business. I was pretty busy those weeks beforehand, I know.

But if you'll tell me what you saw in the reports—in the newspaper reports that you'd like to ask me about, I could better do it, I'd refresh my memory, don't you see.

MORRIS: Let me see if I can find that. We've got one lovely picture of Mr. Hassler, from the Oakland Tribune.

WARREN: Jack Hassler was the city manager of Oakland, and I had known him for a great many years, oh, since we were both very young men. I thought he would make a good director of finance, so I got him into the act just as quickly as I could to study the state financial picture. So that would account for that. I didn't hesitate on that. I knew I wanted him to be [director of finance] from the beginning.

December 6. Now, you see, this was just about thirty days after I was elected.

MORRIS: The other side of that was kind of interesting too, because Governor Olson's director of finance was George Killion, who was also an Oakland man.

WARREN: Yes, I knew George very well. I think I had [him] in my first campaign—was he?—he was Olson's—yes. Early in my career I had employed George as sort of a publicity man, you know, to [work] on some of our politics—

MORRIS: Here in Alameda County?

WARREN: No, I think it was probably when I— It must have been, yes, because by the time I was attorney general he was a Democrat, I know. He was a Republican before that. [Laughter]
Fry: So you think it was to help you in your district attorney campaigns?

Warren: No, not in the campaign. You see, I was mixed up in national politics when I was district attorney. I ran against Alf Landon, don't you know, in 1936—

Fry: Right, I remember that—1936.

Warren: ——and I was still district attorney. At that time we employed George Killion, yes.

Fry: Oh, Killion, to do your publicity.

Warren: Then he became—I know he became a Democrat and got in with the Olson administration and became director of finance.

Fry: I see. And this was while you were attorney general?

Warren: Yes.

Fry: My impression is that maybe at this time you tried to zero in on a number of areas which you did not necessarily touch upon when you were attorney general, and that one person (and I can't remember who this was) mentioned that he was absolutely astounded at how fast you learned the whole complex of problems that confronted the state in water resources at that time, in December.

Warren: Well, of course, as attorney general, I was advisor of the state on all the water problems, and I took a very active interest in it. I was always friendly toward the Central Valley Project, and I sat ex officio on the irrigation boards, and I sat with the Colorado River Board on their negotiations or altercations with Arizona, and so I wasn't exactly a green hand on the water business when I was elected.

Chall: Could I ask you, then, at this point—

Warren: Yes.

Chall: You weren't an ex-officio member but a regular member of the Water Project Authority that dealt with the Central Valley Project at all times, weren't you, as attorney general?

Warren: Any connection that I had with the Central Valley Project was ex officio as attorney general because Governor Olson would not have appointed me to anything, because he was—I don't say that real critically, but he was a very rabid Democrat, don't you know. He could see no good in anybody who wasn't a Democrat, so any connection I had with this was ex officio as attorney general. Of course, as attorney general I was the legal advisor to a lot of these boards, so you wouldn't call it ex officio, but I became acquainted with their work by reason of the opinions we wrote, the meetings I sat in, and things of that kind.
Chall: I would have thought that would have given you a tremendous amount of knowledge about water—

Warren: Yes.

Chall: — and at the very start of your administration.

Warren: Yes, I had given a lot of thought to the water problem before I became governor, and then also, I had come from Bakersfield, and in Bakersfield, up to the time the Central Valley Project came into being, it [the water] was in danger of just becoming salty, the water down there, because they had gone down so deep that the water would become brackish. And, if it ever did, it's gone; there's no way of restoring it to any purity standard. And so I was always conscious of that and wanted to see the Central Valley Project prosper, because it would bring water to that part of the country there which needed it as much as any place in the state. So, I followed it pretty closely all the way through, even before I was attorney general.

Advisors and Friends

Fry: On other problems and other areas of concern for a state and its resources and its people, I wonder if you talked over general areas of concern with other people, particularly those members of your staff when you were attorney general who went with you to the governor's office, such as Bill [William T.] Sweigert,30 or Helen MacGregor, or any of these? Could you give us some idea of your—

Warren: Well, Bill Sweigert, yes, Bill Sweigert was a very knowledgeable fellow, and he was conscious of all those problems and had a good mind, and was very helpful on a lot of things, in generating things. I tried to explain a little in the latter part of that manuscript which you have seen that I felt a little selfish in taking credit for all these things which were started, because a fellow in that position just isn't entitled to do that. He relies on the people who are around him. And a lot of those men who were in my office generated, and in a lot of the instances they thought of the things before I did, and caused us to explore a project, and whatever I came out with was as much their product as mine. Only their participation was anonymous and I got the credit or the abuse, whichever came along. [Laughter] In those days it was more credit than otherwise, because I had pretty sound people around me, and the programs that we generated were fairly sound, I still think.

30. Sweigert was executive secretary, later appointed by Warren to the San Francisco Superior Court.
As I talked to Judge Sweigert—his background, as a man with the broad humane education that one gets in a Catholic Jesuit institution, he seems to have brought with him. In fact, he still has this; it’s his background.

He still has it to a very marked degree. I talked to him just the other day. I had a little visit with him, and he still has the same approach that he had, which is very wholesome.

I wondered if at this particularly crucial point, before you settled into the governor’s chair, and while you were formulating possible priorities for programs and things like this, if Sweigert’s view of a general concern for the health and welfare of the people in the state was something that was communicated to you and that you talked over with him.

Oh, sure, sure! You see, he was my chief deputy in the attorney general’s office, and we had a pretty tight organization over there, you know. We lived pretty much to ourselves on these things, and I relied to a very great degree on the views of these men, and Bill Sweigert was one of the best. He was a very knowledgeable fellow and had a wholesome approach to any problem.

Verne Scoggins was another one who—of course, I hadn’t known Verne as I had Bill; I didn’t know Verne until I got into my governor’s campaign. The owner of the Stockton Record, Irving Martin, was my chairman in northern California, and we were looking for somebody to handle our public relations, and so he loaned us Verne Scoggins, who was then a writer for him. And I learned to have a very great respect for him during that campaign, and I asked him then if he would be my press relations man at Sacramento. Mr. Martin gave me permission to take him if I wanted him, and so he came up there. He’s a very, very able fellow. It’s very difficult for me to express the amount of appreciation that I have for him, like it is for Sweigert, because he knew all the newspaper correspondents of the state. He’d been at Sacramento for years for Mr. Martin, and he knew the politics of the state, and he was just most valuable. And furthermore, he was tough with the newspaper people. Nobody could move him around, don’t you know. [Laughter]

He knew it from the inside.

He knew it from the inside, and we had a few very simple rules in dealing with the press. And, believe me, he kept them within the bounds. In the first place, I told him that I was going to follow the same principle that I’d followed in the attorney general’s office and the district attorney’s office, that I wasn’t going to deal with newspaper people on their time. They were going to do it on my time, and I was going to not tell a story a dozen times to a dozen different newspaper people. We’d tell it just once, and if they were there, all right, if they weren’t they’d get it from those who were. But I wasn’t going to talk to them individually, because that’s where you get into trouble. They claim that they got a scoop
or something, and maybe you didn’t intend to give them a scoop at all, but they write it in a way which makes it look that way. So, I would only see the whole outfit at one time.

He [Scoggins] knew that, and he just kept them away from me to the point that they never bothered me. They bothered the heck out of him, but he knew how to handle them and wouldn’t let them get to me.

FRY: Yes. I have two questions on that. One is, what about those semisocial occasions in which there were people that you were close to who also happened to be on newspapers, like Walter Jones, or the Knowlands, or even Kyle Palmer, and maybe Herb Phillips? What did you do about these occasions where they were the only ones present, but you were with them, and you obviously had some discussions with them?

WARREN: As far as Bill Knowland is concerned, I had very little contact with Bill because, you see, it wasn’t very long after I became governor that I appointed him to the senate, and he was over in Germany during the war, and I didn’t get to see him. So the Knowlands were not in contact with me. Mr. [Joseph R.] Knowland was the chairman of my parks commission, but he wasn’t a fellow who ever talked to me about newspaper business. He never was looking for a story or anything like that. [Laughter]

I talked to him a great deal about parks and beaches, and things of that kind, but never about newspaper business. He was the publisher and didn’t do that. He had it covered by a fellow named Wes Robbins at Sacramento, and he was just another newspaperman.

Kyle Palmer I did [talk to]. I had a rather strange relationship with him. He was the political editor of the Los Angeles Times, and wasn’t interested in anything else but the political end of it, don’t you see. I did become very friendly with him after an impasse with him when I first got into state politics. But later we became quite friendly, and I used to talk politics to him a great deal, but not for the purpose of making stories. I don’t believe he ever wrote any stories saying that “Warren told me this or told me that.” But he was a very knowledgeable fellow in the political field, and while I wasn’t too sure of a lot of his associations I did talk a lot of politics to him in a way that—where there was no chance of anything coming out of it, you know.

FRY: You’re differentiating between something—a current hot topic and just talking general politics?

WARREN: Yes. Now, the reason I said that—-it might sound bad, what I said about Palmer, but he was an old friend of Governor Merriam, and Governor Merriam was a fellow who listened to Kyle Palmer and a few other people to the extent of letting them suggest names for appointment to public office, and so forth. I came to know Palmer in a way where he wouldn’t think of asking me to appoint anybody. [Laughter] He knew what the answer would be, but still I knew him and
he knew me and we had a *modus vivendi* that was very helpful to me.

**MORRIS:** What was the—

**WARREN:** But not the same relationship that Merriam and some more of them had with him, don't you see?

**FRY:** You just answered part of my second question, which was, this was a two-way relationship between you and Kyle Palmer and Walter Jones, and maybe [Herb] Phillips, because someone from your office staff, and I think it was Helen [MacGregor], was sort of giggling to us once that Phillips was always coming in and offering you advice, and giving you all kinds of suggestions as to what you should be doing. [Laughter]

**WARREN:** Yes, I would listen to him. Oh, he didn't do that an awful lot, but he did it at times, and I would listen. The *Sacramento* Bee was very friendly to me, and I knew that anything he suggested was—in his mind, at least—something constructive, because he was a very wholesome fellow, Phillips was, and with his paper as friendly as it was to me, after I became governor I could rely on his honesty anyway. But he didn't get any scoops, or anything of that kind, and didn't ask for them.

**FRY:** I should think you might have gotten some scoops in this way, in which reporters with their knowledge of what was going on, could foresee something that was about to happen. Does this happen ever?

**WARREN:** Sure, sure. I was all ears more than mouth when I was talking to them [laughter], oh yes.

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**Chapter 13: New Ideas in Corrections**

**Prison Reform Leaders**

**FRY:** I think Walter Jones mentioned that the [pardon] scandal which you used as the starting point for your reorganization [of prisons] was something that I think had come to him through his reporters.31 Do you remember if he had anything to do

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31. See interview with Walter Jones in *Bee Perspectives and the Warren Era*, Regional Oral History Office, University of California, 1976, pp. 43-44.
WARREN: Well, not on the thing that broke it, not the thing that broke it wide open. I know that I had talked to Walter about the prison scandal, because it was just an open sore there when I came in, and it had been for years and years. More than one governor was beaten just because of scandals in the prisons. It was particularly bad at the time I came in there. They had a Warden Plummer, who was an old Prohibition captain in Los Angeles, he specialized in Prohibition work, and he had a bad record down there and they made him warden [of Folsom]. He was just a goon, really he was, and ran a terrible institution, and let the toughest criminals in the place be his enforcers. I just knew that we were going to have to get rid of that just as soon as we could get a break, and I'm sure I talked that over with Walter Jones, because Folsom is right in the county there, you know, Sacramento County, and he knew all about it; so I'm sure I talked to him about the general situation.

But I remember how we broke the thing just as well as if it was yesterday. I got a call from Chief [Charles W.] Dullea of San Francisco on the phone and he said, "Governor, I've got something here that I'm sure will be very distressing to you. But I feel I have to tell you about it, and I'd like to know what you think about a way to handle it." And I said, "All right, Charlie, what is it?" And he said, "Well, there are two of the toughest criminals up in Folsom are coming down here to San Francisco and living with a couple of women here every weekend." He said, "You know one of them, Lloyd Sampsell, because you and I put him where he is." [Laughter] He was the yacht bandit. So he [Dullea] said, "What'll I do about it?" I said, "Well, Charlie, do you think you can catch them in the act?" "Oh," he said, "it's no problem at all. We found out that they've been coming down here every weekend." So I said, "Charlie, the next time they come down, you just arrest them and give it all the publicity you can give it, because it would just help me to get started in cleaning this whole thing out."

So, sure enough [laughter] the next weekend down there they were, and he [Dullea's man] banged on them [Warren bangs his fist on the table] and arrested them, and I called the legislature right into session, and we had been preparing for this day ever since I came there, because I knew when I came that I was going to have to get into the prison system very quickly, and it all depended on when the thing was psychologically right to do it.

We had an act prepared to revolutionize the whole system, and I called the legislature together immediately and presented it to them, and they weren't very enthusiastic about it, because a lot of them had the "inside" in the prisons there and could get things done that they thought were helpful to them in politics, and so I had quite a time getting it through. It took about ten days to get the bills through, but we got them through anyway and revamped the whole situation, wiped out the old nonpaid boards and put in a department of corrections and a board of corrections, and an adult authority, and so forth, and we started on our
I then got Dick [Richard A.] McGee through a national examination of some of the best men in the business in the country. We conducted the examination, and we went to work and cleaned up the whole prison situation there in a short time.

Fry: I wish you'd explain a little bit more to us on some of the difficulties in passing that bill. You mentioned in your manuscript about the sacred cows that you had to fight. What were those?

Warren: Well, I'll tell you what it was. When I became attorney general, for instance, if you'll remember the first day I was attorney general I had to have the outgoing governor's secretary arrested for bribery, and I found at that time that there were a number of legislators had their hand in it too in a way that they could go to the governor and get him to pardon a fellow out of the penitentiary just for the political influence that it would bring to bear, don't you see. And many of the things that the prisons could do for a man, put him out on parole, or do a lot of things, and it was a sordid, sordid, political system, and a lot of the legislators were the beneficiaries of that. I'm sure some of them were accepting a lot of money to get a fellow a pardon. I couldn't prove all those things, but we did prove enough on the secretary of the governor to convict him.

So I knew of that thing and the connections of a lot of them, and I knew why they weren't ready to pass any bills such as I had that [would] take it [corrections] clear out of politics. And I did take it clear out of politics. They found Dick McGee for me up in Washington, and said that he was the best man in the business who was available for a job of that kind. I'd never heard of him but I took him on faith. I told him after we'd gone over the thing fully that I'd made up my mind to take him as the head of the Department of Corrections.

I said to him, "Now, Mr. McGee, you and I are dealing with each other on faith here. I don't know you and you don't know me, but I just want to tell you how we're going to operate in the future. I will never do anything political to interfere with your prisons if you come here. And, if I ever find out that you have done anything political, I'll fire you. What do you think of that kind of an arrangement?" He said, "That's good enough for me." So I said, "All right, you're my director of corrections." And he certainly was that way. He was a great administrator and a wonderful fellow, a wonderful man.

Fry: And he still—

Warren: Oh, yes.

Fry: Enormous influence in the field.
WARREN: Oh, yes. I don’t believe I ever had a better administrator in my whole fifty years in public life than Dick McGee.

MORRIS: Was there any feeling that the program at Chino, which was just getting started, would be a help in improving conditions in other prisons?

WARREN: Oh yes, oh yes. Because, you see, that was—at the time I came in, that was the only institution outside of the maximum security prisons of Folsom and San Quentin, that we had in the state, and Chino was not yet completed. They had a few hundred prisoners there, but it was not yet completed. It was just a brand new thing, and he [McGee] developed it into a great institution, and it was the one institution in the state that had no walls and the guards carried no guns, and the whole outfit could have walked out any time they wanted.

From that we went from Folsom and San Quentin prison down to this minimum security prison and built all grades of prisons in between, don’t you see, where the prisoners could be put into institutions according to the degree of responsibility in them. And under McGee it worked very, very, very well. We had no great problems with the prisoners—oh, of course there were problems, but I mean no big—no scandals or anything of that kind.

MORRIS: Did Kenyon Scudder have any ideas that were useful in the overall Department of Corrections policy?

WARREN: Who?

MORRIS: Kenyon Scudder, the man who set up the program at Chino?

WARREN: Well, no. Let’s see. Ken left before I—I knew Ken Scudder very well, but—and he was the first man on that job, but I really don’t remember at the moment whether Ken Scudder had left before I came or not.

MORRIS: He recalls making some suggestions about the Adult Authority and the Department of Corrections.

WARREN: I’m sure if he was there that I [he?] did. I just don’t happen to think of it at the moment, but he was a good administrator and he had, I think, the same concept of rehabilitation of prisoners rather than just custodial care, as all of them were. That’s one of the things that marked Dick McGee as such a good administrator, and I’m sure—Yes, I knew Ken Scudder and knew him favorably, and while I don’t have any precise memory at the moment, I’m sure that I talked to him about these matters, and he could well have made some helpful suggestions on it.

MORRIS: He wouldn’t have been in the running for the job of director of corrections, would he?
Well, I don’t know whether they considered him or not. He wasn’t on the list that the committee reported to me, and I don’t know that—you see, this was about a year after I came [became governor] when we had the big break, and I don’t know whether he was there at that time or not as the superintendent of Chino. I don’t recall that. But I didn’t tell this committee that I appointed, [consisting] of Jim [James] Bennett and, oh, that man from New Jersey (his name just escapes me at the moment), and Justin Miller, I didn’t tell them where to look; I just said go out and get the best man you can find in the United States. So I don’t know whether they considered Ken Scudder or not, but anyway, he wasn’t on the list. They presented a list of about seven or eight people, and Dick McGee at the top of it. And then I enlarged the committee somewhat here in California for an oral examination with some people that I knew very well so they could also advise me as to whether they thought he was somebody I could work with, you see—

You added people to the selection committee for the oral interview?

Yes, added to them, and left those men on, don’t you see.

To be interviewed?

Yes, to conduct what they called an oral examination.

To conduct the interview.

Archibald Tinning was a former district attorney of Contra Costa County and was a classmate of mine—

Yes, Warren Olney speaks of him.

Yes, Warren Olney worked for him as soon as he got out of college before he came to work for me. And a wonderful fellow he was, too, a wonderful man. Oh, I put two or three people on there, all fine people, and they all agreed with this committee that Dick McGee was the best man they could find. So I just took him.

Then after I took McGee I told him that he was going to have the absolute run of the prisons and that I was going to rely on him, and he said, “Well, Governor, I don’t like to ride a gift horse to death, but you know there were some wonderful men who took the examination with me, and if I could have a few of those men, I think I could do you a job. But unfortunately, none of those men are Californians, and I just wonder if it would bother you to take them?” I said, “Didn’t we agree that we weren’t going to do any politics?” He said, “Yes.” [Laughter] I said, “You go get them where you can find the men you want.” So he did.
He took I don't know how many, he took several of them, and then after that we never had to go out of his department to get someone to fill a job higher. We'd have examinations within the department and they'd go up, don't you see.

Fry: I want to be sure that the study which preceded this is the one that I'm familiar with. Was this the one Burdette Daniels more or less headed up? It was called the committee on penal affairs, and their final—

Warren: That's the one Charlie [Charles H.] Deuel was the chairman of, wasn't it? He was a senator.

Fry: That's right, it was the Deuel committee, that's right.

Warren: You see, when I came in, as I said, I knew we were going to have to do something with the prison system, so very shortly after I came in I appointed this committee to review the whole situation, and they had reviewed it and came out with a report just—I don't know—just almost simultaneously with this affair I've been telling you about in San Francisco, and I could use that to great advantage, you know. In that report they said here are some conditions in the prisons that are just intolerable, and the only way they can be remedied is just to revamp the whole situation. That was a very good commission. I know Charlie Deuel was a senator from one of our Sacramento Valley counties [Butte County], and he was very much interested. There's a Deuel Institution down here [Tracy] named for Charlie Deuel, during my time that we built. It's a youth facility, I think.

Yes, that was very important, and there's a written report—-their commission report is documented.

Fry: Yes, it's quite a large document, and very thorough.

Warren: They're very good, yes, very good, and very helpful it was, too. And helpful when we got to the legislature to show them that—- This Deuel was a very respected man in the senate, and he had shown a great interest in penal affairs, and they would listen to him where they wouldn't listen to some other people, don't you see, so it was really most helpful.

Nichols: May I back up here for just a moment before we get too far away from press relations. You mentioned early on in the manuscript, in this new section, about being at odds with the Luce publications. I'd like to know what that was about.

Warren: Well, I never was at great odds with them, but I never did like their scandalous method of reporting, and I never concealed that feeling very much either, and it didn't help our relations any. There wasn't any bitter controversy or anything of that kind, I just didn't like their type of journalism. I didn't then and I don't now, and I think it's done a great deal of disservice to our country, because so many people have followed that scandalous method.
And I know of writers who were employed to write articles for the Luce publications, then only *Time* and *Life*, you know, and they would—when their articles would come out, they told me that "I can hardly identify this thing as having been written by me," because they'd send it back to them, and they'd doctor it up and put in some digs here and digs there, against someone. They just couldn't write a straight article, you know, factual. They had to scandalize everything, and I just don't like that way of operating whether journalistic or politics or whatever it is.

Nichols: I knew some *Time-Life* people about that time and they were all complaining that they would feed in raw material, or beautifully constructed pieces, they felt, and it would come out so that they would hardly recognize a single word of it.

Warren: That's what I'm talking about, and I just didn't care for that.

Nichols: There was no particular incidents?

Warren: I knew Henry Luce; I knew Clare Luce. I never had any quarrel with them; I just didn't like their method of operation.

Morris: Were they active in Republican politics?

Warren: Clare was; she was a congresswoman, and because of *Life* and *Time*, was always given a speech-making part in the national conventions, and so forth, but she wasn't one of my favorites. [Laughs]

Fry: In the 1946 election, we've got an old *Time* magazine article on the outcome of that election, and it sounds like they were all behind you, because they sure brought in a lot against Kenny and his connections with Red organizations. I thought, well, maybe you had great support from *Time* and *Life*, but that's just judging on one instance.

Warren: No, I have an idea if you read *Time* or *Life* through all those years, you will find that while they never were bitter against me, they never were friendly. Now, they may have disliked Bob Kenny more than they did me in that situation—

Fry: and Jimmy Roosevelt—

Warren: Were they against Jimmy Roosevelt too?

Fry: I haven't read that, but I would imagine that they would be more for you than Jimmy Roosevelt.

Warren: I just don't remember how they were in those campaigns. But anyway, whether they were for me or against me, I never liked that kind of journalism. It was just sort of repulsive to me.
On corrections, back on that corrections reorganization, once it got started there was some friction that developed over some overlapping responsibilities between the director of corrections and Adult Authority. These were eventually worked out, I think, over the period of the next ten or fifteen years.

But I wondered how you handled this in the meantime, especially in those areas of transfer of prisoners, and prescribing treatment and parole, where responsibilities did seem to overlap.

Well, I'll tell you, like any program that comes into being overnight, you know that you can't think of all the eventualities that will occur in administration. Our act had weaknesses of that kind too, because there were little modifications put in in the legislature, not enough to be radical, but some modifications, and anyway, you can't foresee all the eventualities that will arise, and there was some overlapping of jurisdiction there that caused—not any real friction; there was no hard feeling developed or anything like that between McGee [and the Adult Authority], but there were some difficulties of administration.

In our original act there was some overlapping of jurisdiction, and it made some minor difficulties in administration. But I had good people on the Adult Authority, and Dick McGee was such an understanding fellow that they worried through those things until we'd get them straightened out with the legislature. In each session of the legislature we'd tighten a few nuts and bolts here and there, and by the time I left we thought that the act was in good shape administratively and so forth. And Dick went along for fifteen years after I was there, as the head of it, [working] with three different governors.

I noticed that Walter Gordon was head of the Adult Authority all through these years.

Yes. I had the right to— it was my prerogative to appoint the chairman of that board, but I always wanted the board to be self-sufficient. I told them to elect the member of the board that they wanted, and they elected Walter every year. The first one who was the head of it was a man [who served] for one year—I've forgotten his name now, but he was a man that Jim Bennett loaned to me. He later became director of prisons of New Jersey, and only retired a few years ago, but his name just escapes me at the moment. [Warren is referring to Sanford Bates] He was there for a year while we were testing out this new act, and then he went back to the federal system. Then I took Lou Drucker, a lawyer in Los Angeles, and I made him the chairman of it for, I think, the first year or two. Then I appointed him to the bench down in Los Angeles, and from that time on Walter Gordon was the chairman of the Adult Authority.
The other thing that we were wondering about was the day-to-day administration, and when difficult points came up between McGee and Gordon, if you were the one who was put in a kind of adjudicating position at that point? Were you the one who would help them iron these things out on a day-to-day basis?

If I had to I would have, but Dick McGee took care of those things. They worked it out themselves. And I never had any prison problems after we put this into effect. They had some problems of administration, but they were all good men and interested in the system, and they worked it out themselves without bothering me. When it would come to legislation they'd sit down and talk to me about the thing and we'd iron it out. They didn't want to change it all, all at one time, because if we did it would look as though we were strengthening one end of it and weakening another, don't you know. We kept it on a balanced basis, and as I used the expression a little while ago, we tightened up a few nuts and bolts here and there in each session of the legislature until it was in what we thought was excellent running condition.

There's one point in the—let me get the Deuell bill.

Yes. [Fry looks for the Deuell bill in an adjoining office]

These policies that McGee installed run right down in an expanded form to today. What's the name of the director of corrections?

Raymond Procunier.

Procunier seems to be doing a fine job of carrying this on.

I don't know.

I'm wondering if you followed it at this stage.

Yes. I think, generally speaking, the original set of rules and guidelines that the department put out some months after we established it are still in running order.

In this version of the [Deuell] bill, it says, "the department is composed of the Director of Corrections, the Board of Corrections, the Adult Authority, the Board of Trustees of the California Institute for Women," and then in italics (meaning it's been added), "the Youth Authority." We've gotten some confusing reports on, was the Youth Authority really under McGee, or did it operate with a lot of autonomy, since the whole philosophy of the prison system was
different for youth.

Warren: Well, I think it started with both of those things in effect. I think our original concept, as I recall it, was to have everything from crime prevention for youth, right up to the parole of convicts, all in one system, so we could treat it as one area of concern. But in doing it, we gave the Youth Authority a great deal of autonomy. But I am of the opinion that there was some looseness between the two that we eventually worked out, and while we left them in the Department of Corrections, I think we eventually gave them complete autonomy with the Youth Authority, and the director of youth. That's my recollection.

Fry: [To Morris] Is that your picture?

Morris: Our impression in reading the literature and reading, for instance, our basic document, the *Blue Book*, the department of the Youth Authority is listed as a separate agency, beginning in about 1943, as you began to build new youth facilities.

Warren: That's right. That's why I said that we had some of both. Because we gave them a great amount of autonomy there, but at the same time we did have them in the Department of Corrections. Dick was the head of the Department of Corrections and the board of corrections, which included a member, the head of the Youth Authority, [which] put them [the Youth Authority] under the corrections. But I think we gradually worked out of that until they were completely autonomous. I may be mistaken, though.

Morris: We also don't find any day-to-day working relationship with Karl Holton as director of the Youth Authority, and Dick McGee as director of corrections. In other words, it doesn't seem to be that McGee was Holton's boss.

Warren: I don't like to put it in the way of being "his boss," but they were both in the corrections department, and it was the Department of Corrections which included both Dick McGee and Karl Holton, that made the rules for both, and the juvenile authority.

Morris: [Laughter] I'm not sure they understood that down there at the operating — it's very confusing.

Warren: It was, that's one of the things that I say, but Karl and Dick were great friends and they worked together very well, and there was no real problem of feeling between the two. No, they worked very closely together.

Fry: Well, we haven't picked up any signs of friction there, such as sometimes there was—not friction, but rivalry feelings, I think, on the other hand between the AA [the Adult Authority] and the Department of Corrections. But apparently this arrangement between the Department of Corrections and the Youth Authority seemed to work. I mean, did this work? Did it function?
WARREN: It worked all right, but I think— wasn’t there during my administration, wasn’t there a change in the relationship between the Youth Authority and the Department of Corrections?

FRY: In 1953—

WARREN: Yes, well, that’s my time.

FRY: —— I think. [To Morris] Wasn’t it, Gaby?

MORRIS: Yes, that was the reference that you had this morning.

WARREN: I think that was the last thing we did to bring our bill into what we thought was the best administration.

MORRIS: And that was the point at which your recollection was that the Youth Authority was administratively separated from the Department of Corrections?

WARREN: I think at least more so than it ever had been before.

MORRIS: Still keeping the board of corrections as— what, an advisory—

WARREN: No, it made the policy for the whole department.

MORRIS: For all the—

WARREN: For the department, yes. But we made a change in ’53, and how much of a change it was, I don’t recall, but it was in the interests, I’m sure, of strengthening the Youth Authority, and preventing it from being tied up too much with the Adult Authority.

MORRIS: That was the other thing that I wanted to ask you about that interested me in the reading. The big interest in the Youth Authority was in developing diagnostic clinics—

WARREN: That’s right.

MORRIS: —— and I wondered how much connection this had with the Department of Mental Hygiene, you know, if their program was kind of tending more towards the psychological approach, and this kind of preventive service that the Department of Mental Hygiene was developing.

WARREN: I’m sure that there was an effort to bring about a correlation between the two, but just to what extent it occurred, I couldn’t tell you at the moment. But I know that our Department of Mental Hygiene found its way into the Youth Authority, and into the schools, and into our hospitals, and in a variety of ways. It was sort of a cross-fertilization of the whole situation.
In terms of services for people?

Yes, yes.

Paroles and Pardons

I had one little question to kind of lead into this idea of parole. Parole also in 1953 was put completely under the Department of Corrections instead of under AA.

Oh, yes, yes.

Did it function better that way?

Oh yes. Oh yes. It did very much better, very much better.

What had been the problems with parole under Adult Authority?

Well, there wasn’t any Adult Authority before we changed the system.

No, ’fifty-three, 1953.

Oh, ’53. I thought you said ’43.

I think [1953] was when it was finally, definitely separated and put under the Department of Corrections and not under Adult Authority any more. In other words, this was no longer a function of the board of Adult Authority.

I’ll tell you, if you’re going to make any comparisons there, you’ll have to take someone else’s judgment, because these bills probably I signed in August of ’53, and I was gone in the first of October, ’53. So I couldn’t tell you which way it worked the best. You’ll have to get that from some other source, I don’t know.

I just needed a lead on why the idea of the change had come about. As this was administered between 1943 and ’53, there must have been some reason for wanting to take it out from under Adult Authority and put it under the Department of Corrections.

Pause] I really don’t—I really couldn’t—my memory doesn’t go to that right now. I couldn’t tell you.

It may have been something very practical, like the Adult Authority didn’t have the staff for a day-to-day administration of these things.
Yes. I couldn't tell you, but Dick McGee could tell you that any time. I know if you asked him he would tell you. Or—"

Fine. We'll have a whole discussion of this parole problem with him, and—"

Yes. Yes, yes. I just don't remember, but I remember there were a lot of—a looseness in this hurriedly thought-up thing, and through the good administration of McGee and the dedication to their job of the Adult Authority and the Youth Authority and everything, they got along splendidly under an imperfect bill until it was brought into shape. Now, that's about all I can tell you. There wasn't any real friction in the thing at all. There was overlapping and, of course, wherever there's overlapping you'll find that each side thinks it ought to do the same thing in some instances. But those things were all ironed out by themselves, and were agreed upon when we went to the legislature, and so forth. I never lost a night of sleep on prisons after we made this change.

There were a lot of things that had to be done, and Dick McGee had no bed of roses, let me tell you, with some of those wardens, and so forth. But he did it in his quiet way, and I imagine at the time I left, you could have stopped a hundred people on the street and asked them, "Who is Richard McGee?" and I doubt if any one of them would know who he was. He was that quiet an operator. Everything was low key with him. Never out in the newspapers, aggrandizing himself, or anything of that kind. He got things done, but got them done quietly. Look at the building program that he got through the legislature, my gosh, it was just amazing what he got done! And all in a very quiet way always. So I think he's a great administrator.

You didn't have any prison riots?

No.

You know this is so hard to—"

I don't think we had one. I don't think we had one in all my time there.

In experience with corporations, I think I sense some of your frustration in trying to work out an organizational chart—who reports to whom? [Laughter] But one of the things that seems to be borne out by this is an experience that lots of corporations have, that the more you try to tighten your lines of responsibility and organization, and who reports to whom, the less efficient your overall working seems to be. We've gone through this at Doubleday, and when everybody's just working as a team and nobody cares about where their fence is, and what they can do without impinging on somebody else, it seems to work better. It works better as a sort of team effort.

And particularly when you have a brand new organization starting, a new thing—"
Nichols: Yes.

Warren: Yes, yes.

Fry: —— you would want to leave it fairly flexible, I guess.

Chall: You'd have to have fairly mature men in authority who would be able to tolerate this kind of situation.

Warren: Yes.


Feingold: Yes, you mentioned in your manuscript the prisoner rehabilitation act—that you wanted very much to clear up the parole question.

Warren: Yes, yes.

Feingold: Was there no way before that act that an ex-convict could get his civil rights restored?

Warren: Well, he could go to the governor through a lawyer or a legislator or somebody else, and as a political act he [the lawyer or legislator] could get a pardon for the man. But there was no way that a man could, by his own actions and his own conduct, work his way out of the sewer where he was, don't you see?

Feingold: I see. And this made it a uniform procedure that anyone could go through.

Warren: Yes, anybody could do it, and our only fight on the bill was that the legislators who used to take fees, as they would call them, for going to the governor and getting a pardon for a fellow, were put out of business on that. They fought it bitterly in the legislature there. But I told them that if they still allowed people to make money off of getting pardons for prisoners, I wouldn't even sign my own bill. The newspapers were for us on the thing, and they kind of shamed the legislators who took that position [against the bill]. So finally we put it in the bill that any attorney or agent or provocateur, or whatever he might be called, who took a fee for doing anything in connection with that prisoner's rehabilitation would be committing a misdemeanor.

Feingold: And it was this procedure, then, that Ernest Ramsay of the Shipboard Murder Case followed in '53 when he was paroled?

Warren: No, he didn't, he didn't. I don't believe he did. He may have, he may have. No, I'll tell you. I did that for the FBI.

Feingold: What's the story there?
WARREN: The FBI told me shortly before I left that on the waterfront in New York, Ramsay was [a] very, very valuable man for information to them in subversive matters, and he had an application in for a pardon, and I communicated with the FBI and they told me that. And I said, "Well, I'll consider it, but only on one basis. There's one man who was in that ship murder who has never been tried, and that's [Ben] Sakowitz, and," I said, "the statute of limitations never runs on murder, and Frank Coakley tells me that if he was found today he would try him." I said, "If I pardon Ramsay he's got to agree beforehand that he will testify honestly in the case if Sakowitz is arrested." And so he said that he would, and told what he would say on the witness stand. With that as a background I pardoned him.

I don't know whether he went through the procedure under that act or not. I know he made an application for pardon, but whether he applied to a court or not, I don't remember. If he didn't, it's the only case I can remember where I didn't require them to go through. But I was leaving, you see, and it was just as I left that I did pardon him.

FEINGOLD: Do you remember what Ramsay said he would testify to in court if Sakowitz [was arrested]?

WARREN: All I recall is that Ramsay was there and on the job and participated in the murder. That's all I—I don't have the details of it, and that was the gist of it, anyway.

NICHOLS: Sakowitz was supposed to be the actual murderer?

WARREN: We think he was the man who wielded the knife. There may have been two people in on it. I'm not sure Wallace wasn't one of them. I never was [sure]. He claims he was outside and was merely a lookout on the job, but I never was sure one way or the other about him. But I think we were sure—we felt rather sure that Sakowitz was the man who either knifed him or bludgeoned him, because it was both. He was bludgeoned over the head, and then he was gashed in the thigh there and just ripped right down, and he died from that—the big vein, you know, and he was dead in about seven minutes, I think the doctors figured. Oh, it was a brutal affair.

But, you know, Sakowitz got away completely, and we never found him until the war came on. When the war came on, they screened the Americans who were in the French Foreign Legion, and they found him there and they brought him back to the army—put him in the army. Then when he got to the army, they found out he was wanted for this murder, and so they put him on a ship and sent him back to this country. When he got back to New York harbor, we believe through the machinations of his old union, he escaped from the ship.

FRY: He would have quite a story to tell, wouldn't he?
Didn't I write something of that in the [manuscript]?

Yes, I think you did.

I remember he escaped from the ship, but I don't think we knew about that French Foreign Legion thing.

Yes, yes.

That's interesting. I need one more question answered on the administration of justice, and that's on your power of commuting sentences. Was a governor at that time able to commute a sentence to anything—if a person was up for execution, could you commute the sentence to anything, or could you just commute it to life?

No, [you could] commute it to anything.

You could?

Pardon him if you wanted to.

Was there any—oh, I see—or pardon him completely?

Yes.

Oh. Was this changed at all during your governorship in line with all of these other changes that were made?

I think—let me think for a moment about that.

We haven't run across it anywhere.

I'll tell you what happened before I became governor. [Tom] Mooney and [Warren] Billings, and those fellows who were in the Preparedness Day bombing, were in the penitentiary, and they were both ex-convicts. When Governor [Clement C.] Young was elected governor, it was a very hot issue, as to whether or not Mooney and Billings should be—get extended executive clemency.

Some of Young's advisors went to the legislature and got a bill through to the effect that if the prisoner was a two-timer, an ex-convict, that he could only be pardoned if the supreme court authorized it. And then, then when the question came up as to whether Mooney was to be pardoned, the governor said, "It's up to the supreme court, it isn't up to me." And the supreme court was not about to get into that mess, so the thing hung fire until Olson came along and pardoned him, don't you see. I think he then got the consent of the supreme court. But that was the background of the thing.
Fry: Was that law still in effect when you were governor?

Warren: That law was in effect, yes, if he was a two-timer. But it was no problem with me. I never had any problem under it, because I would be willing to ask the court, if I wanted to do it to ask them, and otherwise I wouldn't put it to them. Because I don't believe a governor ought to hide behind the supreme court on clemency matters; he ought to take the thing and—

I had the practice, if more than one member of the supreme court was in dissent on a conviction for murder in the first degree, I wouldn't let a man hang, wouldn't let him be executed.

Fry: Oh really?

Warren: Yes. But I had a very good working arrangement with the supreme court. They were very friendly. I kept in touch with them pretty well.

Fry: You had a couple of appointees, didn't you, on the supreme court?

Warren: No, I only had one in eleven years.

Feingold: One, and that was [Homer] Spence, wasn't it?

Warren: Homer Spence, yes.

Fry: Oh really, was that your only one?

Warren: Yes. Then after I left, I think Pat [Edmund G., Sr.] Brown appointed four, anyway, in his length of time.

Fry: He had a whole bunch of vacancies come up.

Warren: I only had one in eleven years.

Habitual Criminal Act

Fry: That just clued in something to me, and maybe you can help me with this question, because I don't have anything written down about it. I remember after we talked last time, something came up in some of the research I was doing, and I wanted to ask you if as district attorney you lobbied on it. It was a bill which was backed by the district attorneys and the police chief organizations, for some specialized procedure that would be used when a person had been up for a felony twice in a row, and he would then be classified as a—
FEINGOLD: Oh, as an habitual criminal, and—

Fry: —and this would be called an habitual criminal act. Do you remember that?

WARREN: I don't remember the bill that you're speaking of, but if it was sponsored by the district attorneys and the peace officers association of California during my time as district attorney, you can be sure that I was for it, and lobbied for it.

Fry: I see, because I—

WARREN: Although I don't remember the particular bill that you're talking about.

Fry: [To Feingold] Did it say that these guys couldn't have parole, or what did it say?

WARREN: The reason I say that—

Fry: It was something to, I think, rule out parole or something.

WARREN: I don't remember the bill at all, but I do know that the only representation that the police officers and the district attorneys had in Sacramento was somebody from my office. I'm sure that I would have been for it, if they were on record for it.

Fry: In other words, you wouldn't have disagreed and said, "I'm not going to lobby for this."

WARREN: To be very frank with you, it wouldn't have gone through both those organizations [if I had been against it]. [Laughter] That sounds a little arrogant, but that is the fact, though.

NICHOLS: Are we ready to move away from the [Department of] Corrections, or do you have more—

Fry: Yes, I think that's all on corrections and the administration of justice. Oh, one more—

Creating the Department of Justice

FEINGOLD: Yes, we were just wondering why the Department of Justice, as an administrative thing, hadn't been included in that set of 1934 constitutional amendments.

WARREN: Well, in the first place, that was more a legislative matter than a constitutional matter, and I don't think—it would have taken so much writing that it wouldn't have been understood by people, and you couldn't explain the whole
thing. This was getting the thing started, don't you see, making the attorney 
general the chief law officer of the state, and giving him jurisdiction over the dis-
trict attorneys and the sheriffs of the state, and authorizing him to step in—that 
was revolutionary at the time. And that was of my own creation. I wrote that 
thing myself and sold the idea along the line. It was in keeping with that speech 
that I made before the American Bar Association a few years ago—a year or 
two—before that, and was the forerunner of the Department of Justice.

FEINGOLD: So that you could let it sit then—-I guess that the Department of Justice itself 
wasn't created until you were already governor.

WARREN: That's right. But, you see, when I became governor, Bob Kenny, who had been 
a state senator before that, became attorney general, and when he became attor-
ney general, he and I worked on this Department of Justice and got the bill 
introduced. We both sponsored it, and it went through without any great 
difficulty at all.

Fry: Did this add any functions to the attorney general's office or just rearrange them 
a little?

WARREN: Oh, it did, a lot! For instance, the narcotic enforcement was in the governor's 
office. I didn't think that one law enforcement function and no others should be 
in the governor's office, and I thought if the attorney general was the chief law 
enforcement officer of the state, he ought to have it if it was to be a state func-
tion. So I asked to have that taken out of the governor's office and put into the 
attorney general's office.

Then there was the state Bureau of Criminal Identification and Investigation 
that had been under a board, a board of governors. Up to the time I became 
attorney general I was the chairman of that board for about twelve or thirteen 
years, and I had that incorporated into the Department of Justice. And a few 
other things—all the little odds and ends that were in the state government in the 
way of law enforcement we tried to put into the Department of Justice so that it 
would be one agency that was charged with the whole process, and not have 
them—

Fry: Does that mean that when you were attorney general that you didn't have any 
power for tracking down narcotics?

WARREN: Yes, that was in the governor's office.

Fry: You couldn't do that.

WARREN: Oh, I could have. It depended on the situation. If there was a situation in the 
county that was completely out of line on narcotic enforcement, and the sheriff 
and district attorney weren't doing their job there, I could have moved in and 
taken over their functions in that regard as attorney general under that 1934 act 
which made the attorney general the chief law enforcement officer of the state.
It wouldn’t have divested the governor of his right, but there was both state enforcement and local enforcement so far as narcotics was concerned.

Fry: I see. So, you could supplant local enforcement if it was a question of that.

Warren: Local enforcement officers, yes—that is, sheriffs and district attorneys.

Fry: And you could work with the Criminal Identification Bureau, because you were also on that board when you were attorney general, is that right? So that this kind of brought it in under your wing in that respect, is that it?

Warren: I don’t know whether I—I don’t remember whether I resigned as chairman of that board when I became attorney general or not, but I was there for about twelve or thirteen years, I know, as district attorney. And whether I held over into my years as attorney general I don’t remember. But whether I did or not, we took it away from such a board and put it into the Department of Justice.

Fry: I was just wondering if there was any problem of communication between your office as attorney general and this Criminal Identification Bureau while you were attorney general, because I had it in mind that you had full access to all this information and worked closely—

Warren: Oh yes, I was very close to it, there was no question about it, no problem. There was no problem. But I really don’t remember whether I was on that board as attorney general or not. I don’t think I was. I think when I became attorney general I left the board, and I don’t remember who became chairman of it. But at all events, it was under a board up to the time that we created the Department of Justice and was not a part of the attorney general’s office. And then we took them and packaged the whole thing and put it under the attorney general in the Department of Justice.

Fry: Then it is correct that the de facto situation when you were attorney general was that you were able to go ahead and work with this and have full access to it.

Warren: Oh yes, I had no problem with it. I had no problem with the law enforcement officials of the state at that time. They looked to me as their leader, don’t you see, whether it was the police or the sheriffs or the district attorneys. We worked together at Sacramento and otherwise, and particularly administratively because, see, I was attorney general, I was the head of civil defense in the state.

We organized all kinds of programs to bring these many agencies together so we could function in time of crisis. We even brought the fire people of the state in. So we had the police, the firemen, the sheriffs, the district attorneys, and the attorney general’s office. We were about as good a unit as you could find any place. We had practically no trouble at all.
Fred Howser as Attorney General

CHALL: Under different attorneys general, maybe with a different personality and different background, would it have been more difficult for these informal, loose administrative arrangements to have been worked out as well?

WARREN: Oh yes, oh yes, we ran into that too when Fred Howser came in as attorney general. Why, his people, his investigators, were out organizing the gamblers and the slot-machine people and others to knock down the efforts of all of these other people. That's when I set up the crime commission and put Warren Olney in charge of them, and we went out, and Warren was responsible for convicting the two top men of the attorney general. And that was also, it turned out, politically to be the end of the attorney general.

So, oh yes, a bad attorney general could raise Cain in this state if he wanted to do it. But that's the situation any place where you give people power; if you get a bad man, he can hurt you. You just have to have some kind of an agency that will bring these people together where you can have some cohesion, rather than everybody on his own.

NICHOLS: Do you want to talk about the Howser business? Your relations to the whole Howser business is one of the very few real trouble areas—people who don't serve you well, in a sense—

WARREN: Yes.

NICHOLS: —is interesting to us, and I was wondering if you recall a good bit of that. He had some weak counterattacks against you which he ran for a while, one of them being Olney. Didn't he say that Warren was being paid out of public funds for private counseling services, and then he cut, or tried to cut, Warren from the payroll of the attorney general's office? Wasn't Warren being given a fee as a counselor at that time to Howser?

WARREN: No, no, I don't think so. [Laughter] I don't think you could get Warren to be a counselor for Fred Howser.

FRY: No, this had something to do in the payroll office, where—Tom [Thomas H.] Kuchel told me with a great deal of mirth that he had a terrible time at this one point where the paycheck of Warren Olney was held up by Howser because somehow the attorney general had to okay it. I can't remember why he had to okay it, and he refused to okay this— I think it was a lot of paychecks he had to okay.

NICHOLS: This was one of his very few—yes.

WARREN: When we started it, it was on the definite understanding that it was a part-time job for Warren and he could practice law on the side. Maybe that's what they were objecting to, but he was paid I think $8,000 on this job, don't you see. But
it wasn't any time until he just gave up all his business, you know, and worked on this twenty-four hours a day.

**Nichols:** I think at that point you were quoted as saying something to the effect that he was such a valuable man that you would be willing to pay him out of your own pocket—Warren, that is.

**Warren:** Yes. I had a fund, you know, a little fund. It wasn't very much, but a fund for investigation. I've forgotten how much it was now, but it was not great, but if I'd had to do it, I'd have used that fund up to pay him rather than see him go off. I don't recall the incident you speak of, but I would have done that, I know.

**Nichols:** Howser just seems to have been trouble all the way. Then there was a Drew Pearson column that implicated him with some undesirable characters in southern California.

**Warren:** Yes, and he sued Pearson for libel.

**Nichols:** And they won the suit with Bob Kenny as Pearson's attorney, as I recall.

**Warren:** No, no, not Bob Kenny.

**Fry:** This is after Kenny was no longer attorney general.

**Warren:** Oh, was it? I thought his attorney was Bill Rogers, the present secretary of state. I don't know, he may have hired Bob, too. I don't know.

**Fry:** Who—who hired him?

**Nichols:** Drew Pearson.

**Fry:** Drew Pearson hired him. Oh.

**Warren:** I don't remember that. It could have been, but I don't remember it.

**Nichols:** This comes out of old newspaper clippings. I read them some time back, and I'm a little foggy, but I do seem to remember that he—

**Warren:** It could have been, because he was a free agent then, he was out of government, and he could take [a case].

**Nichols:** They made Howser back off very quickly. They discovered that he really had been associating, indeed, with—

**Warren:** Well, it might have been, but I just don't remember that.
What about your relationship—as long as we’re on Howser—with Howser when he took the part of McCracken at the beginning of the Ivanhoe v. McCracken controversy? Was there anything that could be done about the stand that he took at that time?

No, he’s the lawyer for the state, and he could take any position, legal position, that he wanted; there wasn’t anything to do [to prevent that]. But I wouldn’t support him and wasn’t for it at all. Wherever I could, I would sanction the other side of it, but I wasn’t the lawyer for the state, you see—he was. Of course, he didn’t prevail in the thing, although he had a judge down there who was trying every way he could to decide it that way. Pierson Hall from Los Angeles who was—

Youth Authority Long-Range Plan

[To Morris] Gaby, you were about to raise your hand. Were you [moving] on to health?

No, I don’t want to move on to health. I have one more Youth Authority question [laughter] before we get out of this thing.

Shortly, about a year, before you went to Washington, you appointed Heman Stark as director of the Youth Authority?

Yes.

And he recalls that you requested that he draw up kind of a long-range plan for youth services. I thought this was something that you might comment on; that you decided that enough of the bugs had been worked out of the original legislation so that some long-range planning could go on. He also recalled that even this early, by ’48 or ’49, there were the first proposals in the legislature for state subsidy to the counties to develop better local services. And in view of what happened in the succeeding ten or fifteen years, I wondered if you recall some of the discussions you might have had on this.

No, no, I don’t, but I would take Heman’s recollection of it. He would be far more accurate than I would. I don’t recall—it was a natural thing for them to have him lay out the future as he saw it. I don’t have any recollection of it at this time, but I’m sure if he gave you the story, he gave it to you accurately.

You borrowed him from the Youth Authority over the years, hadn’t you?
WARREN: Oh yes, he's a good man, a good man, yes. Oh yes, I think you can rely on anything he'd say as being accurate. I just don't remember that particular thing.

MORRIS: I wonder if by that third term you were beginning to get pressure from the county government on various areas of service where they were looking for more help, or whether the concern was from Sacramento that there be better services?

##

WARREN: You mean in the juvenile area?

MORRIS: For the juvenile program.

WARREN: Well, I don't recall, I don't recall that on the juvenile end of it. I know we had quite a bit of talk about the relationship of the state to some of the mental health services, but I don't have in mind anything about the Youth Authority. I don't think there was any particular pressure from the counties on the Youth Authority—I don't recall it if there was.

Chapter 14: Mental Health Services

Pressure for Local Services; Outpatient Clinics

MORRIS: But you were getting pressure from the counties on mental health services.

WARREN: No, my pressure was on them.

MORRIS: [Laughter] I see.

WARREN: My pressure was on them, in this respect: There were a lot of people who would send their old folks to the state hospitals, when all that was wrong with them was senility. And they would be troublesome, you know, hard to handle or something, so they would exaggerate a little and make a case to show that they were dangerous to themselves or to someone else, and they would send them to a state hospital. When they'd get up to the state hospital they'd [the staff would] find out that it was just senility with them, you know.
Morris: They did, quite a ways.

Warren: Yes.

Morris: In the autobiography manuscript on your governor's period [Memoirs] you did refer to the five outpatient clinics that were established—

Warren: Oh yes, oh yes. Oh, I suppose those folks could come in there, too, for senility. But that wasn't what we were aiming at on those outpatient clinics.

Morris: Oh, what did you have in mind in that area?

Warren: You know, there are so many people who are going around under terrible tension, and who might crack up any minute, and their relatives are concerned about them, you know, and they don't know what to do with them and didn't know any place that they could go until they actually cracked up. Then when they cracked up, there was only one place to send them, and that was to the state hospital. What we did—wanted to do with these clinics that we established in San Diego and Los Angeles and Fresno—and Chico, I think—and at—

Morris: There was one here in Berkeley—

Warren: —at Berkeley, and the Langley Porter over in San Francisco, and also, I think we established outpatient clinics in each of the state hospitals around the state, too, and made them available to people who were not sick enough to be committed to a hospital, but who needed some supervision, needed some treatment, and so forth. And we had trouble with that. We didn't have any trouble, I think, getting it through the legislature, but when we finally got it through the legislature, the doctors boycotted them in some of those places, and they wouldn't stand for them functioning, because it "interfered with the doctor-patient relationships." And they said, "If there's anything the matter with them, they can go to their own doctor."

Morris: To their own psychiatrist.

Warren: Yes. And there weren't any psychiatrists around they could go to, hardly. It was hard enough to get psychiatrists for the clinics, there were so few of them in those days.
But we established them [outpatient clinics], and I remember down in Fresno, in particular, the medical association just boycotted the thing entirely.

**MORRIS:** The whole medical association, not the psychiatric—

**WARREN:** I think they did, yes. But my goodness, there's nothing more important than to try to keep people out of hospitals, you know.

Originally, I had formed a plan in my own mind, but I hadn't divulged it, of having a mobile clinic that would go in a big van, we'll say, with a doctor and a nurse and attendants, you know, and have all the facilities of a clinic in the van. [It would] go through the mountain counties, you know, where there wouldn't be any psychiatrists or there wouldn't be anybody who could take care of such people. And see them when they went through there, and so forth, and give them advice and counsel, and a little treatment of some kind. But that— I've forgotten why I didn't do it, but I eventually came up with the clinics themselves.

**NICHOLS:** Probably the doctors would be as opposed to—

**WARREN:** Oh, they'd be opposed to that [the mobile clinics], oh yes, sure they would.

**FEINGOLD:** It seems to me that those mobile clinics are just now coming in.

**WARREN:** Are they?

**FEINGOLD:** They're being tried in some places, yes.

**WARREN:** Are they? Well, gee, I think it's as sound as can be.

**FEINGOLD:** Yes, it's a wonderful idea, because [there are] some of those little communities that couldn't support a clinic.

**WARREN:** Oh yes, sure.

**FRY:** Yes, couldn't even support one half-time psychiatrist, probably.

**WARREN:** Yes.

**CHALL:** Yes, even in big cities I think they're trying it, in some of the bigger cities; they're just going to certain neighborhoods and just putting the van there. That's its place for that day and that month, and they know that it's coming. Like a mobile library.

**FRY:** Hold their problems until then!
Federal Funds for Hospitals; Community Awareness

WARREN: Yes, well, that's what I had in mind. And then also, my idea on that went over into the other field of not mental illness but illness of any kind, you know. Up in our mountain districts, gee, you couldn't get a young doctor to go up there, because he'd say, "How can I practice modern medicine up here?" So we put through the district hospital act so that any district could issue revenue bonds. Then we connected up with the Hill-Burton Act in Washington, and they made a contribution, and then we got the state to make a like contribution, and the communities would only have to pay one-third of the payment [cost of hospital construction], and that way they could afford to do it. So they built a lot of these things [hospitals] all over, and then having once built, they could run it with their own board of trustees, and everything, of this district, and we could have—I remember when I recommended it to the legislature I said, "We're going to put those hospitals within an hour's reach of everyone in California." And some of them, you couldn't get them down there for a day hardly, into a decent hospital.

Fry: Was this opposition from the doctors on your outpatient clinics, was that your first rub with the doctors?

WARREN: Oh no, no, that came later. My first rub with the doctors was in 1945 when I offered a comprehensive state program for [health insurance].

Fry: Oh, I see. So this mental health was even later than that, then. I didn't have that chronology in mind; I thought it happened early.

MORRIS: And it was 1949 when Dr. [Frank] Tallman came in as director of mental hygiene, and that was in that later period that the outpatient clinics were developed.

Fry: Oh, I see.

MORRIS: I had an earlier question on 1946, when the federal National Institute of Mental Health was granting—making its first grants: I'm unclear as to why you had that grant to be administered by the Department of Public Health rather than the Department of Mental Hygiene.

WARREN: What was the federal bill?

MORRIS: National Institute of Mental Health, NIMH.

Fry: What was the grant for?

WARREN: Did we get grants?
We got a grant, a small one, like about fifty thousand dollars, which went to the Department of Public Health [rather than to the Department of Mental Hygiene]. The only reason I could think that it went there is that that was the same year that there was a state-local health department act, and the mental health money was used to begin to get local communities aware of mental health. But it was interesting that it went to public health rather than to mental hygiene.

Well, I don’t know. That was in ’46?

Forty-six the first money came through.

Well, I don’t know. I suppose it was because of—if I had anything to do with it, I suppose it was because of my great confidence in Dr. [Wilton] Halverson that caused it to be done. And the fact that his department was probably better able to administer it than—fifty thousand dollars isn’t very much money, and it couldn’t do anything except a little research, you know.

We moved his health department from San Francisco over here to Berkeley and built that building that’s right down there—

Berkeley Way.

— with the understanding that it would be close to the public health building of the University of California. So, we got them almost across the street, where they could work together, don’t you see, and that was Halverson’s program, too. He was a wonderful man, a wonderful man.

[To Fry] Should we adjourn and start public health—

We’re supposed to be over there at one o’clock at the Faculty Club, so we have time for a few more questions.

State Hospital Observations

I have another mental health one. One thing that Dr. Tallman was particularly pleased with was something that he called his intensive care plan for patients in the state hospital.

Yes, I remember that.

It was down at Stockton State Hospital, wasn’t it?
Stockton, yes, they took a hundred old ones, and it was—some of them, I think, had been there fifteen [or] twenty years [laughs], as I remember it—old ones that were just custodial, just lying around there. What we wanted to do was take a hundred of them and see if we could salvage any of those habituals out of it then, and Dr. Tallman was of the opinion that we could do that. But, oh, the legislature yelled because of the amount of money we were putting on each individual with this intensive care. But I think he did make some real progress out of it, as I recall it.

It's written up in the literature of psychiatry; the Stockton Study it's called.

Did they treat it favorably?

Yes, professionally what he was trying to demonstrate, he said, was to show that people could come out of the state hospitals. And again, the sooner you got them to a state hospital and gave them the intensive care, the shorter their stay would be in the hospital.

Yes, sure, sure.

[To Morris] Of these one hundred, were quite a few then released, do you remember?

That escapes me, but it was demonstrated sufficiently so that he then used the success at Stockton to put the same plan into other state hospitals.

My recollection is that there was progress made, but it was greatly retarded by the recalcitrance of the legislature because of the amount that it cost to try to treat each patient.

It did lead to much more concentrated service to patients coming into the state hospital.

This reminds me of something that goes back to your early years in the governor's office: How did you happen to visit the state mental hospitals for the first time? You actually went and visited—

I did it right away after I was governor because, see, I had had a lot of experience with the state hospitals, as district attorney. During my years as district attorney the only way you could commit a person in Alameda County was to come down to the district attorney's office and swear to a complaint, charging the person with insanity as being either dangerous to himself or just so mentally deranged as to be dangerous to himself or dangerous to others. It was a barbarous, it was a barbarous procedure, you know, and if the person was a little unruly or something, the only way it could be handled would be to just send the police patrol out there and take him in a police wagon, take him down and put him in a cell. To me, that was atrocious, and I worked with people who had a more enlightened view to see if we couldn't find a way of committing them
without doing that.

I knew they weren't curing people up at those places. It was just pure custody, don't you know, was about all they were doing. The whole political situation was—the whole thing was political in the management of the state hospitals. The governors would come in, they'd appoint somebody, a politician—a political doctor, you know, would be the head of the hospital, and so forth. I thought that was atrocious. And I knew of the old buildings; when I was attorney general I had occasion to see them and to handle the different matters that came before the different departments and caused [required] our opinions, so—

MORRIS: There were problems with the property and possessions of patients, weren't there, occasionally?

WARREN: Oh yes, there were all kinds of property—

MORRIS: Legal issues—

WARREN: Yes, and they'd lose them, supposedly, and thought somebody had taken them.

MORRIS: That I've heard, as far as things like watches and jewelry.

WARREN: Yes, yes.

MORRIS: I was thinking about a person committed to a state hospital, and then what happens to his real estate, his bank account, this kind of legal issue.

WARREN: Well, I don't think we took that [on]. There were legal procedures for that in the courts. We may have changed somewhat the manner in which the authorities acted in those cases, but I don't think we changed those [procedures]. I don't recall any changes in those procedures. I think that's a matter of probate law and guardianship. I don't recall anything of that kind.

But when I became governor, I was sensitized to the situation in our mental hospitals, and I almost immediately went around and visited every one of them.

MORRIS: Could you just call up Napa State Hospital and say, "I'd like to come over"?

WARREN: I always told them all that we were coming, what days we were coming, and so forth, and took a look at it. What I saw just made me sick, you know, just—gee, I couldn't sleep for a month after I went there, because of the horror, the possible horrors of the thing.

I had the fire marshal go over it, and they found something on forty-seven buildings throughout the state, in the various hospitals, that were either fire hazards or earthquake hazards or both, in which people were bedridden, with bars on the windows, you know, and so forth, and they couldn't get out if there
was a fire there. Just an act of God that we didn’t have anything like that. I was concerned because these big hospitals like Stockton had the big, high tower that went up several stories, and a big well right in the middle, and if a fire started down below, the smoke would go up there and kill all of them up above.

So I went and saw those things, and I made up my mind that I was going to get rid of all of them, and I announced that I was, and people said, "Oh, yeah, we’ve heard that before."

**Morrison:** Did you take a newspaper man along with you?

**Warren:** Beg pardon?

**Morrison:** Did you take Verne Scoggins, for instance, along with you?

**Warren:** Oh, I’d always take some people with me, oh sure. Oh, I wouldn’t go alone on a thing like that; I’d want somebody to observe with me, you know, and be helpful.

**Morrison:** A ceremonial——

**Warren:** No, no, not ceremonial, but somebody who could be helpful. They’d take one person and they’d show him all this and that, but you have some other people with you who are on the lookout and they can see a lot of things that you wouldn’t see.

**Morrison:** Do you recall who went along with you on some of these——

**Warren:** I don’t remember whether it was Scoggins or who it was. It would certainly be some——probably I’d have two or three people in my——

**Morrison:** How about Mrs. [Dora Shaw] Heffner, your first director of the state hospitals [the California State Department of Mental Hygiene]?

**Warren:** I’m not sure whether she went with me or not. She probably at least went with me on some of them, anyway. I don’t remember who went with me on the trips, but I know that I would have somebody, because when you get into a place like that with a staff and they start showing you, they show you the things that they want you to see, and you can’t see it all. But if you have two or three free agents with you looking around, they could see something and be helpful on it, don’t you see. So I went around to all those, and I made up my mind I was going to get rid of them. And we did. I think we got rid of the last one the last year I was there [in the governor’s office].

**Morrison:** Just about, yes.
Every time we got a new building that would take care of three or four or five hundred people, I would immediately, before they could transfer a patient, destroy the old building that it [he] was in. Our own people a lot of times were against that. They said, "Governor, we haven’t the place for them. Let us use this until we get enough space for them." I said, "If you do that you’ll never get space for them." They’ll just say it’s good enough, like those old barracks they had from the fire of 1906 in San Francisco. Just regular shacks, you know.

Had they taken those up to Napa?

Napa, yes, taken those up to Napa. And if I’d let them keep the old buildings, we wouldn’t have gotten half of those down. But I tore them down. Maybe they’d have to put them [patients] in the aisles some place, but that would make it easier to get another building, don’t you see.

Appropriations.

Yes, sure. So finally we got rid of them and got rid of the old ones too. I was up at that Sonoma home, a year or so ago, and took a look at it up there, and gee, they’ve got all nice new buildings up there. I built the whole thing.

We were impressed that you did this directly, yourself, that you went personally to the mental hospitals. I suppose this was a sign of this as a very high priority.

Oh, sure. My recollection is that I would take the legislators in that particular district with me, wherever they were willing to go, and most of them were, because they were all in favor of improving their own hospital. They wouldn’t be in favor of improving the whole thing, but they’d all be in favor of improving their own hospital in their district. So I’d take them where they would be willing to go, and that would help in the end, too.

In contrast with our present governor, who won’t deign to go near a mental hospital. Even at the height of the scandal a while back, he wouldn’t get out and actually go to a mental hospital in the state.

I just made myself do it. It isn’t a pleasant thing, either, to do it, to see those poor souls in there. Gee, it’s just terrible, but it’s the only way you get it done.

Did each hospital have its own farm, do you recall?

No, not each of them. There were a couple of them that did. I think the one up at Glen Ellen had a big farm. The farming operation in some of them was negligible.

It seems to have been a subject of discussion in the legislature occasionally.
WARREN: Oh yes, sure.

MORRIS: The legislators wanted to keep the farms operating, and the medical people said that farming isn't really going to be any help to the patients. I wondered if every state hospital had a farm.

WARREN: I don't think so. If they did it was very minimal. Very minimal.

Chapter 15: Postwar Construction Program

FRY: We can wind up this session with a global question that goes back to your first days as governor, I think. In speaking of priorities a while ago, one of the things that we've always wondered about was how someone like yourself, when you enter into the governorship, arranges things in priority. In your case it would be — this shows up in your inaugural address, your address to the legislature, where you had definite programs that you had chosen at that point. And I wondered how this narrowing down process was carried on.

WARREN: Well, there wasn't any particular pattern to it, as I recall it, but, you know, these were not normal times when I became governor. We were in the middle of a war. The war started in '41, and I was elected in '42, November '42. Now, there were a lot of things that were entitled to high priority, but you just couldn't possibly get them done at that time, because it would involve manpower and materials, and the war restrictions on those were such that you couldn't get any materials, and you couldn't get any manpower for things of that kind, so there was no use wasting time on those right at the moment. The only thing to do was to start on something where you could get something done, and then save the money for the time when you could get those [other] things done. So I selected things where we could get something done at the moment, and then, because of our inflated revenues, which we had at the time, to lock up every dollar that you didn't need for governmental purposes in a building fund, to take care of it when the restrictions were off of labor and materials.

And then so we'd be ready at that time, I had the Department [Division] of Architecture go into all these various departments, see what they needed, and we had plans and specifications on the drawing board, or on the shelves, at the time the government was ready to release materials and manpower. Because we were one of the few states that made those preparations beforehand, and it was wide open to us right from the beginning, and we got in and we just built like crazy, you know. We just built to beat the band. And the government was glad to see it done, and we needed to do it, too, because with the war over, we had eight
hundred thousand boys of our own who came back from the war in a very short time—came back with no jobs or anything, don’t you see. We had to have a lot of things going for ourselves, or we’d have been in bad shape.

Also, all these youngsters who trained here, so many of them wanted to come back, and by the time I left there were a million out-of-state veterans who came here, a very large percentage of them with wives and babies, and they had to be taken care of too. So we had to look forward to the future, and some of our priorities there were determined by that situation.

The problem was to keep this money—to keep the big taxpayers from reducing taxes and getting rid of those surplus funds, on the one hand, and the legislature spending it for something other than capital investment. I took the view that if we were to let this period go during the war without doing anything in the way of construction, and then had no money to do it with when the war was over, no plans or anything, that we’d just be building up for these soldiers of ours who went overseas a backlog of things that would be a terrible burden on them. I argued that, to keep our funds intact, don’t you see, for building purposes, and we were able to do it.

Nichols: The availability of the funds, plus the returning labor right after the war, and the readiness of the plans brought on a building boom, and an economic boom and kept everything going very well.

Warren: Oh, yes! We had so many programs going that we didn’t have enough contractors in the state to do it, so outsiders would—

Nichols: They came from all over.

Warren: ——outsiders would come in to do it, but they’d have to——they wouldn’t bring employees from outside the state, they’d employ the people who were here, don’t you see, to do the job. But the contractor would come from another state.

Morris: Were there enough construction workers amongst the returning veterans to fill all those jobs?

Warren: Oh yes, we had no problem with getting the jobs done. They were done, and they were done cheaply compared with present-day costs.

Nichols: An interesting story about how the contractors would approach the head of the [state] planning program, always with a kind of devious under-the-table “who do we pay off” or “whom do we pay off” or——

Warren: Yes. Those are mostly the outside contractors. The contractors in California knew better; they knew that wasn’t the thing to do. But a contractor would come in from another state, and he’d walk into the Department of Public Works and see Charlie [Charles H.] Purcell or some of his people, or into Jimmy Dean’s department as director of finance, and they’d say, “Now how do we go about
getting this particular contract?" Well, they'd tell them, "All you have to do is to just put in your bid and put in your 10-percent bond, and if you're the lowest responsible bidder you get the job."

"Oh, we know that, but who do you see?" [Laughter]

"Well, you don't see anybody."

"Oh, I know, but there must be somebody to see."

"No, you don't see anybody. If you comply with those [requirements] and you're low, you get the job."

"Well, where do we get our insurance?" That was a racket always, you know. The political forces would control the insurance on those big jobs, you know, and that's big money for some insurance brokers. And they'd say, "Well, you get your insurance any place you want."

"Oh, I know, but there must be some place that we could better get it."

"No, you get it any place you want." Then they would bid. But they didn't want to do it honestly, they'd want to be on the inside and get it—of course—

Nichols: Honesty was a rare commodity, especially in the building trades at that time.

Warren: Yes, but when they find out that it won't work that way, they'll perform, because they're afraid not to—[afraid that] they'd be in trouble. We went through I don't know how many—I suppose we had easily a billion dollars' worth of construction, counting our highways and everything, and we never had—not a breath of scandal of any kind in all of our contracts. Not a bit.

Fry: That's something that is never in the headlines which we should be emphasizing about your administration. It's hard to pick this up from the papers, the fact that all this money was available and it did remain clean money, apparently.

Warren: Yes.

Nichols: And that there was no prison scandal and—

Fry: Yes, the things that didn't happen.

Nichols: This must have been the frustration of the Luce empire, where you were concerned.

Warren: What?
Nichols: This must have been a frustrating thing to the Luce people, that they didn’t have any sensations, any scandals to write about.

Warren: Oh, if they found something on me they’d use it.

Nichols: They had to invent them. [Laughter]

Warren: I think the thing that gives me most satisfaction out of my years in California is that, out of all the people that I employed, whether as district attorney or as attorney general or governor, not one of them was ever seriously charged with any misconduct of that kind.

Chall: Not every governor can make that statement.

Nichols: Remarkable.

Warren: I beg your pardon?

Chall: I said not every governor can make that statement.

Warren: No, they can’t do that. They were awfully good people. That’s why I feel guilty about writing these things about myself, because, really, they were—I just lived with them, you know, those people, and they’d propose all these things that I talk so simply about now as being my program. I don’t remember who would propose each one of these things, but I know they weren’t—all mine. They came from my associates, and of course they were never known in the thing. When it came out it was my program. But I feel guilty in taking credit for it.

Nichols: I think you’ve worked into the manuscript [Memoirs] a very nice little sort of reapportionment credit. [Laughter]

Chapter 16: Relations with Executive Departments

Morris: How much time were you able to spend with the top department heads in addition to those monthly governor’s council meetings?

Warren: Well, it all depended on what their problems were. There were some of them that I would have to see very seldom. You take Halverson, for instance. I suppose if I saw Halverson once a month it would—we’d talk over anything that he wanted to talk over in his department. With a department like the Department of Finance, Jimmy Dean was right in the same building there with me, and
I might see him three [or] four times a week. And Dick McGee, who was such a quiet operator that I wouldn’t have to see him very often. I tried, also, to work this thing out in a way that would get these people in the various departments that would sort of more or less dovetail together as a committee, and I divided them up into committees, don’t you see.

For instance, all the financial people—I would have them talk things over before they presented them to me. And so in the field of corrections, I had the Adult Authority and McGee and maybe the Youth Authority thrash their things out, you know. If they worked out satisfactorily, there wouldn’t be any necessity of seeing me. But if they had any problem, then they would come to me and talk it over. And we did the same in the construction business, and so forth, and the same on schools. I really relied on the people around me, to such an extent that—and left them to their own devices so much that—I just escaped untold work and worry, and it permitted me to do things that I never would have had time for if I had tried to run their jobs for them, you know.

Morris: I wasn’t thinking of it in that sense, I was thinking of it more as many people think that it’s the informal exchange of conversation that is where the new ideas come from, and I wondered if you felt this way.

Warren: My office was always open to the heads of my departments. They could come see me any time. There wasn’t any isolation, but they knew they weren’t to come over and toss some problem into my lap unless there was something they couldn’t solve themselves, don’t you see. And they knew I wasn’t going to interfere with them on their day-to-day problems, either. So they had a great deal of autonomy, and they wouldn’t bother me unless it was necessary. But my door was open to them any time they wanted to come. We had nobody who felt he was outside of the picture, and couldn’t participate.

Morris: Marvelous.

Nichols: And yet you seem to have kept a remarkable knowledge or control of what was going on in each department.

Warren: Oh yes.

Nichols: There must have been reports filed, or these conferences very informatively arranged.

Warren: Oh yes, and then I had a departmental secretary, Pop Small, I had, most of the time, and he was a sort of an ombudsman.

Nichols: Coordinator?

Warren: No, he wasn’t supposed to coordinate anything, but if there was a complaint against a department or something of that kind he would just in a gentle way or a kindly way, if it was, say, the Department of Public Works, go over and say,
"Charlie [Purcell], did you see this? What's been done about this? The governor was wondering," and so forth.

He'd come back—Charlie'd tell him what it was and he'd come back, and he'd be sure it would be worked out. And the same with all the departments. Pop was just a great fellow for that. He had a fine disposition, and he wasn't pressuring anybody, or anything of that kind. He'd just go over in a gentle manner and sit down and talk to them. Because he came from my office, the door was always open to him, and it just brought about a good feeling and good administration all the way around.

Fry: I have one note here that is corollary to that, and that's that all of the departments cleared their legislation through your office. This was, I think, your request, very early.

Warren: Yes, yes.

Fry: And you also had a request that you wanted to please halt high-pressure lobbying by the state officials, the state heads of [state] departments, and so forth.

Warren: Yes, the legislature is very touchy about state officers lobbying them, you know. Their cup of tea is the private lobbyist who represents special interests, but when the state department[s] come in there and lobby on something, they're very critical. I just wanted them [the department heads] always to use discretion on the thing: not to press for the thing that we needed, but to be very careful and circumspect in the way they approached the legislature.

Fry: When a bill came up that concerned a department, how did each legislator get his information about that bill from the department's viewpoint?

Warren: If it was something that called for a memorandum on the situation, they [the department] sent it to the legislature, or they'd go over and testify. That's the way I wanted them to do their lobbying as much as possible, testifying before committees on the bill itself, rather than go around and buttonhole each legislator like a lobbyist does, you know. We weren't against lobbying our bills through; it was just a question of techniques and doing it in a manner that's as little offensive as possible in a situation.

Fry: Yes, I guess we had one private lobbyist tell us that there was just—oh, he was complaining about the lobbying from the state, just as you said [inaudible]

Warren: Oh, sure. It interferes with their—sure.

Fry: They feel it's competition.

Warren: Oh yes, you bet. Well, I didn't care what they thought, but you do have to have in mind how the legislature reacts, and I wanted to be above the ordinary method of lobbying so they couldn't accuse us of doing the same thing that a lot of the
other lobbyists do. We did our share of lobbying, all right, but it was our own way and not their way.

FRY: A little bit more open and public.

WARREN: Sure, sure.

NICHOLS: There's a whole question of— [to Fry] Shall we be under way?

FRY: Yes.

Chapter 17: Lieutenant Governor Goodwin Knight, 1947-1953

NICHOLS: I was going to ask: In all of this there's been no mention of your lieutenant governor, Goody Knight, and I was wondering if—

WARREN: He didn't figure in that [unless?] he was running for governor against me for four years. [Laughter]

When he became lieutenant governor, I called him in and I said, "Now Goody, you know, really the lieutenant governor has no function except to sit up there in the senate and call balls and strikes, in the senate." And I said, "That isn't very challenging. If you will let me know anything you would like to do, I'll try to find a place for you so you can be useful in the administration." But both he and his predecessor, Fred Houser (another Houser, not the one who was attorney general), both said that would be putting them on the spot, to give them anything to do. So I said actually that's perfectly all right, but I'd offered it to them anyway. They didn't want it; they wanted to be free agents to go out and—

FRY: Campaign? [Laughter]

WARREN: So I never paid any attention, I never paid any attention to what he was doing at all.

NICHOLS: There was just no relationship except—

WARREN: No, none whatsoever, none whatsoever.
Nichols: Did he do things occasionally that offended you in a directly administrative way, that seemed to be counter to your policies?

Warren: He'd better not get into my departments or he'd be in trouble! But he didn't do that. In the first place, he didn't know enough about situations to do anything intelligently, because he never studied that. He was doing politics, you know, and his brand of politics. No, he never bothered me at all. I tuned out on him so far as administration was concerned when he showed a disinclination to take any part in it, and so that's all it was.

Fry: Was he actually in your chair a lot when you were out of state?

Warren: Oh yes, when I was out of state he was the acting governor.

Fry: Did he do anything then? Are there any instances we should know about where he tried to—

Warren: Yes, we had a—I can tell you one at the moment. President Eisenhower sent me over to London to the coronation of Queen Elizabeth while the legislature was in session. They were discussing the construction of a new bridge across the bay, and we had advocated a parallel crossing of the bridge, parallel to the present bridge that's there. We had all the plans and we had done all the financing of it and everything else and we were all prepared to build the bridge. All it took was just calling for bids, if we could get started on it.

The mayor of San Francisco and some of the politicians over in San Francisco had an uncommon interest in having the bridge constructed in the southern area of San Francisco.

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Warren: They insisted on that. They were Democratic politicians, and they went to the Democratic administration in Washington and refused to let us have [with the result that we were refused] an anchorage on Goat Island where this one [bridge] is already anchored. (Under the law, it belonging to the navy, we had to get permission from the navy, and they kept the navy from giving us permission to get on there.) Then they started yelling for a southern crossing.

While I was over in London at the coronation, and he was acting governor, he joined up with the San Francisco people, and they rushed through a bill that they got through at midnight the night before I returned. They rushed it down to the governor's office, and he signed it before I got back in the morning.

That's one little tidbit that I remember. I told him, I said, "Goody, this doesn't hurt me any." This was 1953, and I knew I wasn't going to be around there more than a year or a year and three months, anyway; I didn't want to try a fourth time, you know. So I said, "This doesn't affect me, but it'll come back to plague you." I said, "You won't have a bridge there in twenty-five years down
there." [Laughter] And here it is, they're still fighting about it. And they've spent sixty [or] seventy million dollars on this bridge. We've just got one bridge now, and it took me an hour the other night to get across it. If we'd gotten that parallel bridge it would have been paid for five or six years ago, and it would have kept this traffic flowing, like that, and we'd be in a position now to build a new one. But if they build one down there in the south [bay] now, it will cost at least twice what it would have cost then, and maybe more.

NICHOLS: Yes, it probably will.

WARREN: I'll be surprised if they do.

FRY: I would too. There's quite a lot of opposition now as the ecology problem [of smog] becomes more acute.

WARREN: It just became a legislative, politics, political issue—

FRY: That's very interesting.

WARREN: Maybe I ought to write that—maybe I ought to put that in my manuscript.

[Everyone speaking at once; voices can't be distinguished]

FRY: Can we come back here afterwards, or should we take our tape recorder [to lunch]?

[The group adjourns to the Faculty Club for lunch, where taping is continued. After some social conversation, the interview is resumed in a room of the Faculty Club]

Chapter 18: Passing Legislation: The 1947 Gas Tax Bill

Highway Commissioners and Budget

NICHOLS: We've had sort of a division of interest here, because Chita and Willa and the oral history people are interested in filling in all the little details and the chinks in the record, and Doubleday and I have been interested in doing the general thing
that will relate more to national issues today, and this sort of thing. We've been pursuing different kinds of questioning here, [and] that's probably the reason. I think we're all interested, as Chita and I discussed it, anyway, in perhaps rounding out some of the details of your dealings with the legislature, and maybe taking one particular bill or issue and running it through and just seeing where the opposition developed, exactly how it was brought to bear, who were the villains, how lobbying actually took effect on particular legislators, so that they opposed one of your bills, or anything of that kind. Would you be interested in that, for instance, in running one of them through all the way, say, the oil-gas tax or something, and just naming names? This wouldn't necessarily go into the book, but it —

WARREN: I don't know that my memory would serve me very well on the intimate details of one bill. I remember the few months before I left, we checked up to see how many bills had been passed and signed during my administration, and it was ten thousand. [Laughter] Ten thousand bills!

MORRIS: That's about what it is a year now, that get introduced. Incredible.

NICHOLS: No, it would be unfair to expect you to recall.

WARREN: I might remember on some of them.

MORRIS: Well, highway legislation was a particularly lively year.

WARREN: Oh yes, yes.

MORRIS: Maybe I could start that off with a question that Chita and I had on joining, going into the governor's office. Was there anything special going on in the highway commission that led you to assign Verne Scoggins and Helen MacGregor and a couple of the members of your staff, appoint them as temporary highway commissioners without taking the time to go through your usual search out of the—

WARREN: Yes, I wasn't prepared when I came in to appoint my highway commissioners, because I thought it was a very important thing. I wanted to change the policies, so I wanted to take some time to find the people I wanted on there. So I just appointed Helen MacGregor and Verne Scoggins and some more just to fill the gap until I could do it.

MORRIS: Were you at all concerned about the curious fact that the highway budget is sort of off by itself? My impression is that the highway budget is separate from the budget as you prepared it and submitted it as governor?

WARREN: Well, I don't know as a matter of organization why it would mean much difference. It might make a difference whether you could get two budgets through the way you want, or whether it would be easier to put it into one budget. There might be something there, but highways are so different from
other functions of government that I don’t at the moment think of any reason
why it would make any great difference to have them submitted separately.

**CHALL:** Is there a constitutional factor involved in highway budgets?

**WARREN:** Beg pardon?

**CHALL:** Is there a constitutional arrangement for highway administration and therefore the budget?

**MORRIS:** Didn’t the highway [inaudible]

**NICHOLS:** Yes, the gas tax revenues can only be spent for [inaudible]

**FRY:** It was the gas tax that can only be spent. But this was—

**WARREN:** The gas taxes can only be spent for construction, and maybe it was done to separate construction from operation. I don’t recall.

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**Oil and Trucking Opposition**

**FRY:** That highway bill might be a pretty good one to take. Malca’s all ready to go on a water bill, too, that might bring out some of the problems that you would encounter with lobbyists and various factions. The water bill [also] might bring out some of your difficulties with the north elements and south elements of the state.

**WARREN:** The highway bill—there were two opponents of it. One was the oil companies, and the other was the trucking people. Otherwise, we were in pretty good shape for the bill. But the oil companies had a policy against the gas tax, and they just didn’t want any bill to go through that would raise the gas tax. We had a three-cent tax at the time, which was in the lowest bracket of any of the states of the union. I don’t think that any of them had a 2-percent tax; I think 3 percent was the lowest. But that didn’t make any difference. They were just against it and they fought it venomously.

And then the truckers wanted to pay on the same basis as private automobiles. They wanted to pay their tax on diesel and that’s all they wanted to pay. And here we had to make our highways broader because of them, we had to make the surfaces thicker, we had to make our bridges stronger and bigger, and just any number of things we had to do to take care of the truckers. Our fight was to make them pay their share of the higher cost of the construction. They were very bitter about it.
I remember they met in my office one night, and they were telling me that if I signed the bill, that in a year there wouldn't be a trucking interest in the state—they'd all be out. [Laughter] They had about twenty-five of them in my office there, and there was one fellow whom I had known for a long time. (He was a very fine fellow; he didn't have anything to say, he just was there with them.) So when it was over I asked him to stay a moment and I said to him, "What do you think about this statement that they'll all be out of business in a year?" He said, "What do you think?" [in a tone suggesting that the statement was untrue] [Laughter] I said, "That's enough." I decided to go [through with it]. Of course, I had no intention of doing otherwise. Then they've all prospered under it, you know, very greatly.

Fry: Was Wade Sherard a very tough lobbyist for the truckers?

Warren: I don't—

Fry: Is that the one with whom you had to deal?

Warren: I didn't deal with any of the lobbyists.

Fry: In this meeting—

Warren: No, these were the truckers themselves, trucking firms.

Fry: Oh, I see. I see.

Warren: No, I think I had as little contact with lobbyists as a man could possibly have, because I had one simple rule that they wouldn't follow and I wouldn't relinquish. That was that if they wanted to see me, they had to come in like any other visitor that I had, with their name and the appointment on a public board in the office, where the press or anybody else could see it. They just wouldn't do that, and I wouldn't let them come in the back door, and I wouldn't let them call me on the phone, wouldn't let them come to my home. And that's the way they like to do business with you, you know. So I insisted on them doing that [having a public appointment], and they would tell their people, "The governor won't see us." And every time they'd bring a delegation there, I'd tell them that if their lobbyist told them that, they were lying, because, "They could come in just the same as you came in. Your name is on that board and it isn't hurting you any, is it?" "No." And some of them would be shocked to hear, you know, that their lobbyists were deceiving them in that way.

I'd have seen a lobbyist or anybody else if they had something worthwhile, but he had to come in there just the same as anybody else and put his name on the bulletin board.

Fry: Do you mean that you did deal more with—when you had something like this come up against an industry, one interest, that you were able to have a group of people in to talk to, who were industry themselves—in other words, the men
who hired the lobbyists—and get their point of view first-hand?

**Warren:** If they wanted to see me that's the way they had to do it if their lobbyist wouldn't come in. They had to come in that way, and if it was important enough I'd see them that way.

**Nichols:** How would you keep track of what the lobbyists were doing and how much influence they were having in gauging the reaction to a particular bill?

**Warren:** Well, you couldn't keep track of it. You couldn't keep track. All you could do was try, but you couldn't keep track of it, because they've got so many devious ways of doing it. You know, there are a lot of men who couldn't be bought for money, but by some kind of entertainment they'd sell their souls, almost. But what goes on, you couldn't follow all that, no.

**Nichols:** I guess what I'm asking is, did you have a method for reading the legislature before a particular bill was about to be—

**Warren:** Doing what?

**Nichols:** For reading the legislature, the tone of the body, how many people might be voting one way, and how many the other? Did you have a setup, a system, an ear to the ground? Normally the picture we get of backstage politics is that you can pretty well predict who's aligned on which side beforehand on any particular issues.

**Warren:** Our department heads were pretty alert to the legislation that was in their department, and they would be around there, and figuring this out and that out. Sometimes the legislators who were very friendly to your case would come in and tell you, too, how things stand. And they have ways of knowing. There isn't any exact science of following these lobbyists, and there are so many of them, and they trade off with each other, you know, in various ways. It's very difficult to find out, particularly when they're in league with the speaker of the house, or the president of the senate. They can undercut you in an awful lot of ways.

**Fry:** Apparently that was one of the main methods of operation.

**Warren:** Oh yes, oh yes.

**Fry:** Keeping those offices under control.

**Warren:** Yes.

**Fry:** In your gas tax bill the big oil companies appear to be somewhat more cooperative than the small independent companies that [Harold] Morton was the lobbyist for.
WARREN: There were none of them that were cooperative in any sense of the word, not in any sense of the word. But the most vicious ones of all came from the Superior Oil Company that Bill [William B.] Keck was the head of, and Morton was one of the lobbyists for. They were vicious in a lot of ways, but Standard and all the rest of them were in the combine and fought it every way they could. They'd let fellows like Morton and Jack [John A.] Smith (who's the brother of Arnholt Smith, who's now in trouble down in San Diego over the [Republican] convention, and so forth)——they let them do all the bitter work on the thing, and they [the big companies] sort of took it more or less in stride.

Fry: Could you describe to us what sort of thing the Keck people would do? The Superior Oil Company—what their techniques were like as opposed to some of the others?

WARREN: Well, I think they were all working together, but the Superior Oil Company that was headed by old Bill Keck was just a bitter organization. They would destroy anybody who was against them if they could do it. And they would even threaten that almost openly, don't you know. But these other people had a little more finesse than that. But they used [certain?] tactics on the legislature, and just how far it went a lot of times you could only guess.

Chall: How were you able to get bills passed with that kind of lobbying preceding you?

WARREN: On the highway business, we did have the state chamber of commerce for us. We had most of the local chambers of commerce for us. We had the farm bureau for us, and we had the grange for us, and most of the newspapers in the state were for us. And of course those pressures have a lot of effect on the legislators, and— —

Morris: The highway program would have made a great deal of jobs. Would the construction companies have been for it, too?

WARREN: Oh yes, I'm sure the contractors of the state were for it. Oh yes, we had very strong support in a lot of areas, but we only carried it by one vote in the assembly, and I think I've told the story of how I got that one vote. That's the only one that I ever remember that I— —

Senate Support

WARREN: I think that's the only bill as far as I can remember that I ever traded anything for. But what reason the assemblyman had for believing that I might veto his bill, I can't understand! All it provided for was that anybody selling horsemeat for animal consumption must label it horsemeat on the can. Now, why anybody would ever think I would be against that, I don't know. [Laughter] I don't
think there was any particular opposition in the legislature, but he told the fel-
lows in the senate that that was his price for voting for the bill, so I had Bill
Sweigert and the rest of them scrutinize the bill pretty carefully to see if there
was any bug in it of any kind. But it was just a simple little old bill that couldn’t
have hurt anybody, you know, except the manufacturers who don’t like that
"horsemeat" on it. A lot of people just revolt against that.

**Fry:** Assemblyman [Oliver J.] Carter, I think, was the one who really did a lot of
work for this in the assembly, is that right?

**Warren:** I think Oliver was in the senate then, wasn’t he?

**Fry:** Senator Carter—yes, I think he was.

**Warren:** I think he was in the senate.

**Fry:** It’s always called the Collier bill, but I can’t find much evidence of—

**Warren:** Well, [Randolph] Collier has been mixed up with the highway program for many,
many years. Even before that. He claims to be the father of the highway bills,
but I know that in that particular instance, they blocked him clear out of the
play, because they didn’t have any confidence in the way he was acting. So they
blocked him out, and he had nothing to do with the final passage of that bill.
George Hatfield and Butch [Harold J.] Powers and the rest of them in the senate
put that bill through, and they just kept him out of their councils even.

**Morris:** Did they think he might have interests on both sides, as it were?

**Warren:** They were very dubious about what interests he had. I don’t know what it was,
but I know they felt it was necessary to block him out, and they did handle it
their own way.

**Fry:** Did you have any troubles like that in the assembly?

**Warren:** No.

**Fry:** That was Assemblyman [Albert C.] Wollenberg, I guess. Was he carrying the
ball in the assembly primarily?

**Warren:** Yes, I think Al probably carried the ball on that particular bill. He was a very
strong supporter of mine and handled a lot of legislation there, and I think he
probably handled that bill too.32 The bill really sprang from the senate, and the
real work was done in the senate on it.

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32. Warren aide M. F. Small recalls that Assemblyman Michael J. Burns of Humboldt County carried this bill.
Oil Company Pressures

Fry: Your difficulty there with the Superior Oil Company sort of sloshed over into the political campaign, then, later on.

Warren: I was a mortal enemy of Bill Keck's. He would do anything he could to destroy me. It was because he wanted to run the Department of Natural Resources, and I wouldn't let him do it.

Fry: [Laughter] Imagine having an oil man like that heading the Department of Natural Resources!

Warren: His oil interests, that's what he was interested in. When I wouldn't let him do that, he became my bitter enemy.

Chall: Did he come in and ask to be appointed to this position?

Warren: No, he didn't want it himself. He wanted to name the person. This company of his was worth maybe half a billion dollars, you know; it's not one of the big companies like Standard Oil of California or New Jersey, but it was plenty big. And he was called an "independent" and was supposedly against Standard Oil and the big companies. But in this situation, I don't know whether he did it to keep peace in the family or not, but anyway, they put together this fight against the bill, and he was the dominating factor in it, not only for his so-called independent companies, but for the big majors also.

Fry: Talking about the way you worked with your legislature, here's a case in which apparently the bill itself was preprinted before the legislature went into session.

Warren: Was what?

Fry: Preprinted? In order to acquaint the people through the state with what was going to be presented to the legislature when it convened, and in order—according to a newspaper account—in order to get public support for it. Was this because you were expecting this enormous battle with the oil interests and the truckers?

Warren: I don't think I personally did that. I don't remember it. I have an idea, though, that maybe that was some of the fellows in the senate who knew what kind of a fight we were going to make and they did it themselves. I don't recall having any part in that. There's nothing wrong with it. It's a pretty good gimmick if you want to tell the people what you're going to do. It's perfectly all right, but I just don't remember playing a part in that.

Fry: That may be something that Carter can tell us about.
Warren: Who?
Morris: Carter.
Warren: Well, maybe Oliver can.
Morris: At what point did the oil companies decide to raise the prices? Wasn't that one of the maneuvers during the legislative session?
Warren: While they were hollering about us gouging the people with this bill, they raised their prices three times.
Morris: Three different times?
Warren: During the time this bill was pending. And I finally went to the Department of Justice when they did it the third time, and told them I thought it was in order for them to investigate the oil companies for price fixing, which is contrary to the antitrust laws. They would all raise their prices every time within a half hour of each other.
Morris: This is a gas price war in reverse.
Warren: Beg pardon?
Morris: It's a price war in reverse.
Warren: Oh yes, sure.
Chall: [inaudible]
Morris: Did they raise it and then drop it down again and then raise it higher, or just kept adding an increase—
Warren: No, half a cent at a time.
Nichols: I thought it went up two cents. They must have done it four times, then?
Warren: Beg pardon?
Nichols: Four times, then? Because didn't it go up two cents during the—they raised it two cents a gallon during the time that the legislation was pending?
Warren: I think so, yes. I think they raised it two cents and we were asking for three on the gas tax, so we ended up the first time with only a cent and a half. So it ended up three and a half cents, I think.
Fry: This appears to be an ongoing battle. Even in '53, in your last session, it still seemed to be a battle to get the appropriations through for money to purchase rights-of-way for the freeways and things like that. Each session had to appropriate more money for this plan, for this total plan, and every time an appropriation had to be made there was always a battle, as long as you were governor.

Warren: We only had two raises, one and a half cent each time, that's all. Two of them. The whole time we were there.

Fry: Yes, for gas tax. The legislature didn't want to pass the appropriations bill. Apparently the money was there, but they didn't want to pass the appropriations bill in '53 for the rights-of-way. I don't have my legislative notes here, but I just wondered if in your mind, as you look back on it now, if you remember if this was kind of a continuing battle, even after you got the tax established, with the legislature.

Warren: No, I don't recall that.

[Joyce Henderson joins the group. Introductions are made]

Legislative Record: Weak Party Organization

Fry: This whole problem of your relationship to the legislature is kind of interesting when you view it from this distance, because it looks like on the one hand your nonpartisanship gave you a great deal of support out in the state—

Warren: With the people.

Fry: ——with the people. On the other hand the legislature, both houses, all the time had a very safe margin of Republican majority.

Warren: That's bad luck. [Laughter]

Fry: But at the same time, as the legislatures came and went, the number of bills which you were sponsoring that lost, seemed to increase.

Warren: I don't know whether they did or not, I don't know. Who says so?

Fry: These are the Pete Phillips summaries [in the Sacramento Bee] that I've been reading, and it seems like when you get into [the session of] '49 and '51 and '53 that there were some losses. I think that [in] '51 his box score for you was two bills lost for every one passed. And I thought this means that you were walking a pretty big tightrope, because you had your nonpartisanship, which you came to office on, and which you ran the state on, but I wondered if this was a
disadvantage sometimes in the legislature, in your relations with the legislature.

**WARREN:** Well, the legislature wasn't organized on any partisan program at all. They always had Democrats as chairmen of committees; if they were playing ball with the club, don't you see, they were chairmen of committees just like Republicans were. The only thing the Republicans wanted in the legislature was to be able to play fast and loose like that. But when they wanted something as Republicans, they wanted me to be a good Republican, you know, and go right down the line for them, which I wouldn't do, which I wouldn't do, because you're just a prisoner if you do. There was no organization along partisanship lines at all. And all of them cross-filed and their partisanship didn't mean a thing to them. It was just a question of what interests they were interested in.

**FRY:** Yes. It was more a legislature, then, directed by interests rather than by party.

**WARREN:** Yes, that's right.

**FRY:** And in that respect, the men who appointed the heads of committees, which was your speaker of the assembly, would be your key persons.

**WARREN:** Yes.

**FRY:** And they appear to have been pretty much in the pocket of the lobbyists.

**WARREN:** They sure were. You know, one of them went to the penitentiary.

**FRY:** The other one almost did.

**WARREN:** The other one almost made it but didn't quite.

**FRY:** Yes.

**NICHOLS:** There were all sorts of repercussions afterwards from the oil company fight, weren't there? I remember Assemblyman [Ernest R.] Geddes trying to undercut one of your tax-cut bills. The story, as I remember it, was that Geddes had proposed a larger tax-cut bill—that is, one that went deeper than yours, simply to—the charge was that he was backed by the oil companies and this was just an effort to embarrass your bill, your administration.

**WARREN:** He was hook, line and sinker a Superior Oil man.

**NICHOLS:** So they never gave up, they just hammered away all the time you were there.

**WARREN:** Yes. Well, but he was a Republican, you see, but that didn't make any difference. They didn't go along those lines at all.
NICHOLS: Right. Yes, a perfect example.

FRY: The other thing that Pete Phillips keeps admonishing in his articles was for the governor's office to get better organized in the legislature.

WARREN: Oh yes, sure. Pete liked to have me ride herd on the legislature, but you can't ride herd on anything where the herd's all dispersed, you know. [Laughter]

Chapter 19: Other Legislative Efforts

Fair Employment and Health Insurance Bills

FRY: It sounds like you had a real two-headed monster; that you had a legislature in which occasionally the Republicans would complain about your being too progressive, and then on the other hand you had all the lobbyists who were not very cooperative.

WARREN: And on the other hand, a lot of the Democratic legislators would not vote for a liberal measure, because they'd want their own measure, don't you see, and want to make it what they'd call "more liberal" than the one that I did.

Like when I tried for a fair employment practices act. They wouldn't go for my act, and neither would the Republicans, and they decided they would go out and put one on the ballot instead of trying to put mine in shape to pass. And they went out and put it on the ballot and they drove everybody away from the bill. I think it lost by about three- or four-to-one on the ballot, because they just weren't reasonable.

HENDERSON: What was unreasonable about it? I mean, was it radical in its statement?

WARREN: They tried to give it a lot of powers that a commission had never been given in any other state of the union, and that just, in the minds of people, wasn't workable.

NICHOLS: Your feeling was that it should have been drawn up by stages, gradually and practically at first?
WARREN: Sure.

NICHOLS: The defeat of it would indicate you were certainly right.

WARREN: Yes. It was the same thing on my health bill in 1945. I couldn't get the Democrats to really go out and go for it. The Republicans wouldn't go for it, because they were with the medical association, but neither would the Democrats go for it; they said it didn't go far enough. So you're left with no supporters on it.

FRY: That's when middle-of-the-road doesn't work.

WARREN: No. Well, if I had— it's where nothing works. If I had taken the radical end of it, we'd have had everybody against us. Nine-tenths of them would have been against it, don't you see. And if I had taken the Republican end of it, nothing would have happened either.

Dealing with the California Medical Association

FRY: We have one question left on that health care—on the health insurance bill.

MORRIS: Yes, on the preliminary stages of it: you'd said at one point that you met with John Cline and some of the other officials of the California Medical Association before you introduced the bill—

WARREN: Yes, with Dr. [Philip] Gilman, who was the president of the association.

MORRIS: I see, just you and Dr. Gilman. Were there other people—?

WARREN: No, no, I went over and saw Dr. Gilman. He was in the hospital at that time that I saw him.

FRY: You mean sick?

WARREN: Yes, he—

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FRY: As a patient, I mean.

WARREN: Yes, as a patient. He was just recuperating from an illness, and I don't think it was a serious illness of any kind, but he was in the hospital. I remember very well.
MORRIS: This was later on during the session, after one of the bills had been defeated?
WARREN: This was before any bill was introduced.
MORRIS: Before any bill was introduced.
WARREN: Yes.
MORRIS: Was your impression after that session, before the bill was introduced, that the medical association would go along with you on it?
WARREN: No, I had no such promise for [from] him. I told him what I was going to do. He had been fairly reasonable in such matters, and I had reason to believe that he might be helpful on it. So I went direct to him and told him that I wanted him to know beforehand what I was going to do. I knew they were going to have a meeting of the California Medical Association, I think it was in Los Angeles, so I told him before that meeting.

And then I introduced in my state of the state message at the beginning of the session, I announced that I was going to propose such a bill, just about the time they had their meeting down there, and they just went to town.

MORRIS: Oh boy—yes, I wondered, if your speech had come after their meeting, if they might have decided differently on it.
WARREN: Oh no. No, there would have been no difference at all. All you’d have to do is follow their record the last twenty years. They’ve been against everything of that kind that’s been proposed, and it wouldn’t have made any difference what it was, they’d have been against it.

MORRIS: Well, on a number of things, you kind of did your own sampling of people in the community. I wondered if you knew enough doctors throughout the state to talk to them on your own, or by letter.
WARREN: Well, I’ll tell you. I knew a little about the medical profession before I went in. I knew something about it before I was attorney general. I had worked with the doctors in Oakland who were prominent in the medical association and who felt that the cost of medical care was getting out of hand and that something had to be done and that it should be done by the medical profession; so they worked out a program called Physicians Health Service [California Physicians Service] and I helped them in preparing it.

It was kind of an insurance basis. They presented it to their board of governors, and the board of governors gave them consent to [do] it, and they put it into effect, and then some of the principal county medical societies in the state absolutely boycotted it. Their own program! I knew from that and from other things that I had seen while I was district attorney and attorney general that the doctors of the state would not be for it. I didn’t anticipate that they would ever
be for me, but I did want to tell them beforehand that I was going to do it.

MORRIS: Did you happen to talk to Dr. Halverson about this idea at all?

WARREN: Oh, I probably told Dr. Halverson before I appointed him that I was going to do this, yes. But on a thing like that, I never sent him out to be a crusader on it. I wanted him to do the health job, and I wanted to take care of the political side of it myself, don't you see. I knew if I sent him out and put him out in front in the legislature, and made him a crusader on this thing, that they'd just murder him so that he wouldn't be any good on his job. I wanted him to do his job. So he never really got into that fight openly, and I didn't want him to.

MORRIS: Yes, that makes sense.

WARREN: You can kill a man off for being loyal.

Fry: And he did have a job requiring good local relations all over the state, too.

WARREN: Oh yes, he had a terrific job to do what he was doing, and I didn't want to weaken him in that, and I never did embarrass him on this other thing. He was always helpful when he could [be] and spoke well about it, but I never sent him out to try to convince anybody that they ought to take my program.

Fry: Did you ever poll the doctors or anything like that, either before or after or as different bills were submitted?

WARREN: No, no, no. The only thing I recall about that whole situation was that one time I got a message from some young doctors over in San Francisco—there were about fifty of them—who wanted to talk to me about the bill, but they wanted me to meet them in secret and wanted me to promise that I wouldn't divulge anything that went on in the meeting. I sent word to them that I just couldn't operate that way, because necessarily it would get out, you know, and if it got out I'd be the one who was accused of putting it out. So I wouldn't see—I never did see them. But they were young people who were concerned about it and interested in the project.

Nichols: Getting back to the outpatient bill, was that actually passed and then proved inoperable, that is—

WARREN: What bill?

Nichols: The bill that had outpatient clinics in various areas of the state.

WARREN: Oh no, we established—

Nichols: Did the doctors at the county level defeat that? This faction that you mentioned a few minutes ago within the doctors' medical association, just how did they defeat it? Did they refuse to take—
WARREN: I don't know that they did defeat it. I don't know but what they're still in operation, do you? [To Morris] Those clinics?

MORRIS: They were funded fully by the state up until about 1967, when the community mental health services legislation was revised. They operated partly as training clinics and partly to demonstrate to local communities what mental health services in the community could mean in the way of prevention. They still exist but they've been shifted over. I think the East Bay clinic was closed, but it only closed when purely locally developed services expanded to absorb the case load. [The psychiatric clinics were separate from the state health insurance effort. Ed.]

NICHOLS: I'm apparently thinking of an earlier time when I thought the outpatient system was going to be set up, but the doctors refused to take part—you couldn't get psychiatrists to take part in this program.

WARREN: We had enough to run the clinics. But I mean if it was just left for people to go around and find their own [private] doctors and so forth—there weren't any doctors skilled [in psychiatry] in those communities. We'd probably have to bring them in there, don't you see? Like any clinic that you set up, you've got to get your own people to run them.

MORRIS: Dr. Portia Bell Hume was active in developing those clinics. She was assistant to Dr. Tallman for a while to develop the community services.

WARREN: She was assistant to whom?

MORRIS: Dr. Tallman, director of mental hygiene.

WARREN: No, I don't remember her at the moment.

MORRIS: Her father had run for governor on the Democratic ticket back in the earlier years of the 1900s.

WARREN: No, I don't remember Dr. Hume. I probably did have some contact with her then, but Dr. Tallman probably worked that all out. I didn't pay any attention to the personnel.

He was a very good man. I got him from Ohio on another of these national examinations, you know. I had a group of people [as a selection committee] go out for him. He was then head of all the mental institutions in Ohio. They had made him great promises, and when he got there they just cut the budget down to nothing, you know, on him, and he was very much frustrated. So when he was offered the opportunity he was glad to come here, and a very fine man he was, too.

FRY: Yes, he was.
WARREN: Very fine.

Fry: [To Chall] Malca, do you want to start out with some questions you have on that water situation, or——

Chall: I have many questions.

[The group moves back to the Oral History Office. After incidental conversation, the interview resumes]

Chapter 20: Liquor Lobbying and the Board of Equalization

Fry: I've been reading a lot about the lobbying that went on, and there seems to be a loose connection between Samish and the liquor industry, and——

Warren: It's not a very loose connection there. [Laughter]

Fry: Well, wait, I haven't gotten to the loose end yet! The loose connection is between that on the one hand, and then the Bonelli and——

Warren: Charlie [Charles W.] Lyon?

Fry: Yes, and liquor control under the Board of Equalization, and I don't know——this all came to a head right at the end of your administration, I guess.

Warren: About that time.

Fry: But there were other attempts to get liquor control out from under the Board of Equalization periodically, almost from the year of its inception. Nearly all were killed in committee, or else they didn't even get assigned to a committee.

Warren: I don't think there was any serious movement in my time to take it out of the Board of Equalization.

Fry: That's what I wondered——how serious was this?

Warren: It wasn't serious at all.

Fry: We even have statements by [William G.] Bonelli where he says, "Oh, this should be taken out of the Board of Equalization." I wondered how much of this you could take seriously, now.
WARREN: No, there was no serious effort made at all. I made no effort, I know that, because there’s only one place to put it, and as bad as it was, I didn’t want it in my office.

FRY: Oh, in your office.

MORRIS: Why not?

WARREN: Well, in the first place it’s a bad industry and [in the] second place they [matters of liquor control] involve you more with lobbyists than otherwise; people who were interested in the liquor traffic are not particularly interested in the governor’s office. But you put it in there and you get all the power of the liquor movement against your programs, and [they’d be] trying to trade you for this or that, you know, and so forth. I just wasn’t interested in seeing it transferred to mine. But there was no effort made on the thing by anybody to change the situation that I recall in my time. And if they did, it was very much muted.

FRY: They were all recommendations [to remove liquor license administration from the Board of Equalization]. Your Crime Commission came up with the same recommendation in ’53 in their final report, and the Weinberger committee for reorganization of the whole government came up with this. Also, it seems a little funny to me that a committee [of the assembly] with the name of "public morals," is that it—?

WARREN: Yes.

FRY: ——seemed to always come to the aid of the liquor control people. [Laughter]

WARREN: Yes, yes.

FRY: You appointed two controllers, Kuchel and [Robert] Kirkwood. I wondered if, when you appointed them, they had come on with any sort of direction or even a word from you about getting rid of the people on the Board of Equalization who were creating this really bad situation in liquor control and selling licenses, and so forth?

WARREN: They didn’t have anything to do with putting people on the board.

FRY: No, I know that was an elected [office].

WARREN: Yes, and it was only when someone died and there was a vacancy that the governor could appoint. I had one of those appointments, and that was Paul Leake, and Paul Leake broke the thing wide open on Bonelli. Have you ever talked to Paul Leake?

FRY: [To Morris] Gaby, is he one you’ve talked to?
Morris: No.

Warren: You ought to talk to Paul Leake, because Paul Leake was the best influence on that board that it ever had. He went after the Bonelli situation, and it wasn't long after that that Bonelli was on the run.

Morris: Did you have this in mind when you appointed Mr. Leake?

Warren: Yes, I wanted somebody there who would be interested in the public welfare and not [in] the liquor interests.

Morris: I think the question that Chita and I had on Kuchel and Kirkwood was: the control job, isn't that to sit—

Warren: He's an ex-officio member of the board, yes.

Morris: Could they as controllers exert an influence on developments in the Board of Equalization?

Warren: Not as controllers. They had one vote on the Board of Equalization, that's all. It was just an ex-officio job, was all.

Fry: You know, I can see a dilemma here in their policy development on the limitation of liquor licenses, because on the one hand, it is in the public interest to have liquor licenses limited in number so that you won't have a liquor store on every corner in every town. On the other hand, by limiting them, it makes them very precious, so that a license then can be [re-]sold, and you almost have black market conditions that develop. Was this ever brought up as something that might have been put in as a legislative matter in your time?

Warren: Well, it was. Charlie Lyons had a bill in there to set up a board, I believe, to work out the sale of these licenses, and so forth, as a pure liquor industry thing that would hold the prices up, you know. But it never got any place. I didn't pay much attention to it, because it didn't get any place. No, the liquor industry was entirely divorced from my office, and I wasn't anxious to have it come into my office, either.

Fry: I was flipping through Samish's story last night, and aside from the fact that you mentally want to make corrections on each page, what he seemed to say in the overall span of the book is that he really didn't deal with the governor's office, either; that his dealings were more with the legislature and with these particular committees.

Warren: Sure they were, they were all with the legislature. He didn't have any with me.

Fry: So the question in my mind was: what could someone in the governor's office do about this situation, other than work through maybe the attorney general or a crime commission or something like that?
WARREN: My Crime Commission did gather the evidence that sent him [Samish] to the penitentiary, and he says that in his book.

FRY: Yes, I know! He certainly lays out after Warren Olney.

WARREN: You see, the State of California has never prosecuted anybody for violation of its income tax laws. It relies on the federal government to do that, and the federal government is the one who prosecutes them. I think a state could if it wanted to, but it never has. And so those things, those things never came up. But when we had the Crime Commission, Olney was looking into Samish’s activities and he found this discrepancy in his accounting to the Internal Revenue Service and put the federal authorities in touch with the situation, and they convicted him of this. And he blames Olney and me for having sent him to the penitentiary.

FRY: [Laughter] He sure does.

WARREN: I didn’t deny it. [Laughter]

FRY: That seems to be the biggest problem of undue influence against public interest, and to line the pockets of public officials, that existed in your administration, and it lay outside the governor’s office. I’m talking about the liquor licensing scandals.

WARREN: Yes, the only way that I would have anything to do [with it] would be if they raised or lowered the tax on liquor. I tried to get through a bill to raise it, but we couldn’t get it through. And so it never came to my desk.

But the regulation of the liquor traffic was in the hands of the State Board of Equalization. That is an elected body and they were given that power in the constitution, and I, myself, paid no attention to it, except insofar as we did through the Crime Commission on some of these things that we’ve been talking about.

FRY: And your appointment of Leake.

WARREN: Yes, that’s right.

FRY: Gaby [Morris] and I had wondered about Post’s role in this. I have a note on that, Gaby, but you’re the authority on Alan Post.

MORRIS: When Alan Post was in his first year or two, after Mr. [Rolland A] Vandegrift died, he was concerned [about the pervasive effects of lobbying] and turned up some facts in his legislative analyst reports on the size of the staff of the Board of Equalization in relation to the number of prosecutions there were for violations of various liquor licensing regulations. I wondered if this gave you any useful ammunition?
WARREN: No, I never paid much attention to Alan Post, either, [laughter] because Alan Post was just a creature of the majority group in the legislature, and he would make any findings that they wanted him to make, and I just didn’t trust him to do an objective job. I don’t mean by that that he did anything wrong for money, but I didn’t trust his objectivity in anything and had no personal contact with him, ever.

Chapter 21: Agency and Legislative Dynamics

Fry: That brings up another question we wondered about. It seems that there was more and more legislative influence, or even encroachment, on the executive as time went on.

WARREN: What encroachments are you talking about, and whom are you quoting now? [Laughter] You put these—you’re telling the story. You don’t ask me questions, you tell me the story!

Fry: [Laughter] Well, particularly in finance, and Gaby, you’ve got the backup material.

WARREN: It’s all right, but you just tell me what you’re getting at.

MORRIS: The comment was made that as Alan Post developed a staff, they were doing studies of the expenses of various administrative departments and making recommendations back to the legislature, and in those same years, the late forties, the legislature was [also] developing more full-time staff of their own, doing various studies of administration.

WARREN: All the government is doing that.

MORRIS: That’s very true.

Fry: That’s right. It was typical of that period.

WARREN: It’s been typical from the time it started. [It’s been] just mushrooming and mushrooming, and look at the size of the legislature [budget] now, and what it costs now and what it cost in those days. But I don’t think they took any power away from me.
MORRIS: Were they cutting into the Department of Finance’s role in doing cost studies?

WARREN: No, no. They might duplicate it, but they can’t cut into it.

MORRIS: Would an agency feel that it was torn between the legislature and the Department of Finance [with both] directing it how to spend its money?

WARREN: Would who feel that?

MORRIS: Any agency.

WARREN: Well, my agencies had better not take the legislature’s direction; they’d better take mine!

MORRIS: That sounds like the way the executive department would feel.

WARREN: That’s right, that’s right.

MORRIS: Then what we’re talking about is that there is in the nature of government a pull-and-haul between the legislative and the executive branch?

WARREN: It’s been that way since the day one, and it will always be that way, because we have the separation of powers and distribution of powers, and there’s always going to be that controversy. You can’t get away from it.

MORRIS: Does this pull-and-haul strengthen the two—the executive and the legislature?

WARREN: Well, it all depends on who’s running the show. It may sometimes strengthen one, it may at other times strengthen another, I don’t know. But you can’t avoid the—that’s what it’s there for. That’s why they give the governor a veto. That’s why the legislature can pass it over his veto if they get two-thirds of both houses to do it, under the separation of powers. But there was no strengthening of the legislature at the expense of the executive, as I saw it, in my time.

MORRIS: So, we’re talking about the checks and balances in operation, observing them.

WARREN: Yes.
Chapter 22: California Water, Land, and Power Issues

Establishing the Water Resources Board, 1945

Fry: Maybe we’d better get on to [the issue of] water.

Chall: Are you ready to talk about water?

Warren: Oh, yes.

Chall: What we do, I think, when we talk about water, is again we’ll be just trying to figure out how you work with your administration and with the legislature and with the lobbying groups, because it’s all about the same [as what we’ve been talking about] except there are different players here.

Warren: Yes. It’s a pretty complicated thing, the water problem is, and the relationship of various people and various interests.

Chall: I thought we’d go at it rather chronologically, but what we’ll be doing is tying together the pro-160-acre forces and the anti-160-acre forces in and out of the legislature and the Congress as well, and in the administration. I gather that you had to walk what I would consider sort of a tightrope among all of these people.

First of all, in 1945, when the bill for the water resources board was passed, this was a bill by Senator Bradford Crittenden, or at least he was presumably the author of it. From what I’ve seen, there were several bills going through the legislature at that point, but the one that finally came out was a substitute or a compromise. You’ve been credited with that bill; was that a substitution or a compromise that you suggested?

Warren: No, I think that whatever I suggested in my bill I was for, but you know, when you get into those political situations, you don’t always get a whole loaf. You don’t always get a half a loaf; and if you can only get a quarter of a loaf and it means progress, you take it. Now, I don’t recall just what compromise you say, but I know there was a lot of backing and filling and so forth on the thing, but just what came out of it and how it was weakened, I don’t have a memory of it. But we wanted to establish the board and give them the powers, and I thought we made progress on that, anyway, whether it was all we wanted or not.

Chall: It’s been suggested that big agriculture was behind the push for this board. Did you ever have the feeling that big agriculture was pushing you in various directions throughout this period?
They tried. [Laughter] Yes, big agriculture I suppose you'd have to call the California Farm Bureau. The California Farm Bureau and—let's see, what is that other farmer [group]?

Kern County Land Company?

Well, that's just one corporation. There are other corporations pretty near as big, but it's a part of that complex.

[inaudible]

But what's that farmers [group], the hard-boiled farmers—

The grange?

No, it was even harder boiled than the—

The Associated Farmers?

Associated Farmers, sure, that's the one. They were the militants in reaction. [Laughter] The farm bureaus were always for the big power companies and were against the water projects except where they would deliver water to them. They were against the power factors in the Central Valley Project, and they took the PG&E and the Southern California Edison program on that.

I never was in sympathy with that. I thought that where the public put up the hundreds of millions of dollars to develop the water resources of the state, that the state ought to have a right to develop, or that the federal government ought to have the right to develop the power and dispose of it in such a way that would be beneficial to all the taxpayers rather than to give the profit over to the big private utilities.

How did you work with this rather powerful group made up of power companies—PG&E and Southern California Edison—and the Farm Bureau Federation and the rest of them, when they were really espousing hard certain kinds of measures and came to see you from time to time?

That's a pretty complicated thing, because there were state problems involved in this, and federal problems involved too. And I used to go back to Washington and testify before the committees of the Congress. I'd testify one way and my old classmate Jim Black, who was president of PG&E, would testify to the opposite, and we went along like that, and it took us over ten years even to get the power line from Shasta Dam down to Antioch, which was supposed to be the load center for that power. You'd just have to inch your way all the time, and we'd find ourselves in favor in one house of the Congress and losers on the other side, and the thing would go on. But it finally developed, until it did happen.
It's a very complicated situation, and the big farmers are in one position on the 160-acre limit. I believe there should be a limit of that kind, and the Reclamation Act provides a 160-acre limit, and I would be for it until it's changed. It hasn't been changed, but neither has it been made viable. In the federal government of today, I think they're getting water on big tracts of land—forty-, fifty-thousand-acre tracts of land—and that hasn't been solved, and it's largely because of the power of the big landowners and the power companies, and so forth, that makes it difficult for those principles to prevail.

CHALL: Was it generally your idea that you would uphold the 160-acre limit if necessary and allow the federal government to change it, but [that] if you had to work for it in the state that you wouldn't jeopardize it? I'm asking that because when Mr. Crittenden in 1947 presented a couple of bills to the state legislature which would have prohibited contracts between the irrigation districts and the Bureau of Reclamation if the 160-acre limit were included, you indicated to him that you would veto such a measure if it came to your desk, and it was dropped.

WARREN: Yes—I did.

CHALL: You felt, I think you said [at the time], that this was a declaration of war with the Bureau of Reclamation.

WARREN: That's right.

CHALL: So that unless Congress were to change it, you were going to uphold it, is that right?

WARREN: That's right. And I think in some places the 160 acres might not be realistic, because all land is not the same productive value. Some places you might find where a 60-acre orchard would be a very fine farm operation, and in another place, 360 acres might only provide a marginal living for a family. And I think there could be some flexibility about the thing, but that wasn't my job. That's the Reclamation Act, and I was for the Reclamation Act, and I was in hopes that it would be enforced.

CHALL: I see. When you appointed your first water resources board, what kinds of men were you looking for to fill the seven-man board, and did you get any help from other people in making the appointments?

WARREN: I'm sure that I did, but I don't remember at the moment just who all those men were. I remember I appointed Phil Swing from San Diego as one of the members of the board. I think I appointed him as chairman of the board, I won't be sure about that, but I know he came from San Diego, and he had been interested in developing some reclamation projects early in the game, and he was supposed to be more or less of the old Hiram Johnson school. I thought he would be a good man on the board. [To Chall] Do you remember who the others were?
Royal Miller was another name.

Well, Royal Miller was the head of SMUD [Sacramento Municipal Utilities District] in Sacramento, and he was in favor of public development of that power and is to this day, and he's still the head of SMUD, as I understand it. Under his policies they developed a lot of power under the Central Valley Project.

Yes, they've probably been the most direct recipients of it, because they were ready to take it.

Yes. That's right, that's right. [Although] it took us ten years to get a line down that they could tie on it.

In finally getting that line down, by the way, you had assistance at least from Senator [William F.] Knowland. I was wondering whether it was difficult to get Senator Knowland to oppose Mr. Black at that point. Wouldn't they have [been allies on this issue]?

Well, when Bill Knowland went back to the Senate, for the first couple of years he showed quite a bit of liberality in this field. He announced himself in favor of the Tennessee Valley Authority, which was the whipping boy in this kind of thing, and went and made a trip all around the Tennessee Valley Authority and got quite a bit of publicity on his speaking for it. I was hopeful that he would remain that way; but when time went on, that wore off. He was against all those projects, and when he ran for governor he was 100 percent against them.

I see. So that in 1947 it wasn't necessarily unusual that he would have been working for [public power].

No, I think if you look at his record at that time in the Congress, you'll find that at that time he was also speaking in favor of the Tennessee Valley Authority. You see, I appointed him in about August of 1945, so he was just getting started there. He showed quite a bit of liberality in that field.

But by 1947 he and Mr. [Sheridan] Downey were working very closely together to repeal the 160-acre limitation—a very major, controversial bill—and I don't think he ever changed his position after that.

I think that's right, I think that's right.

In terms of the—these two men—of course, Knowland and Downey in the Senate—and the Republicans in the House of Representatives—you really didn't get any support for your efforts to get enough appropriations for the Central Valley Project in 1947 and '48. It was in '47 that you were continually going back to Washington.
Early Water Projects

Warren: We had a lot of projects, and you can't get those all done at one time. The people on the East Coast think that this whole thing is boondoggling anyway. I remember at the governors' conferences we used to discuss this thing, and those governors, like Tom Dewey in the East and some more of them back there, used to think that all those reclamation projects were just boondoggling, and that the federal government got no return for its money, whereas as a matter of fact, they're paid back every dollar of it, you know. So, with that situation in mind, and also with the opposition of people like the power companies and big farmers, and so forth, you're lucky to make any advance at all. You make a little this year and a little the next year.

When I came in, we had to finish the Friant Dam. We had to finish the dam at Redding, the Shasta Dam. We hadn't yet started the Folsom Dam. We hadn't yet started the one that makes Lake Berryessa—

Chall: Monticello?

Warren: Monticello Dam, yes. We hadn't started the Trinity yet, but all those things got going in my administration, and outside of the Feather River, those are the last ones that have been done. So we got started on all those things, but after you get started, it's painful to get the money to rush them along to completion. You just have to inch your way and fight every time the matter comes up.

Chall: I guess 1947 was the crucial year, because the federal Congress had just become Republican, and they felt that they were going to show Mr. Truman that they could control the budget, so then they really cut back [the appropriations].

Warren: Yes, that's right.

Chall: But you didn't have enough—and I don't say this in criticism, because apparently nobody had it, but there wasn't enough ability that a governor would have in a state even with his own party representatives in Congress, enough to say, "We need this appropriation in our state—vote for it," because they wouldn't vote even to increase the appropriation [for the Central Valley projects].

Warren: That's right, that's right. They get back there, they forget the people that are at home a lot of times. It's pretty hard to get them off the reservation—or on the reservation. [Laughs]

Chall: How did you handle the active role that Mr. [Edward] Hyatt and Mr. [Robert] Edmonston played in various strategies against the 160-acre limitation in this state?

Warren: Well, I had to overrule them.
[Laughter] You inherited these men in your administration, didn’t you?

WARREN: Yes, yes. They were good men but very, very conservative, you know. They were inclined toward the power company’s program.

Going along with all of this was a fight to the death between the reclamation bureau and the Army [Corps of] Engineers. The army engineers were trying to build all of these water projects in California, and their theory was to build them without any power in them, leaving the power to the power companies to develop privately. The reclamation bureau was trying to build them with power built into the projects, don’t you see, so that the government could sell them power at the lower prices to compete with the PG&E.

CHALL: To help pay for the reclamation projects.

WARREN: Yes. So the fellows in our water department who’d been there for—Bob Edmonston had been there for I guess thirty years, and so had Ed Hyatt—and they were going along with the army engineers. But I couldn’t see the spending of all that money without developing the power that was there, so when it came to the last analysis, why, we just put that in, wrote it my way.

CHALL: Of course, when the army engineers built a project, they not only didn’t bother about power, they also didn’t bother about the 160-acre limitation.

WARREN: Oh, they were against that too.

CHALL: Yes, so the big landowners naturally—

WARREN: Yes, all the big landowners all wanted the army engineers, and I didn’t care if the army engineers built a dam as long as there wasn’t any potential power in there. They [the Army Corps of Engineers] could build a dam just as well as the reclamation bureau, but if they were going to build a dam that potentially had a lot of power there, and didn’t take care of the power end of it, why, I thought that was a wasting of assets and I wouldn’t be for it. That’s why I agreed with reclamation doing it on all of these projects—the Folsom Dam, the Trinity Dam, and the rest of them.

CHALL: I see. In this matter of the battle between the Bureau of Reclamation and the [Army] Corps of Engineers, the appropriation for Pine Flat was held up for quite a while while Mr. Truman tried to figure out who was going ultimately to win that battle. You sent Northcutt Ely to Washington at that point to plead the case for having the corps build the King’s River Dam.

WARREN: That’s true. I think there was no power at all in the King’s River Dam.

CHALL: Yes, I think the possible holes there have been cemented in.
WARREN: Yes. The what?

CHALL: The opportunity for power was never built into the dam when the corps built it.

WARREN: My recollection was [is] that it wasn’t a natural power site. I want to say that I think I made a great mistake in hiring Northcutt Ely to do that. I think that I was led into a misjudgment or miscalculation of the situation. I thought because his father was connected with the reclamation service that built Hoover Dam, and because he professed to think along the same lines, that he would be that way in our state. But he turned out to be altogether for the other people [big landowners], and after I left, the state paid him an enormous amount of money to fight those issues. I think I started off on the wrong foot with him.

CHALL: Is that right?

WARREN: Yes.

CHALL: So it was a battle, then, to an extent, between you and the state engineers. They seemed, as I see it from a historical point of view, to have a life of their own—a momentum of their own, put it that way.

WARREN: Well, they do. It’s very much like the Public Utilities Commission and these regulatory agencies. Unless they’re watched through all the years just like cat and mouse, why, the first thing you know, the regulated are regulating the regulators. That’s the way it happened with the railroad commission, and that’s the way it gets in the water service, too. The interests take over.

There are various ways that’s accomplished. They get people who are interested in them [the special interests, whatever they might be] into the department, to working, and they cast their influence, and so forth. But in all those things, I just insisted that in the final report we come out with a recommendation for the power development.

CHALL: How did that stand you with the two major private power companies in the state? Were they antagonistic towards you all the time you were in office?

WARREN: Well, they were on this issue, but they couldn’t take Culbert Olson, because Culbert Olson was 100 percent against them. They couldn’t take Bob Kenny, because Bob Kenny was against them. They couldn’t take Jimmy Roosevelt. So they kind of were in between, and I never got the force of their antagonism. But if there had been a real conservative Democrat who had been running against me, they would have thrown their weight undoubtedly toward him, but they didn’t do it, because of their own inclinations.

FRY: What about a conservative Republican like [Thomas] Werdel?
Beg your pardon?

What about a conservative Republican such as Werdel [in the 1950 primary and the '52 delegation contest]? Was that ever a possibility, that he would have the power interests behind him?

I think it would have taken more than that to get him anyplace, because he didn't have anything else.

He had oil behind him; I just wondered if he did have power. Do you know?

He had the Superior Oil Company and Bill Keck, but I don't know how much other oil he had or anything else. I never paid any attention to him. He ran for the delegation, to control the Republican delegation against me in '52. I didn't pay any attention to him. They spent about a million dollars down in Los Angeles and got no place at all, so he didn't figure in anything.

I knew he hadn't been any real threat, but I was kind of curious if maybe the power companies had given him a play.

I don't think they had anything to do with that one way or the other. I don't think they were interested in that, I really don't. They might have, but I don't know about it if they were.

What was your opinion of the attempt to buy back the Central Valley Project? The state legislature and even the federal government [through] the California representatives spent a great deal of energy and, in some cases, money to prove California could take back the Central Valley Project.

You say the federal agency did that?

No, the state. Mr. [Clairl Engle was interested.

I never took it seriously. I never took it seriously.

A great deal of money was spent in the engineers' office making studies to prove that this was a possibility.

Feather River Project

I thought that we could do the Feather River Project, as was eventually done and, you know, we did put through a bill to develop it ourselves through revenue bonds. But by the time we got the revenue bond bill through, the rates on revenue bonds were so high that the cost of it would be prohibitive, so they never
did it that way, and they waited until Pat Brown came in. Then Pat had it put on
the ballot and the people voted for it, because Los Angeles then wanted it. In
my day Los Angeles would have vetoed the thing, and very badly. But they went
for it, and northern California went against it, but they put it through and Pat
signed it.

CHALL: Yes. Was the problem with the Feather River Project partly a north-south prob-
lem? Paying for it was the problem, but who was to get the benefit of it while
paying was also a problem, wasn't it?

WARREN: Well, the way we figured it out in my time was that—put on a revenue bond
basis, everybody would benefit by it, but the way they've got it as a general bond
issue paid [for] from out of general revenues, and the south taking the water
from the north, it would look as though the great beneficiary of it was the south.

CHALL: The north was a little afraid of losing not only its water, but still having to pay
for it, and the south didn't want it at the time.

WARREN: That's right, that's right.

CHALL: Now it's claimed that the real power behind the idea for the Feather River Pro-
ject came from the major landowners in the San Joaquin Valley, who wanted
water but were pretty sure that the Bureau of Reclamation, if it provided water,
would make them cut up their lands, and so they—well, I don't want to make a
pun—they engineered the idea through the state engineers, to develop the
Feather River Project, which then became Mr. Edmonston's great project. How
much evidence do you have for this?

WARREN: Well, I think that the thing that they're pointing at when they say that is the pro-
ject to start that—what's that dam down there?

CHALL: San Luis?

WARREN: San Luis Dam. That was done after my time.

CHALL: Right.

WARREN: And up to that time, the water was supposed to go through to the whole valley.
But now they've got that San Luis Dam up there, and they put the water behind
it in a position where they can siphon it off and use it for those big landowners
up there, and I have no doubt that they were strongly for it. How much
influence they had to bring to bear I don't know, but I would think it would be
considerable.

CHALL: Do you mean that when you first worked for the passage of the Feather River
Project, that the San Luis Reservoir was not a part of it?
WARREN: No. No, I know the people who put that through, Jack—oh, from Fresno—

MORRIS: O’Neill?

WARREN: Yes, Jack O’Neill was really the father of that thing, and he put that San Luis Dam through after I left.

CHALL: I see. Would you have been interested in whether or not there was a 160-acre limit on the state water project if that had been a concern [under consideration] while you were in office?

WARREN: I think I would. I think I would have been inclined to go along with the federal government on it.

CHALL: Now, what was the primary reason, then, for your backing the Feather River Project?

WARREN: Well, because we needed the water. It was going to waste, and we could help it all the way along the line from the Feather River down through the Sacramento Valley, and then all the way down the San Joaquin Valley, and what was left could go down to southern California. Santa Barbara was to be a beneficiary of it over on the coast; San Jose was to be a beneficiary of it—it was taken up there; Alameda County was to be a beneficiary; [and] Contra Costa was. We had it figured out, I thought, so it was an equitable use of the water all the way along the line.

CHALL: Where did the idea for it come from in early 1950? The first authorization was in 1951. Do you remember?

WARREN: I really think it was Bob Edmonston. Yes, I think so. And, of course, Bob Edmonston was the right-hand man of Ed Hyatt, and so you put them both together.

Department of Water Resources, 1953

CHALL: In 1953, you were attempting to have a department of water resources established. Was this a need for reorganization of all the various water-related agencies in the state that you felt was important?

WARREN: Well, I don’t have it directly in mind at the moment, but I think what we were trying to do was to put them all together so they’d be in a manageable operation. Now I don’t [recall] just what our recommendation was at that time, but these things get started, and changed conditions bring about a need for either consolidation or sometimes detachment. But they never remain the same in a
developing state like California, where the state has grown from seven million to twenty million since I became governor. It's not the same state that it was, and conditions are not the same. The same organization might not fit the thing, because of the complexity of the situation as it developed.

Now, when we were talking about the Feather River Project in the Sacramento Valley, we thought that the main opposition to it would come from southern California. But as it turned out years later, when Brown put it through, they were the sponsors of it, and the people up north, who originally thought it was a good project, were all against it!

Chall: In the interim, the [Los Angeles] Metropolitan Water District was opposed to it, and it took quite a while—in fact, I think it was probably the [fear of] loss of some of the Colorado River water that finally pushed them into it, after Judge [Simon] Rifkind's decision.33

Warren: Let me see, was it after Rifkind's decision? Yes.

Chall: Even so, I think the director of the Metropolitan Water District signed his contract with Pat Brown within the last few days before the election took place in 1960. So they held out until the last minute—well, for the best bargain they could achieve.

Warren: Yes, and they were tough! [Laughter] They were tough! That Metropolitan Water District and the Colorado River Board are really, really tough operators.

Chall: I think I'll finish my questions here first about the Department of Water Resources. This was a bill which you did want—you wanted the establishment of a department of water resources which would really tie in all the little agencies dealing with water. You mentioned it in your state of the state message. And yet, because Assemblyman [Ralph R.] Cloed wanted to attach a bill which would outlaw the 160-acre limitation and do a few other things, you indicated to him that you would have to veto that bill, and so he withdrew it. That was the end of it, just like the Crittenden measure a few years before that.

If you felt strongly about something like this, you evidently told the legislators that you would veto it, and that seemed to have [provide] enough power to [have them] drop it. They didn't feel they had power enough to—

Warren: Well, if I said I would sign it, it would go through like that. But they probably knew they couldn't get two-thirds to override a veto, even if they could pass it, don't you see?

33. The Rifkind analysis went to the Supreme Court in 1962, with the court's decision in 1963. This case, Arizona v. California, is also known as the Long Suit.
CHALL: You didn’t have to test the legislature; all you had to do was to indicate to the author of the bill that you objected to it.

WARREN: Yes. They get the message.

CHALL: [Laughter] Well, they did. I suppose at this stage in time you may not remember how you felt about having to really veto a measure which in fact you wanted—you had to throw out the baby with the bath, here.

WARREN: You’ve got to do that a lot of times. You’ve got to do that a lot of times.

CHALL: They didn’t get it until 1956, as a matter of fact.

WARREN: Yes. Yes, you have to do that a lot of times, because if you don’t, why, they’d just load your own bill through [with amendments] until it’s the opposite of what you started in to do.

CHALL: That’s what happened to this one; it was well loaded.

WARREN: Yes, yes. Was it well loaded when they passed it?

CHALL: They didn’t pass it.

WARREN: In ’56?

CHALL: Oh, in ’56? No, I think it was a rather pure bill. It was—Caspar Weinberger carried it.

I have a list—I thought I had it—of the people you appointed to the first state water board. Royal Miller we discussed. Mr. Cozzens—

WARREN: Who?

CHALL: H. F. Cozzens. [To Fry] Were you interviewing that Cozzens?

Fry: No.

CHALL: C-o-z-z-e-n-s.

WARREN: I think he was a farmer.

CHALL: I see. And C. A. Griffith?

WARREN: Yes, Griffith. I don’t know him well, but I think—didn’t he come from Redding?
Warren: Really, I don't remember those men, but I think I canvassed them pretty carefully and thought they were balanced men who would do a good job.

Federal Issues

Chall: What did you think about Michael Strauss and Richard Boke and the battle that went on to deprive them of their positions in the Bureau of Reclamation by a Downey bill [in 1948]?

Warren: I didn't pay much attention to it, but Mike was a fanatic; he was a fanatic, and unless you just went all the way with him on everything, he just wanted to throw it all out. And while I tried to get along with him, and I did get along with him fairly well, together we didn't accomplish much, because Mike wanted to take over everything, you know. He wanted to take away from the state, if he could, even the state projects that were legitimate [state] projects, and he felt there was no place for both to exist, don't you see. He was a very difficult man to deal with. I think almost everybody thought so, and he never accomplished anything in his time.

Chall: I see. And Mr. Boke—Richard Boke?

Warren: Well, I don't remember. He was a local man, district man, and he would take Mike's program. Yes, yes.

Chall: Now, you have been quoted as saying you didn't feel the 160-acre limitation was written exactly—that it wasn't going to work too well. You also felt that large landowners shouldn't benefit from getting water. During this period of time when it seemed to be either one or the other, you were stressing some middle-of-the-road position, saying neither one is right, and we have to work it out. Did you ever have an idea of how it could be worked out?

Warren: Well, I'll tell you. I grew up in that valley, and I saw it from its very early stages, and there are some people down there who have—some families who have—a few hundred acres and it's been their lives, the lives of the whole families and everything. To tell those people that they can't get the government water because of [the] 160-acre limit just doesn't seem to be realistic. But on the other hand, take an outfit like the Kern County Land Company that has tens of thousands of acres down there, and [it's] a corporation that wants to use all the water it needs from a government project that's paid for by all the taxpayers; I think this is sinful. And I wouldn't be for that.
But then some place in there there ought to be a way of adjusting the thing to family farming, let us say, that is more realistic than to say that if you have a piece of land that is rather sterile, and I have a piece of land a little ways away that is very fertile, it seems to me to be a rather strange construction to say, "You can't have more than 160 acres to make a living on, where it's marginal, but I can use my 160 acres to make a very rich living." I don't know just what the answer to it is, but it's not a matter of just acreage. It's a matter of productivity, a matter of marketability, maybe, and a lot of other things that I would think the government would be resilient enough to be able to handle without going to either of those extremes that I spoke of. Now, that's about my way of thinking.

But you find so few people who are willing to get in the middle and do something of that kind. They either want it all the way for people like Russ [Russell] Giffen and the Kern County Land Company, and Hamburger up there on the West Side, and those people, or you find people who are strictly on the (side of) 160 acres, and the people who are in the middle there are in bad shape.

CHALL: There was a proposal at one time—I think it was from Jerry Voorhis during the major Downey-Knowland battles—that people who had farmed land in a family, and owned a piece of land since 1937 and had irrigated it, could have access to the water for that land, that they wouldn't be held to 160 acres. It simply died. I checked with somebody who's been closely connected with the 160-acre battles, and he said that there isn't any proposal that could be made short of doing away with the 160-acre limit that the major landowners would approve of. It was either all or nothing. None of these kinds of compromises would ever have worked. They just died on the vine.

WARREN: I'm inclined to think they would resist to the very end. I don't think they'd ever give it up.

CHALL: That's why compromise has never been achieved.

WARREN: Yes, yes, I think that's probably true.

CHALL: What were you able to do about the Colorado River?

WARREN: Literally nothing, because that is really the worst board that I've ever known about so far as being responsible to the people. It is a board consisting, I think, of seven members, and the people who are entitled to be on it can come from only seven different big water projects down there, and the projects themselves—when there's a vacancy in their area, the project itself suggests three names, of which the governor must appoint one. And there just isn't any governmental responsibility at all! It's just a self-serving special interest. And they're arrogant. They've cost the state an awful lot of money on the Colorado River and got us into disrepute with all of our neighbors, and still there was no way to change that, they were so solidly built in with those big interests down south. But it was really a bad board.
So nothing could change it really until the Supreme Court, through Judge Rifkind, could make a change in the distribution of the water itself.

To them, yes. Yes.

What was your feeling about the large landowners down there and the way they used the water? Did you feel in Imperial Valley that they were inclined to waste a lot of water?

I think so. I think so, and I think they wasted [it], a lot of them, with the thought in mind of showing the public they need so much now and they’ll need so much more later, so there’s no attempt to conserve water. I think so.

I see. I was interested in how it came about that you participated in the decision on the Ivanhoe case when you were on the Supreme Court.

I didn’t participate in it.

You didn’t?

No.

[Laughter] Well, then my sources are in error.

No, no.

You did not participate in it. Well, then, there are some books that have been incorrectly written. I wondered about it at the time. I think I read once that you had participated and Judge [Felix] Frankfurter did not, and this did not make any sense to me. You did not participate in the Ivanhoe case.

No, I don’t think I participated in any of those water projects. I disqualified myself on the Rifkind case, on the whole Colorado River case, and I’m quite sure that I disqualified myself on the Ivanhoe case, too.33a

I’ll have to check it, because it’s considered important that you made the decision, or helped, or participated. I’ll check that out.

I think I disqualified myself.

Agriculture's Concerns

CHALL: Okay. One last little question. I don't even know whether at this point you can remember, but I think it's in Carey McWilliams's book on California—

WARREN: Whose book?

CHALL: Carey McWilliams.

WARREN: Oh yes.

NICHOLS: [Laughter] Your old friend.

CHALL: I think it's in his [book]; I'll check that. [He writes that] in 1948 there was a serious drought which affected power in the state.

WARREN: Don't I remember!

CHALL: You appointed a czar, a water czar, who was supposed to make decisions about the distribution of power. Do you know who it was?

WARREN: No, I don't remember who it was, but—

CHALL: [Laughter] He didn't remember either. Either that or he wouldn't say.

WARREN: I think we did have to do something. You know, I was back that summer, and I testified before Congress that because of the dry year we had we were in grave danger of a power shortage. Jim Black followed me on the stand, and he testified that we had ample power, and that there was no chance of any kind of power shortage, and that the PG&E had always provided ample power and always would. And of course the committee took his word on the thing, and I don't think they made the appropriation we were after.

But in two months he [Black] came to the legislature and begged for an opportunity to limit the amount of power and forced me, by reason of saying that any evening when the power load was at its height, or when it [the population] was using it at its height, it might stop in all the hospitals and everything else. And so I had to extend daylight savings [time] for one month. And you should have seen my mail! You should have seen my mail, because the mothers of California whose little youngsters—-—we had two sessions of school! The little children got there at eight-thirty, or eight o'clock I think it was, and if you made it darker for another hour, poor little things all had to go to school in the dark. And oh, gee, I felt like a burglar [laughter], and they felt that I was a burglar, too, to do it. But the only reason I did it was—well, you know, if those things would break down on you, from just a lack of power, it would be terrible. It lasted two months until the rains came along, and then of course it was over.

34. Carey McWilliams, California, the Great Exception (New York: Current Books, 1949).
Right in the middle of a political campaign, too. [Warren's vice-presidential campaign]

Well, I'll tell you, if it hadn't been for that we would have carried, I'm sure we'd have carried California by a couple hundred thousand in the '48 campaign. [Laughter] We lost it by less than a vote a precinct.

Do you suppose that this was in anybody's mind while they were [asking for the extension of daylight savings time]?

No, no, it wasn't caused by that. No, no, the need was legitimate. They were short of power, but where he [Black] was wrong was when he went to the Congress and said that there was no danger of any shortage.

That's interesting, because PG&E has a great reputation for having very good predictions of how much power is going to be given [needed].

Yes, except for when they go wrong. [Laughter]

Maybe they were a little afraid of having public power given a boost at that stage.

Well sure, that's what it was for, that's all it was for.

In agriculture, you appointed A. A. Brock your director in 1944, and he'd been a director of agriculture in previous administrations. What was your reason for bringing him back into this post?

Well, I thought the farm people of the state were for him, and that he knew the business, and I thought he would be a good director.

[Aside from water developments], was anything done that you can remember during your administration which gave a boost to some of the major agricultural people (what we now call agribusiness) which seemed to have developed after the war?

Well, I don't remember anything I did to help them. I know I was in some trouble with them sometimes. I remember after the war when they got the idea in the southland that Mexican labor with the *braceros* was too costly, and they wanted to get some cheap labor, they came up to me and they wanted me to issue a certificate to the effect that there was a shortage of that kind of labor so they could bring in Puerto Ricans. I refused to sign it, because I didn't want all of Harlem to come out here to California, and that's exactly what would have happened, and would have made us more trouble. But the only reason they wanted them was because they would be cheaper than the Mexicans.

They were all the big orchardists down in southern California, the citrus people particularly. I don't know, I may have done some things that would be helpful to them as well as other people, but I don't have anything in mind, do
you?

CHALL: No, I don’t.

WARREN: I don’t think of anything.

CHALL: Sort of in summary, then, your relationship with the big landowners was a careful one. You didn’t work as they would have had you work, on their side at all times.

WARREN: No, no. The California Farm Bureaus at the end were quite critical of me because they took the PG&E’s power program, and they were for the army engineers to construct all of these dams and I wasn’t, and so a lot of it was—we didn’t have any open battle or anything. They were a little cool.

*Water Pollution Act of 1949*

CHALL: I see. Okay. Well, I think I’ve reached the end.

FRY: I’d like to pick up on that problem that seems to be a classic evolution of regulatory agencies that you mention—that is, where the regulated eventually wind up doing the regulating—and ask you if you remember very much about the Water Pollution Act, which set up the local committees to establish standards for water pollution control. My impression is that that is another example of this; the ones who were put on those local committees were the timbermen and so forth who were doing the polluting.

WARREN: Yes, I remember that quite well. I wanted to do the job, and I made a recommendation to the legislature to put it in the hands of the director of public health, and all the interests ganged up against it, and they had an assemblyman by the name of Randal Dickey from this county—came from Alameda—introduce a bill which provided for a state anti-pollution board, and then also a board on every stream in the state. The gimmick in the thing was that he was going to allow the manufacturers to appoint one member to the board, the farmers were to appoint another one, and somebody else would appoint another one—

FRY: Timbermen.

WARREN: —and it was a special interest group all the way along the line. I told them that if they passed it in that form I would veto that one. So they finally ended up leaving the power in the governor’s office to make the appointment[s] which—I’d have rather done it the other way, but this was all right. It wasn’t bad organization to do it that way, as long as the governor made the
appointments, because then it became a responsible state board. But if the pol-
luters were to have the right to appoint them, why, you wouldn't have much of a
board. So that's the way it went, and I signed the bill when they put it in the
hands of the governor to do it unlimitedly.

**CHALL:** As I recall, Randal Dickey held up your budget. Was that the session in which
he held up the budget in order to get—

**WARREN:** I don't know, they tried every trick in the trade to do it, and that was a favorite
way of doing it—holding up your main bills till they got what they wanted, and
Dickey was a bad boy in a lot of ways. Very bad.

**MORRIS:** The boards were still comprised of a representative of water districts and sewage
districts, even though they were appointed by the governor, weren't they, on
those water quality control boards?

**WARREN:** Well, I really 'don't have those details in mind, but I know that the final appoint-
ments were in the hands of the governor. I think they were to represent certain
classes of people.

**MORRIS:** Users of water.

**WARREN:** Yes, users of water. But he [the governor] could pick anybody he wanted in that
field.

**MORRIS:** [It would be] your choice of a representative in the canning industry rather than
the canning industry's own choice.

**WARREN:** Yes, that's right. That's right.

**FRY:** As I remember it, it was a farmers' representative, a forest owners' representative—timber owners' representative—and I think there's one on there
called general public, and—

**MORRIS:** That was a lady that you [Warren] appointed to that.

**FRY:** Oh really?

**MORRIS:** Yes. [There was also a cities' representative, and one for the counties.]

**FRY:** And these had the power to set the standards for water quality control in their
area. But they're still battling over this one, too. I notice there's still a bill up.
Z'berg has been continuously trying to get this put under something else. It's
interesting that you wanted [the Department of] Public Health at first for this [to
administer this].
It was Frank Stead in the Department of Public Health—

Beg pardon?

Was it Frank Stead in the Department of Public Health who had been working very hard to have such a piece of legislation?

Who?

Frank Stead. He was in charge of sanitary engineering under Dr. Halverson.

Could be.

He’d come from Los Angeles, too, and was very much interested—

Could be. I do remember the name now, but that’s all. I don’t connect him up with this, but he could well have been interested in it, too.

He served as executive for the state water quality control board for a short time and then I guess felt it wasn’t doing what he had in mind.

He was Halverson’s man, was he?

That’s right. He’d come from Los Angeles in the late thirties.

Was there much conservationist, was there an agency—today the pressure of the Sierra Club and all the conservationist agencies has grown tremendously. Was there much that you got then from the Sierra Club? No public—

No, no, not very much. They were friendly to good causes, but they weren’t very active at that time. The only thing I remember about the Sierra Club being in conflict with anything that I did was [when] I spoke favorably of a project to put a funicular up the mountain at Palm Springs so people could get up to ten thousand feet in a few minutes, you know, and they thought that—

We had the land up there for a state park, but they thought that that ought to be a wilderness area. Yet nobody should be able to go up there, don’t you know. [Laughter] But I told them that I thought that wilderness areas were for the federal government, but when we created state parks I thought they ought to be created for the use of the people, leaving the wilderness end of it to the federal government, because we never could get enough money appropriated to do what we wanted to do with state parks if we didn’t use them, you know.
They were a little critical of that—not badly, but they were disappointed. They wanted it that way, but I favored the bill and I signed the bill, and I don’t think anybody’s been hurt by it.

Fry: I guess Sierra Club didn’t pack much of a political wallop in those days.

Warren: No, they didn’t try to; they didn’t try to; they weren’t a militant organization.

Fry: This was a period when we got a lot of our redwoods saved through the efforts of the Save-the-Redwoods League and the state, and a lot of joint effort went into this, apparently.

Warren: Oh yes, oh yes. We bought quite a few parks and beaches and things in my time.

Fry: There was a race with rapidly inflating land values.

Warren: Yes, if we’d had a little more money we could have bought an awful lot in those days; the land values as compared to today were minimal.

Chapter 23: Other Critical Issues and Techniques

Labor Leaders and Legislation

Fry: I had some questions on labor. One of the things that everybody was intrigued with [in your autobiography manuscript] was what you mentioned about John L. Lewis, and how he told you not to worry too much about all of the fancy rhetoric that was coming out of the CIO.

Warren: Yes. John was always friendly to me. I didn’t know him well. Oh, I’d met him. But he was always friendly to me, and I remember when I went back to Washington and Eisenhower announced that I was to be the chief justice, he [Lewis] came to a dinner in a few days and said, “I just came here to tell you I’m for you for chief justice.”
Fry: [inaudible]

Warren: Yes. Oh, he was friendly to me all along. Why I don't know; his organization wasn't. [Laughter]

Fry: That's interesting.

We have also from your manuscript a statement in which you said that the AFL endorsed you in 1946 because the CIO had endorsed Kenny—in reaction to this.

Warren: That's right, that's right.

Fry: I wondered if there weren't some other reasons, too, because at that point you had not come to any [serious] loggerheads with labor [with the AFL, had you?]

Warren: No, but in those days—those were the days of FDR, and all of the labor union leaders were Democrats. You just couldn't find any Republican [labor] leaders, hardly, who would dare to say they were for Republicans. Of course, they weren't going to endorse me, except when they got into a bind. [Things] were pretty bitter between the AFL and the CIO; and the CIO endorsed Bob Kenny, and the AFL turned around and endorsed me. Of course they didn't have any reason—

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Fry: All right. Now, you were saying?

Warren: Well, I was saying the AFL didn't have any reason to be against me, other than my party affiliation, because I had not had an anti-labor administration and, furthermore, when I ran in 1942 I carried every labor district in the state. (I carried every county in the state except little old Plumas County; and they [labor] know that their people were not unfriendly to me.) And in '46 I carried every county in the state.

Fry: I thought too that maybe Cornelius Haggerty, who seemed to be on pretty good terms with you in '46, and was head of the state AFL, that you might have been able to—

Warren: Yes. I remember when I signed the jurisdictional strike bill, Neil said that "Warren is no longer a friend of labor."

Fry: How did your relationship go after that?

Warren: I don't know, I think I appointed him a regent after that!
FRY: Yes, I thought maybe as time went on that you became friendly again.

WARREN: He grew out of it. He grew out of it. Nobody could expect me to veto that bill. It went through both houses. They [labor] didn’t make any fight on the bill at all, you know, because everybody—all the labor unionists—said they were against jurisdictional strikes, and they let the thing go through the legislature. But when the bill hit my desk, then they made a drive on me: "It’s a slave-labor bill," and so forth. And I said, "Oh, no, it’s no time to start a fight now."

FRY: Yes, that’s kind of puzzling that they would suddenly hop on [it?] like that.

WARREN: Oh, they do that all the time; it’s a favorite technique, because they think if they’ve got one man to deal with, they think they can break him down. Now, I’m not talking about unions now; I’m talking about that as a lobbyist device. It’s a lobbyist device, and when they know they’re going to lose in the house [legislature] they don’t want to waste their strength, and they just focus it all on one man, [the governor], when it gets to his desk.

The Los Angeles people tried to do that on that affair up in the mountains, where they raised the rents of all those poor people up there, you know. It went through without any opposition at all, [through] both houses. But when it got on my desk, oh, down in Los Angeles it became a cause célèbre, you know, and it would be unconstitutional and everything else for me to sign it. I said, "All right, we’ll just have a public hearing on it." [We] let them come down, and brought down all these old-age pensioners, you know, on Christmas Eve, who had [had] their rents doubled, and then let their lawyers talk law against that one! In the end I signed the bill. But they thought they could, you know, make me back down and sign the bill. But I don’t—-

FRY: Maybe there was some connection between the jurisdictional strike bill and the hot cargo prohibition bill, which also landed on your desk at about the same time. You let that [the bill banning hot cargo] pass without your signature, but there was quite a lot of furor about the hot cargo bill at that time.

WARREN: Yes, yes, I know. That was because the matter was up before the Supreme Court at that time, and I said, "We won’t try to prejudge the Supreme Court," or I thought that anyway and let it go, and let it go to the Supreme Court. But the other one [the jurisdictional strike bill] I thought clearly was a good law and I signed it, and nobody ever got hurt by it.

FRY: Apparently the jurisdictional strike practice was a real dog-eat-dog situation within the union[s themselves].

WARREN: Sure, that’s all it was, you know. To have an employer sit down in good faith with a union that’s represented in his place of business, and then after he signs and has everybody happy, to have some other union come in and say, " We want control of this thing instead of the other union, and if you don’t do it, we’re going to picket you"—business can’t operate that way.
Fry: The hot cargo prohibition was ruled as unconstitutional at that time, and it went on up to the Supreme Court when you were on it [as chief justice]. I don't know whether you disengaged yourself at that point, on the Supreme Court when this came up, or not. According to my notes, you voted for the legal status of hot cargo or a secondary boycott, but you were in the minority in that decision.

Warren: That wasn't the California case, though.

Fry: No.

Warren: Well, that's a different thing. It may not have been the same issue, either.

Fry: Yes, it was secondary boycott. It was concerning laws that would ban secondary boycott.

Now, [much earlier], along that line, in 1941, you had to write an opinion on secondary boycott for the legislature, because they had passed a law prohibiting secondary boycott, and Governor Olson had vetoed it, and they were in the act of passing it over his veto, and the question came up about its constitutionality, and they asked for a ruling from your office. So we asked the attorney general's office—-

Warren: I can hardly wait to hear what I said! [Laughter]

Fry: Well, here it is, and I must admit I still don't know what you said in that, and I thought maybe you could tell us.

Chall: [Laughter] We know what you said, but what did you mean?

Fry: I don't know whether you said it's constitutional or not. [Laughter]

Warren: [Reads the decision to himself]

Nichols: The hot cargo thing is a little complicated.

Fry: And it was further complicated by the fact that everybody felt there shouldn't be any during the war.

[Warren continues to read]

Warren: Well, this reminds me of—-this three-page letter reminds me of the story of a Chinese who was in court and had an interpreter. They asked him a question, and he went on for about ten minutes, talking. [Finally] the interpreter said, "He say go." [Laughter] That's about what I did here. I said I thought there was—-first I said, "You asked me yesterday concerning this bill, and in the short

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time available it’s been impossible to prepare a detailed opinion on it; however, I’ll express my views informally and trust that such expression will serve your purpose.” And then I go on to tell them that I think there’s grave doubt about their bill, because of the decisions of the Supreme Court. [That?] didn’t express any positive opinion on it.

Fry: However, they did manage to get a ban on it that lasted through the war. Then it was after that wartime ban was lifted that this issue came up again and later kept having [inaudible]

I was going to ask also, in line with tracing an idea here [about] this reapportionment also: In 1925, California voted in a constitutional change to put in the federal plan of apportionment (which was actually operating anyway) and then in 1948 there was a proposition on the ballot [to revert back to pre-1925], to reapportion the senate on the basis of population. [And it lost.]

Warren: There had been a couple before that, too.

Fry: There had?

Warren: Yes, yes.

Fry: When was that?

Warren: Before 1948, that were defeated each time.

Fry: Were they ballot propositions?

Warren: Yes. Yes.

Fry: Was that when you were attorney general or district attorney?

Warren: Well, it was when I was one of the two.

Fry: Were you active in those?

Warren: No, I wasn’t active on the thing.

Fry: In 1948, the only group I can find that was for this reapportionment was labor.

Warren: Yes, they were for it, and it was just put on political grounds and I thought we were doing all right, and I came out against it. We weren’t testing the constitutionality of it. There was no constitutional question raised; it was purely a political question.

But when we got back to the court there [when it came up in the Supreme Court] and the constitutional question was raised, and we had to face up to that, I saw it as a different question and came to the conclusion that it was
malapportioned under the constitution.

Fry: And that was *Reynolds v. Sims*.


Feingold: I was wondering, with that reapportionment thing, you said that things seemed to be working okay so that in 1948 you opposed the reapportionment. I wondered if that meant you had—what kind of working relationship you had with the senate—which was the one that was really grossly out of proportion to the population—to say that it was working okay? Did you have a different kind of relationship with them than with the assembly, or was there a different kind of people in the senate?

Warren: I think, now just offhand, that I had a little better relationship with the senate than I had with the assembly, but I don’t think I’d put it [my support of the existing apportionment] on that personal basis. I think I’d put it on the basis that our government was in pretty good shape, and there was nobody claiming that they weren’t getting what they were entitled to. Los Angeles could prevent any bad legislation because they had a majority of the lower house. Sometimes it might prevent you from getting some positive legislation through, but on the whole I thought we were doing all right; I didn’t see any reason to upset it.

Feingold: I had a very interesting conversation with Judge Spence, in which he described the 1926 fight to get the federal plan adopted. He evidently was very active in that campaign.

Warren: He was secretary to Governor Young at that time.

Feingold: Right.

Fry: Well, one thing that I guess we have to remember, right here we’re in 1972 and in the middle of an urban crisis. You had not yet begun approaching the problems of what we call today The Urban Crisis, had you?

Warren: No, no.

Fry: And therefore you didn’t have this great accumulation of problems that showed up [later].

Warren: The problem was different, but the constitutional question would have been the same, would have been the same.

Fry: [To group] Anybody else have something [to ask]?
Governor's Conferences: Grassroots Opportunity

Chall: I have two little questions that I had left out, and I know we may not get back to them. After you had passed the water resources bill establishing the board with certain advisory power in 1945, you set up a major water conference in which everybody on any side of the water issue had a chance to speak. What did you hope to accomplish with this major conference, and what do you think was accomplished by it?

Warren: I had in mind on this, and a lot of other things, what I chose to call the "town meeting" approach to these problems, and that is, to bring together people from both sides and all over the state to talk about a common problem and see if we couldn't generate some approaches that would be proper and meaningful.

So I brought them together, whether it was water or whether it was old-age pensions, you know (and you couldn't get everybody to agree on that), or prisons or mental health, and the aging, the youth, and I guess there were ten or a dozen of those things. I would bring from one thousand to three thousand people to Sacramento from every nook and corner of the state, and I would do it during the session of the legislature where they could go in and talk to their legislators. Then we'd go in and we'd have conferences, and we'd divide up the whole group into maybe fifteen or twenty sections and let them talk for a couple of days about the thing, and see if they couldn't develop some ideas.

On the whole, it was very, it was very helpful. I know my folks thought that I shouldn't do that with old-age pensions, with all those crazy ideas going on; they said, "They'll just make a shambles of it." But they didn't, and we had a good conference on every one of those things [issues], and I thought they were very helpful. I couldn't say that I expected them to do anything positive or to clinch a thing or anything of that kind, but I thought the idea of bringing people together and letting them talk about any common problem on a common basis was generally helpful to the solution of any problem, and it was.

Chall: This [town meeting on the water issue] was probably one of your first, I guess, in 1945?

Warren: Yes, that was one of my first, yes.

Chall: In 1947 and '48, when the really hot battles over the 160-acre limitation were going on, two books were written, one by Sheridan Downey, They Would Rule the Valley—it was published privately—and the other by Robert De Roos called Thirsty Land, which seemed to set up [out] the factors and the issues pretty clearly. Did you have any opinions about either of these books or their authors?

WARREN: I don’t remember the books themselves. I knew Bob De Roos as a newspaper man, a writer, very well, and he was an able young man. And I knew—not Sheridan; Sheridan was the senator.

CHALL: Yes, Sheridan was the senator. You knew his brother.

WARREN: His brother—Steve. Steve was the one who wrote the book.

CHALL: Stephen Downey wrote the book? No, Sheridan wrote the book.

WARREN: I wouldn’t remember. I wouldn’t take Sheridan’s views on it, but Steve was a very, very fine man, one of the finest men I met in government. He was a real water lawyer and had a very moderate view on this thing. I consulted with Steve quite often, but Steve was greatly different from his brother, Sheridan. But the two books I don’t remember.

CHALL: I see. They were the two books—many monographs and unpublished studies were done at that time and since—the Bureau of Agricultural Economics was doing a great deal of study—but these two really came out for the public [so that the public could understand the water issues], and I just thought you might have some opinions about them.

Fry: I don’t know how much you had to do with the logistics of your governor’s conferences, but I was wondering how you chose the people from the various districts.

WARREN: Well, if it was mental health, they were supposed to know what was going on in the state and know who the leaders were and so forth, and who in every community. We went to about the third echelon in our state departments and had them be the ones who would arrange for these conferences. They worked with people in my office like Pop Small and Helen MacGregor, and some more of them, and they would canvass the situation and see that every part of the state was represented with the best people we could find. And it’s strange, but practically everybody we invited came.

Fry: Yes, and paying their own way!

WARREN: Paid their own way, every one. Never got a dime for it. It really was wonderful.

Out of that came some committees that lasted for years. I think the youth committee still lasts, the one that came out of that. And they’ve just been attentive to the whole youth situation ever since; and the mental health people did the same thing. I don’t know whether any of the others did or not, but some great good came from those.

Fry: I wondered if you could explain how the results of these conferences were used then, by your office and by the departments, after the conferences were over.
The results were always published, and we sent them where we thought they would do some good. We used them with the legislature. We used them to educate our own people, and so forth. And then we got good press coverage on the things. Altogether they were very, very helpful.

It's a real example of people involvement in government, which has become one of the issues of today.

Yes.

"Participatory democracy" is the word now. [Laughter] It's really very interesting, and all you can tell us about how you first got this idea, or how it developed, would be interesting, because it is a first and [laughter] it might be a last.

If you had asked me how I developed it, I couldn’t tell you for the life of me. It may have been suggested to me by one of my department heads or one of my secretaries, or someone that I was in contact with, don’t you know, inquiring about these things. I couldn’t tell you how it came into being; I know we adopted it as a policy and did it in a great many fields. We thought well of it all along, and people stayed with us on a lot of those things.

Helen MacGregor says that there were certain people who got very adept at putting on these conferences, as time wore on.

I tell you, they’re about the third echelon in the government. The top man, you can assign it to him and it doesn’t mean a thing; he’s got too many other things on his mind. The next in command is about the same thing. But you take the third man down the line, and he’s probably been there for a lot of years, and he knows the issues and is probably a pretty dedicated fellow or he wouldn’t spend his life at it, you see.

Mr. Hyatt, for example, was in charge of the water conference, and I guess that was—

Who was that?

Ed Hyatt—Mr. Hyatt—was the general secretary of the water resources conference and—

Yes, that’s one example.

—Mr. Hyatt knew the field well.

She [MacGregor] said Nate Sloate and Heman Stark, also, Heman Stark, I guess, when—
WARREN: Heman Stark in the youth movement was very, very fine.

FRY: And Nate Sloate. And she said Pop Small got very adept at these conferences, whatever department was involved.

WARREN: Yes, Pop did a lot on the organization of these things, yes.

Court and Other Appointments

FRY: The other question which we might close on (I know you want to get back over your one-span bridge) is the whole idea of your appointing judges. You may not know this, but that's why Helen MacGregor finally reconciled herself to your running for governor [she says]. At first, she said, she sort of wished that you'd stay as attorney general. Then she thought of all those judges that you would appoint, and she felt that they would be very good appointments, and this helped reconcile her to the fact that you were going to run for governor.

So I thought: this is a terribly important effect and has an impact on the state for years to come. Whatever you can explain about your ability to appoint these men in your system, in weeding out the ones that would not be competent and from those that would obviously have done a very fair job, we would appreciate having more facts on that.

WARREN: I didn't have any definite way of doing it, except that I let it be known that no one would improve his chances with me by getting up a big volume like that [Warren spreads his hands] of recommendations, because I know what those things are and how they get them. They're not worth a dime a dozen, because people will sign anything to get rid of a person whom he knows and who asks him to recommend him. I've seen it happen so often.

It finally got down to a point where someone would say, "Do you think the governor would be offended if I had two or three people write in to him and ask him?" [Laughter] I wasn't that rigid about it, but I just wouldn't let any of those things influence me, and I had practically none of them at all. And then I told them that I would not stand for a plebiscite by the bar, because the best men won't submit themselves to a plebiscite. It gets to be what you might call a popularity contest that develops out of self-projection.

FRY: Yes, I'd guess they'd be lobbying the bar association.

WARREN: And lobbying everybody, and so I wouldn't stand for that. And then I thought I knew the bar pretty well, because I had practiced for a great many years, I was active in the state bar, and I was vice-chairman of the Committee on [for] the Administration of Justice, and I thought I knew them pretty well. If I didn't, I
thought I knew who in each county I could rely on to get good judges. I just made up my [own] mind.

Practically everyone I appointed I telephoned him and said, "Don't you think you've made enough money now? Don't you think you ought to serve the public a little and be a judge?"

"Oh, gee, no, I don't think I could do that." We'd talk it over for a while and I'd say; "You talk to your wife and think it over for a while." And you'd be surprised how many you can get that way.

Fellows, when they know they're not obligated to anybody, know they don't have to go out and ask somebody to promote them for the job, and so forth, and the governor just calls them up and says, "I'd like to have you be a judge"—it's surprising how many of them—good lawyers—will do the job, where otherwise they never would submit themselves at all to it. There's just a lot of things like that that entered into why [the way] I did it. The judges—I was very happy with the judges. Only one or two of them I thought were too arbitrary, but I appointed about 150 of them, so I—

Fry: A tremendous number!

Warren: Yes, a tremendous number—about half the judges in the state, I think. So that's the way I went about it.

Nichols: The pay couldn't have been too great at that time, either.

Warren: No, it was not. It was not.

Nichols: Although proportionately, I suppose—

Warren: They weren't well paid.

Chall: Did you have people in the government, especially legislators who, knowing you had an opening in their district, would lobby you for one of their favorite people, even without a brief for them?

Warren: The Legislators didn't bother me very much that way. I let them know that their business was their business, and mine was mine, and we'd do it our own way. The only thing they ever lobbied me on was the boards of trustees of these little county fairs. They looked at that as their own little private domain, and they'd lobby for those things to beat the band! [Laughter] Well, it's something that didn't amount to much, and I would play the game with them on that. But not on appointments to my governor's council, or to members of the railroad commission or judges or anything like that. I showed them pretty early that I just didn't want any recommendation from them on that.
Your system of checking these men out before you really asked them was sort of an informal one, I gather.

Oh, yes, no formality at all.

You didn’t have any real system that you could consistently follow and say, “This is what every governor should do.”

No, he just had to use whatever resources he had, and I was fortunately situated so that I did have resources to determine these matters, don’t you see.

Meaning mutual friends?

Mutual friends, and knowing the bar itself, pretty well, and knowing the judges and—for instance, the legislature knew I was going to leave, and they passed a bill with forty-three new judges down in Los Angeles, and I had to appoint those the week before I left. I had to set up a group down there to look over the whole field, and I wrote to every superior [court] judge down there and asked him if he would do me—I told him what a job it was to get the forty men that would fit in with the court in the proper way, and told him that I would appreciate it if they would give me their views on any people that they could vouch for who would be available for a judgeship. I promised them in the letter that nobody would ever see their report[s] that they made to me, and that I would destroy them as soon as my appointments were made.

You would be surprised in Los Angeles County the number of them that were universally recommended as being good men. We appointed all forty-three down there, and I think not one of them in Los Angeles had an opponent at the next election. I appointed some fifty-odd in the state, and there was only one of them that got an opponent in the state. We screened them pretty good, and the bar was very happy with them, I know.

Goody Knight must have been breathing heavy that week, wanting some of those appointments to be left over! [Laughter]

Oh yes, yes. [Laughter] I didn’t leave any tag ends.

Thank you so much.

Thank you very much. It’s been fine.

It’s just so nice to have you here.
National Republican Politics

Warren, Governor Thomas Dewey of New York, and Governor John Bricker of Ohio en route to Republican governors' conference at Mackinac Island, Michigan, September 1943. All presidential possibilities, they were the Big Three of the GOP.

Warren with presidential candidate Wendell Willkie in 1944.

Governor and Mrs. Warren at an official reception, and campaigning with Eisenhower and his wife in Sacramento, October 1952.
III. THE GOVERNORSHIP: WELFARE, RACE RELATIONS, POLITICAL CONSIDERATIONS

[Third Interview: 22 June 1972]

Chapter 24: Department of Social Welfare

Director Charles Wollenberg; Relation to County Officials

WARREN: Go right ahead.

FRY: [To group] Who wants to start?

HENDERSON: I could start with social welfare.

FRY: Okay.

[Short portion of tape inaudible]

HENDERSON: You don't remember Martha Chickering?

WARREN: I remember the name, but I don't remember having anything to do with her. What was Martha Chickering at the time I became governor?

HENDERSON: I think she was director of social welfare.

FRY: They were Olson appointees and fairly high up in the welfare organization.

HENDERSON: I know that you appointed [Charles M.] Wollenberg—

WARREN: I think Chickering I—Archie [Archibald] Young, who was Archie Young?

HENDERSON: I think he was some kind of assistant. I think [inaudible]
WARREN: Well, all right, now go ahead with your questions.

HENDERSON: Okay. Well, since you don't remember Martha Chickering—

WARREN: Do you mean what do I think of her in relation to being a woman or a public servant or whether I would keep her, or what?

HENDERSON: How would you appraise her work as director of social welfare?

WARREN: I don't know. I wasn't governor then.

HENDERSON: So Wollenberg was the first director, then?

WARREN: My first appointment, yes. Charlie Wollenberg was the head of welfare in San Francisco; he had been for many, many years. There was quite a discussion or controversy at the time I came in as to whether the welfare should all be centered in the state government or whether local governments should have a participation in it. My own view was that we ought to try to keep these things as close to the people as possible, and I wanted the counties to have a place in it, and Wollenberg was the head of the welfare in San Francisco and he knew all these people around the country. He was an old friend of mine and a very able man who was subject to retirement at that time, so he could get his retirement and come over to me as director of welfare, and so I appointed him director of welfare. That's the way it was. There was no thought of keeping any of the Olson people regardless of what departments they were in, because the relationship wasn't such that we could consider it to be compatible.

Fry: Did you consider this at the time as one of the more politically volatile departments?

WARREN: Yes, it was volatile, as it is today. Welfare is always volatile, you know.

Fry: And then in the thirties it was a terribly volatile issue—

WARREN: Yes, yes.

Fry: [On election time?]

WARREN: I didn't think in the Olson administration that the welfare was handled well, and I thought that the best thing to do was to try to keep it as close to the people as we could through the county organizations. I felt Wollenberg had the capacity to do that thing.

Fry: To keep it close to the counties.

WARREN: Yes.
Fry: To work with the counties.

Warren: To work with the counties, yes.

Henderson: Would you say he had a close relationship with the county directors?

Warren: I would say he did. I didn’t, he did.

Henderson: How about his relationship to professional social workers?

Warren: Oh, yes, I think Charlie Wollenberg was very close to the social workers. I remember, now I start to think about Martha Chickering. She was essentially a social worker, wasn’t she? And had been? I think so. Maybe we’d better get to talking about someone I’ll know a little more about.

Fry: Yes. We’re not Olson-appointee oriented. [Laughter]

Warren: [inaudible] So am I. [Laughter]

Henderson: When Wollenberg came in as your director, did you have to give him any special directives, policy directives, because it was a volatile department?

Warren: No, I think we were in agreement that we ought to work as closely with the counties as we could. And I think from that point on I left it to him to work it out, which he did, to right the McLain situation.\(^{37}\)

Henderson: Yes, that was in 1948?

Warren: Yes.

Fry: [To Henderson] Joyce, could I insert another question? I was talking to a professor here who is writing a history of social welfare in California, and he said one of the questions in his mind that he would like for us to ask is whether Wollenberg and you had any discussions on the relation of Wollenberg to the Welfare Commission in running the welfare department, and whether you had to make a definite request that Wollenberg be the director and the full administrator of the Department of Social Welfare. Do you remember any problems?

Warren: You mean as detached from the social welfare department—the commission?

Fry: Well, particularly relegating—limiting the welfare board, the welfare board’s functions to one of policy making, but not of actually running the department. Do you remember any problems along that line of overlapping jurisdiction between the board and the director?

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37. In 1948 pension advocate George McLain qualified a statewide ballot proposition that transferred a number of county welfare functions to the state and named Myrtle Williams as state director of social welfare. The measure was repealed shortly. See pages 230-231.
WARREN: No, I don't. But the commission was a policy-making organization, wasn't it?

FRY: Yes, but I guess he [Wollenberg] thought that there was later on some distinction made between the role of the director as the executive and the role of the welfare board as the policy-making body, and at some time the board tried to take over some of the functions of the director. I didn't know whether you had had this or not.

WARREN: I don't have any recollection of that. I don't mean it wasn't a fact, but I just don't remember.

HENDERSON: Even though Wollenberg was the one who worked closest to the county officials, do you remember whether the county supervisors were particularly conservative?

WARREN: Oh, they're always conservative; in that relationship they want power and want the state to pay the bill.

HENDERSON: Is there any way to control that? I mean, some counterbalance to their interests?

WARREN: I think the law counterbalances them. The law gives them certain responsibilities and gives the state certain responsibilities, and those things have just got to be handled in accordance with the law. But still you find that people do try to step over into the other—into another area that's not really been assigned to them. Just to what extent that was done I don't know. But I'm sure the counties were not all satisfied while I was there, but we tried to get along with them because it's an integral part of the state and a very important part of the state, and they pay much of the bill, and they've got to be considered. So we tried to live and let live, as we tried to do in all situations of that kind.

HENDERSON: What about federal regulations on state policies? Did they in any way hinder relationships between county and state? How would you say that your regulations for the Bureau of Public Assistance influence state welfare?

WARREN: Well, really, at the moment I don't remember what the Bureau of Public Assistance was!

HENDERSON: Oh—in Washington.

FRY: I think it was the national agency that handled the welfare with the states—whichever it was.

WARREN: Well, I don't remember anything particularly about that, but I do remember what my general attitude was toward these federal regulations and federal regulators who were sent out here to take charge of their duties.
I always felt that it was our duty to work with those people, and it was always a matter of controversy in the governors' conferences, because so many governors just took it as a personal affront that any federal agency should come into their state and tell them anything about how things should be done. And I always felt that the federal government was paying a part of the bill and had certain responsibilities. These people who were out here hadn't made the policy—they were out here to do a job just like my people were—and I thought we had an obligation to work with them.

So I went to work with the other two governors on the Pacific Coast here [Oregon and Washington], and we worked out a procedure whereby every month or so we would have a joint meeting between federal people who were regulators and their counterparts in the state government. We'd sit down with either the governor of Washington or the governor of Oregon and myself presiding and say, "Now, how are we going to work this thing out? How are we going to do this thing to get the best results, and what can we do for you and what can you do for them?"

And as a matter of fact we got along famously with those people, and we got a lot of cooperation from them that other states just didn't get, because they were treated as outlanders, and we treated them as a part of the whole organization.

So that was my general attitude. Now, I don't remember this particular thing that you have in mind here, as to this one agency, but we had so many at that time, during the war, you know. There were all the commissions, you know: the Price Commission, the Housing Commission, the Manpower, Materials, and everything—how were we going to get Manpower to do this, how were we going to get Materials to do that? And if you worked with those people, you could find the *modus vivendi*. But if you were at loggerheads with them, you found yourself out in the rain. My thought was, and I used to advocate it at the governors' conferences, that it was our obligation to sit down and try to work out these things with these people and not treat them as outlanders or interlopers when they came into our state. So I think we got a better break here than most states.

**HENDERSON:** Attending your governors' conferences would be interest groups like the Townsendites?

**WARREN:** No, we never heard of a Townsendite in our governors' conferences. No, no. A governors' conference wasn't a place where you brought in outsiders and let them present their thing. We talked these things over among ourselves, just
because no one else was there.

Fry: We’ve got two kinds of governors’ conferences here. Oh, Chief Justice, I think that Joyce is thinking of your governor’s conferences like your governor’s conferences on aging problems.

Warren: Oh, oh!

Fry: And you’re talking about the conference of Republican governors.

Warren: No, not Republican governors—all governors.

Fry: State governors.

Warren: All the governors; that’s what I was talking about. We met every year. Also, we divided up into sections, and we had a western conference, they had a midwestern conference, they had a southwestern conference, and we would meet on things that were common to our region. And whether it was in our plenary session of all of the fifty governors or whether we were meeting in regional sessions, that was the approach I took to things.

There was always a discussion in some of them about the question of states’ rights and so forth, and I took the position that in a discussion of states’ rights we should study what the opportunities [were] the states had under our system to do things, rather than to rebel against things that the federal government thought should be done for the welfare of people all over the country. And that was a very controversial matter in those days.

Out here in the West we had the governor of Utah, who was just a fanatic on the subject. He wouldn’t let the government come in there on anything. I remember one time at a governors’ conference we listened to a tirade that he made and [then] I said to him (I knew what was in the background), I said, "By the way, Lee, how do you feel about government contributing to airports?" [Laughter] I knew he’d been after an airport for Salt Lake City. I don’t think he spoke to me the rest of the conference.

Chall: Touché! That cut both ways.

Warren: But that’s the way, you know. If [inaudible words] it was all right, but if it was something that didn’t quite fit with their policy, why, they were interlopers.

Nichols: Didn’t this later come up in connection with highways, too, Justice Warren? I think it was involved with the Dewey relationship, and he didn’t want federal support for highways or federal money to go to highways as it had been going. And you pointed out to him that that would be ruinous to the federal highway system and leave it all up to the states. This comes out of a little snippet somewhere in my memory that you applied the same thinking to Governor Dewey at one time. That brought him up short. He hadn’t realized that federal aid was
very valuable.

WARREN: I don't remember.

NICHOLS: Well, this is unfair of me to throw—

WARREN: I remember talking to Tom [Dewey] about highways and the lobbies of the oil people and so forth in connection with it, but I don't have any recollection of Tom opposing any federal aid to highways. I don't say I didn't have it [such a conversation] but it doesn't cross my mind at the moment.

NICHOLS: I'll have to look through my sources.

WARREN: Yes, yes.

Old-Age Pressure Groups

HENDERSON: Well, we could talk about the pressure groups here in the state like the Townsendites.

WARREN: Oh yes, yes.

HENDERSON: What were the pressure points from the Townsendites, for instance?

WARREN: Well, there was always some pressure group that was far out, too far out for people like myself to go along with.

I suppose the most reasonable one of the whole group was the Townsend Plan. Old Dr. [Francis] Townsend was a very decent old man. He used to come and see me and always wanted to know why I didn't come to their meetings and why I didn't endorse their program and so forth. But he never was bitter and never had his people go out against me, although I wouldn't go along with them.

At that time, you know, there were so many people in politics who would go out and make speeches for the Townsend Plan and so forth. I wouldn't even attend a meeting of one of them, because if you attend a meeting and talk kindly to them, they'd think you're promising them you're going along [with them]. And then when you don't go along with them, why, you're a turncoat. So I just made up my mind that the best thing to do was not to have any connection with them at all, and have my own ideas and stated what they were, and let it go at that. Let the public balance mine against theirs and make their own decision.
I had the idea right from the very beginning, and I told them, that I wanted to improve the old-age pension system, and that I hoped the day would come when everyone was entitled to an old-age pension—not only those who had to prove poverty but those who contributed through their lives. And I felt that it should be done through something like the Social Security system, where everybody would contribute through life and then at a certain age, whether they were poverty stricken or whether they were wealthy, even, they should be entitled to it, because they'd done it on an insurance basis. I just stuck with that, you know, all the way through, and I tried to improve the amounts that were going on because they were not sufficient, not what they were when I came in (they were something like forty or fifty dollars [a month] but they added up with—there were [payments up to] a hundred dollars or something of that kind).

But after Dr. Townsend, they had the "Thirty [Dollars] Every Thursday" and they had the "Ham and Eggs" [group] and had McLain, and I've forgotten the names of any of the others. But there was always one of those going, and it created a fervor among the elderly people who were poor, because they could see light ahead, you know, and think maybe it would come through. So finally the—Olson, my predecessor, had adopted—I think it was the "Ham and Eggs" [program]. I won't be sure, but it was one of those; either the "Ham and Eggs" or the "Thirty Every Thursday," and endorsed that. But I wouldn't do it.

Finally—they would always have a little something on the ballot to vote on, but the people turned it down so often that finally McLain came along with one [program] and business people who contributed to making the fight against those things thought that it was just another one of those things. They didn't spend any money, didn't put on any campaign. And it carried! It was the most outrageous thing you ever saw. They not only set up their own department but named the woman who was to be the director of charity.

Fry: Myrtle Williams.

Warren: I've forgotten her name. Anyway, she was there. But the whole thing was McLain, and McLain was a thoroughly bad man in every respect—bad to the poverty-stricken people as well as the rest of the public. And he just lived off of them for a great many years. And that thing went through, and she was the director of welfare until the next general election came along. And then it went on the ballot again whether that should be repealed or not. It was repealed.

I remember I used to have a program for the year before an election, of going around and gathering together groups of, oh, twenty-five or thirty or a few more men who were somewhat critical of my position, and then submit myself to their questioning. And then I would just stand up there and bat it out with them for a whole evening. I found that it was very effective to do it, because they didn't know a thing about state government. They were just people who just had gripes, as you might say.
This time I remember we had a meeting and they [the business people] still weren’t doing anything about this McLain affair. (I remember we had it over at the Pacific Union Club in San Francisco.) And they wanted to know when I was going to get out and start making a fight against the McLain situation. I said, “Not until after you do.” They said, “Well! Why should we?”

“Well,” I said, “why shouldn’t you? You’re the ones who are complaining the most. You’re the ones who complain that you’re the ones who are hurt and so forth, and if you are, why shouldn’t you do it?”

“Well, we’re in business, and those people would all be boycotting us if we get into this fight.” And I said, “Do you think I’m not in business?” And I said, “No, I will not touch this thing until you folks make a move and do what is necessary to make a decent campaign about it, because [otherwise] I’ll get out there and you’ll just saw the limb off on me and tell them, ‘It’s none of my responsibility—that’s the governor’.” I said, “I don’t operate that way.” They were pretty sore at it, but they got out and they did it. And of course I announced myself against it, and the thing was repealed. But that’s the way you had to deal with a lot of those people.

Then after that, I got Charlie Schottland, I think, didn’t I?

Fry: Right.

Henderson: Can I ask you something about Myrtle Williams’s administration?

Warren: Yes.

Henderson: How would you describe the change from a state-county arrangement in welfare to an all state administration? Was it difficult at all?

Warren: It just didn’t work.

Henderson: The whole year it didn’t work?

Warren: It didn’t work at all. It just didn’t work. That’s the reason it was so easy to get rid of it, and everybody knew that McLain was just sitting in the saddle there. She [Myrtle Williams] was just a figurehead; she didn’t know “straight up” about the thing. It was just McLain directing the whole thing. He didn’t know much, either, except for those [modern?] ideas. It didn’t work at all. Everybody was glad to get rid of it. The first opportunity [we] did.
Appointment of Charles Schottland

WARREN: Then I got Charlie Schottland, and I used the same method there that I used in getting the director of prisons and the director of mental health and some of the others. I just called for a national survey to find out where we could find the best person available to do the job, and they did that and they came up with Charlie Schottland. They said, "He's a lawyer in Los Angeles, but he's had experience in such matters and he's the best man we could find." Well, I think he was, because he did a wonderful job for me, and after I left they took him back to be head of Social Security in Washington. He was there for a few years and then he left there to be dean of men at—

Fry: Was it Brandeis?

WARREN: Brandeis. Then he became president and is now president; he's just retiring as president now, because of age, yes.

Fry: We wondered how you got him to say yes to this, because he had just started a very lucrative law practice. I bet it was hard on him financially to take this state post.

WARREN: Well, of course it was hard on him financially, yes. But he was a dedicated fellow and interested in things of that kind more than really making money.

Fry: I was wondering how you talked him into it.

WARREN: Well, just like I did with Dr. Halverson, for instance. I had him take a job for half of what he was getting before. A very bad job, and I told him my needs, and he knew what they were, too. It was something that interested him, so he just agreed to take it.

Morris: He had worked in the state relief administration, hadn't he, while you were attorney general?

WARREN: I think he had. I think he had, yes.

Morris: I seem to recall Lawrence Arnstein said that he had been much impressed with Mr. Schottland in the Central Medical Bureau.

WARREN: Yes, I know he had worked in that field. I don't have in mind right now just what it was, but I know he had worked in that field and was considered very good, very forward looking. He did a fine job for us. Went to Social Security after that.

Henderson: Was there any opposition to the appointment of Schottland at all?
WARREN: Not that I ever recall.38 Just that these people reported, who searched for him, that "he's the best man we could find." I just appointed him; I don't recall any objection anybody had to him.

HENDERSON: Had there been any against Wollenberg?

WARREN: Yes.

HENDERSON: From whom?

WARREN: The Olson people. The Olson people and some of the pension groups like "Thirty Every Thursday" and "Ham and Eggs" and those people. I don't know just which ones it was at that time, but it was more or less the same group that would reorganize; one time it would be "Thirty Every Thursday" and next time it would be "Ham and Eggs" and next time it would be something else.

George McLain and Myrtle Williams; Warren's Welfare Commission

FRY: [To Henderson] Could I throw in another question here, Joyce?

HENDERSON: Of course.

FRY: Did you ever meet Mr. McLain personally?

WARREN: Oh, sure. Sure I met him.

FRY: What kind of a guy was he?

HENDERSON: I understand he was very charismatic.

WARREN: I wouldn't put it in the record. [Laughter]

FRY: Well, he got out some "Recall Earl Warren" buttons and then he threatened to run against you as governor. He had a lot of very sensational reactions to this proposition that put his Myrtle out of office again.

WARREN: I don't remember those things—his getting out any propaganda to run against me. I remember his whole setup. He was a ruthless fellow in all respects. I considered him thoroughly dishonorable in his approach to the old people as well as to Mrs. Williams, who was in the office there. He paid no attention to her at all; he told her how she had to do it.

38. Dr. Jacobus tenBroek of the University of California Department of Social Welfare and the State Board of Social Welfare objected violently but later became a close friend of Schottland's.
MORRIS: That must have been a very difficult spot for her to be in.

WARREN: Well, I would think so. I would think so.

MORRIS: Because she would attend your cabinet meetings and things like that, wouldn’t she?

WARREN: I don’t know whether she ever did or not. 39 I don’t know whether she ever did or not attend the cabinet meetings. Maybe she did, but I don’t remember.

CHALL: Would you have isolated that department during those two years from your administration fairly much?

WARREN: I had to. I didn’t have anything to say about it. They just took it completely out of the government and put it in their hands, don’t you see, even to the extent of naming the person who was responsible for it. I don’t mean we didn’t have any interest in welfare, but so far as our relationship with her was concerned, they were probably as distant as it was possible to make it.

CHALL: Did the state legislature have to grant funds for that welfare department during legislative session?

WARREN: Yes.

CHALL: So she would have had to do her own lobbying, or did you help in any way, your administration?

WARREN: Well, I think we had our own ideas through our Department of Finance as to what should be appropriated, and we made those recommendations to the legislature. I’m sure we didn’t rely on her for any judgments in the matter.

CHALL: The state legislature was in a bind, too, because if the state was taking over the welfare—administration of welfare—then certain amounts of money had to be provided, I would assume, or people would be in bad shape.

WARREN: Yes, oh yes. I don’t think they neglected the poor in those days, but they used their own judgment and not McLain’s or Mrs. Williams’s.

CHALL: What happened to the staff? Were there resignations?

WARREN: The staff were civil service anyway.

CHALL: I see.

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39. M. F. Small recalled that Mrs. Williams attended a cabinet meeting once.
Fry: As I understand it, I think Helen MacGregor mentioned that Lucile Kennedy was really in a terribly difficult spot during all this, and that she attended some of the governor's council meetings. She was the top civil servant in welfare, Lucile Kennedy?

Warren: Yes, yes I remember the name.

Fry: And that she felt very grateful to you for the support that you gave her during that difficult year when she was having to work under Myrtle. That was probably one of the most difficult positions in state government at that time.

Warren: Well, it was. It was just an impossible situation.

Fry: It must have been a terrible administrative earthquake. With everything in Sacramento—just the aspect of making space.

Do you remember your appointment when you first took office—-in fact I think before you actually took office you had appointed a commission for welfare which included people from all walks of life—labor leaders and bankers and Ham and Eggers and social workers—- [To Henderson] Do you have that list of all the different people who were on that? [To Warren] And you asked them to come up with recommendations for welfare.

Henderson: AFL-CIO, the Eagles, the Grangers, the State Chamber of Commerce?

Fry: And one of the things they recommended was that welfare payments be increased from I think forty dollars to fifty dollars. This was in '43, and then you took this to the legislature, I guess. Did they also help you in the selection of Wollenberg, for instance? All we know is that they came up with this ten-dollar increase.

Warren: I don’t remember them having anything to do with the selection of Wollenberg. They may have recommended him, but I don’t remember if they did. I don’t remember that it was submitted to them. I think that group was to determine what in general terms we should do with the welfare situation. I don’t recall that they submitted any names for the directorship. They could have done it, though, but I don’t [remember?].

Fry: I wondered if that group being in existence helped to neutralize some of the pressure from special welfare groups, because it was so representative of all views.

Warren: Well, I'm quite sure that that's the reason that I appointed them—to try to work out some policy that could be accepted by the general public against these special groups that we've been talking about.
It seemed to get pretty wide publicity at that time, because that's where we picked it up was through newspaper stories.

Oh yes, it was controversial.

[To Henderson] Do you have anything else on that, Joyce?

One program that came under Social Welfare was child care centers. We noticed that continually year after year there was a bill that would extend these centers only till next year. I was wondering why that was so. Do you remember?

Well, in the first place it was started as a war measure. There was nothing of that kind in our system before the war, and we never could have gotten anything through if we had wanted to, before the war. But women went into the labor market just like men during the war, and what are you going to do with the children? And we worked out these day-care centers for the working mothers. Then the legislature was not willing to make it a permanent institution, but they wanted to continue it as the war went on and war conditions remained. And they did that from time to time, but before we left, before we left, we did make them permanent.

I see. That must have been in 1951 or '52?

It was some place pretty late in time, yes.

It was mostly the legislators who were kind of hesitating about making them permanent.

Yes, yes. We found a decided change of opinion on the part of employers after we went along through the years. When we first talked about it they were violently opposed to it, don't you see? They thought it was socialistic and so forth, communistic, and breaking up the home and so forth, and they were opposed to it; but after a while, after they'd worked with it a while, they came to the conclusion that if they were going to have women employees, it was essential to have something of that kind. So they eventually came around to the point where they were willing to have them. And we worked it out on some basis where those who were able to pay would pay certain amounts. I don't have the details in mind. But it was a sort of metamorphosis that just started from nothing and developed until it finally became a permanent thing.
HENDERSON: This idea of women paying as much as they could, according to their income, etc.—was that a measure in the interest of the poor, the destitute mothers? I've heard that they had problems meeting the cost of such child care.

WARREN: I'm sure they did, because most of the people wouldn't want to pay anything, don't you know, because someone else wasn't paying. I'm sure they had problems of working that out in terms of who should pay and who shouldn't pay. I don't think everybody minded the idea of [inaudible], [because it was thought] that women in the labor market [was] a condition that they created.

HENDERSON: So this was a "pay as you can" arrangement— was that a part of your bill, or whatever, that made it permanent in California? Going on all along? At what stage—

WARREN: I don't know that I started that, but I don't think I resisted it, either. It was just a growth from nothing up to meeting conditions as they came along, don't you see, depending on what problems developed and so forth. That's the way most social institutions develop, anyway. They don't come in full blown, and if they do, they're usually disasters.

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**Legislative Liaison on Bills and Budgets**

FRY: This kind of brings up the whole problem of the legislature and the welfare bills. In child care, we noticed that there were always several child-care bills in each session; some of them were much more liberal in this respect than others. We noticed that Schottland had a man named Verne Gleason, who was his legislative liaison. I don't know whether Wollenberg had such a man or not, but how did these departmental legislative liaison people coordinate their efforts with your own legislative liaison? Do you know how that worked out?

WARREN: Charlie Schottland would coordinate his efforts with me. The rest of it was his problem, to coordinate his employees in his way. I didn't try to run every department; I left it to the men I had confidence enough in to appoint as the head of the department. After we understood between us what my policies were going to be, maybe I would take most of them [suggestions] from them, because they were more skilled in the field than I was; but whatever we agreed upon was my policy, and from then on it was their problem to do it, and I didn't interfere with them as long as they did it.

FRY: That also, then, kind of corroborates what Dr. Schottland told us, that he felt that he worked very closely with you—
He sure did.

—and that perhaps he met with you and worked closer with you than almost any other departmental head. How would you rate that?

I wouldn't rate it, but I wouldn't say he was wrong in that. We were very [close on it?]. I would talk to one man and not to everybody else. I didn't talk to the director of the department and then go down and talk to his subordinates and tell them what they should do. I dealt with him and would expect him to deal with the people in his department. And it was the same with all of them [all departments] in that respect.

Okay, so that the coordination between your legislative liaison and Schottland's, then, would go through you and Schottland, more or less. And that was why things could get accomplished in the legislature without confusion.

In other words, he would be carrying out—whether he would go over there personally and talk with the legislature or whether he sent over anybody over there—he was trying to carry out my policies.

Do you remember the 1951 hearings—the Senate Finance Committee on welfare costs, the high increase in welfare?

I think this had something to do with Alan Post's report.

He made so many of them that I just don't remember any of them.

Mr. Post's boss was Bill [Senator William P.] Rich, who was the chairman of that Senate Finance Committee. In one of the newspaper articles I read, there was the comment that the chairman of that Senate Finance Committee was the governor's man; in other words, that he was the one who introduced the budget bills. I wondered if you saw things this way. Mr. Rich, when he was chairman of the finance committee?

There were no governor's men over in the legislature, because I just wouldn't have anything to do with putting men for me on legislative committees. I knew too much about what had happened in the past.

I remember talking to one governor and he had told me how they treated him. He said they came to him and said, "We want to work with you, and we'd like to have your views on who should go on these committees." So he said, "All right," and he gave them a list of names, and they put two or three men on there of his persuasion, and then they put an absolute solid majority against them! And whenever anything came up during the year with any controversy between the governor [and the legislature], they said, "You were in on the appointment of these committees. You recommended these men yourself." I just didn't want to get caught in that kind of a bind, and I told them I wanted nothing to do with appointing any committees, and I never did.
Fry: This may have been an operational thing just to handle your budget as a way to—since he was Senate Finance chairman, wouldn't he logically handle your budget anyway? [To Morris] What you read, Gaby, may have meant that—

Warren: Maybe he did and maybe he didn't.

Morris: But the original budget bill as introduced was the budget as drawn up by your executive departments.

Warren: Always, always. How they handled it was a legislative matter, not mine.

Morris: So that it's just a formality to have the chairman of the Senate Finance Committee introduce the budget bill?

Warren: That would happen. That was [that?], and they'd have it. I wouldn't entirely introduce it. I present to the legislature, not to the chairman of any committee; I present a budget to the legislature. From that point on they do as they please with it. I have nothing to do with saying who introduces it or how they're going to hold their hearings or anything else. That's their business and not mine.

Morris: I think that my question was the mechanics by which the budget as you present it becomes a piece of legislation.

Warren: We'd present a budgetary document that contains the entire budget to the legislature of the State of California, and what the legislature does with it is their business. And there's no obligation on them to put a budget in just like I suggested it to them, or not. But usually that's the way they did it: they would introduce it and then whittle away on it or add to it as they pleased. That's their way of doing business. But that wasn't my business; I didn't play any part in it.

Morris: Then it makes it much clearer.

Warren: Designedly so.

Fry: We also were wondering about the significance of some legislation in '49, which was the year that welfare was going back under the governor's office to—this legislation was a bill that gave the state finance department, under you, the power to review the proposed expenses of the social welfare department. In other words, this would be the auditing function and all that sort of thing—to review it.

Warren: Was the bill passed?

Fry: It was passed and was signed by you. It was a bill by Senator Rich. But I wondered if this was—is that different from the way it was before the McLain earthquake?
WARREN: I don’t remember.

Fry: Or was this significant in any way or a response to—

WARREN: I don’t recognize [it].

Fry: I wonder if it was a response to a controversy over welfare expenditures.

WARREN: I don’t remember.

Fry: Didn’t you always have problems with people who felt welfare recipients were getting too much money and the state was spending too much?

WARREN: Always. It’s always that way.

Fry: Do you want to go on? We still have some time before we have to leave.

WARREN: Sure.

Chapter 25: Race Relations

Policy Advisors; Minority Friendships

HENDERSON: I did want to ask you something about race relations and maybe some more on FEPC [Fair Employment Practices Commission]. Okay?

WARREN: Go right ahead.

HENDERSON: I don’t know if my chronology is going to help you this time, but I’ll give you [a copy] anyway. On top there are just some questions in case I’m not clear in saying them. But on the next page are some dates.

WARREN: All right, what’s your first question?

HENDERSON: Let’s just take the first one. Who were your advisors on matters of racial discrimination prior to that bill that you introduced—sponsored the introduction of—in 1945? The bill, by the way, [inaudible] is for a commission on political
and economic equality. Maybe I should be more specific: who in your cabinet, the governor's office, was helpful to you in these matters of minority problems?

**WARREN:** It's hard to say who in there would be. I can tell you some who wouldn't be, because it was entirely beyond their scope of activity. I don't recall anybody in the cabinet who [inaudible] on those things. Much of this policy making was done in my own office, through fellows like Bill Sweigert, who was my executive secretary, and Verne Scoggins, who was my public relations man. And also I would think on matters of this kind my welfare director would be helpful, but I don't remember anything he said or any recommendation that he made. Miss MacGregor was always interested in minority groups and youth and so forth. We ran a pretty tight organization, and I imagine that my views were gelled after talking to them pretty much.

I didn't have any outside groups. I never went to the black groups, for instance, and asked them for their recommendations on such things. I never went to the Chicanos and asked them what they thought about it. At that time we didn't have this polarization which we've got at the present time. I had some friends in the black community and the Chicano community, and I had been through a lot of those things myself in California, and I had some views of my own.

**HENDERSON:** "A lot of those things"? What do you mean?

**WARREN:** I simply meant that I went to school and sat alongside of the black children in the public schools. I played football alongside of a black man until he was better than I was and beat me out for my position [laughter], and I never thought a thing about it; he was my friend all through life. I knew Walter Gordon very well; he was a great football player at California. I visited with him. I offered him a place in the attorney general's office, but he thought he couldn't afford it. Salaries were not high in those days, and he thought he couldn't afford it at that time, so he didn't take it. I have some friends down in Los Angeles, a very important architect, Paul Williams, a—

**FRY:** Who is that big architect down there? His name is on our list.

**WARREN:** Yes, he—

**FRY:** We can fill that in later. Williams?

**WARREN:** Williams, yes, a very fine, a very able man. [Also] Kenny Washington from UCLA was one of my friends all the way through. He worked in my campaigns and—they didn't have organizations like they have now, so you got your views where you could find them and appraise them, don't you see. So I couldn't go beyond that.
Early Efforts for Fair Employment Legislation

HENDERSON: There's an interesting provision in your bill for the Economic and Political Equality Commission. Do you remember that?

WARREN: Is that the first one?

HENDERSON: That was the first one in 1945.

WARREN: Was that in '45? I thought it was '43.

HENDERSON: Well, this is the first one I was able to—

WARREN: The first one. What's your question about that?

HENDERSON: There's an interesting part about the commission holding conferences with various minority groups.

WARREN: Yes.

HENDERSON: And I just thought perhaps that suggested that maybe there might have been some polarization and the need to bring minority groups together.

WARREN: No. You have to put yourself in perspective on these things, now. There wasn't a fair employment practices act in America at that time—not one. Not one state had one in 1943, nor did the federal government have one. Roosevelt, although he was in favor of it, never could get it through the Congress or never tried to get it through the Congress. He issued an executive order to do certain things that had some of the effects of the Fair Employment Practices Act, but he had no act to support him, don't you see.

So we were absolutely new in the field, and I thought the way to make a start in California was to survey the situation and see what kind of an organization we would have to guarantee fair employment practices. So I suggested the establishment of a commission that would investigate the entire matter with the minority groups of various kinds and also with employers and everybody else to determine what our answer should be.

Well, I got absolutely no place with that, because the Democrats, who were rabid on the subject, said that was the way of escaping a fair employment practices act, and they wouldn't be for it, and most of the Republicans wouldn't be for it, because they said that's just the camel's head in the tent, and if you once get him in there you'll never get him out. And so I ended up with little or no support for that thing. I don't think it was ever even voted on. I don't think it was. I don't think it got out of committee.
The next time I said, "Well, if they're not going to let us look into it from the standpoint of determining what will be done, I'll suggest a fair employment practices act of my own." Then of course I got the same reaction from those who didn't want anything of that kind, and then there was a group of the Democrats who said, "Oh, no, that doesn't give enough powers to them [commissioners]. If we're going to have one, we have to have full power so the commission can go out and do this and do that." So they opposed the bill, and I didn't get off the ground there.

So they went out and put one on the ballot, and they made it so extreme, so extreme, that they lost all of their friends, including myself. And it was overwhelmingly defeated.

That gives some emphasis to my approach to government. I think you have to—no matter how strongly you feel on a subject, I think you have to start very often with small beginnings and work forward from one step to another until you get what you want. But there are always some people who don't want to get started, on the theory that you will do just that, and there are other people who say, "Oh, no, we don't want it unless it's full blown." If it's full blown and you can't get the support of the public, [then?] there's just no use in trying.

So my bill died a-borning in the legislature when I suggested an FEPC; then it went six years later, until times had changed, and some other states had tried it. New York tried it. New Yorkers had put one in, under Tom Dewey, very early in his career. (He and I were elected the same time.) Then about six years later, I think it was, Pat Brown put one through in the state of California.

HENDERSON: A little later than that.

WARREN: Was it later than that?

HENDERSON: New York's was passed in 1945 and ours wasn't passed until 1959.

WARREN: Fifty-nine? Is that so!?

HENDERSON: Yes.

WARREN: We could have had one. We could have had one if the Democrats had stayed with me on it when I first introduced the thing, but they wouldn't do it. They wanted one of theirs.

HENDERSON: They introduced the FEPC bill in 1945, along with your commission bill.

WARREN: Yes.

HENDERSON: Did you accept it, or did you encourage them in their [efforts]? Were you all for that bill?
Warren: I don't think so.

Henderson: That was much more moderate than the initiative.

Warren: Yes, because—no, I think I started with the premise that we didn't know—we didn't know what would be the best approach and that the best approach would be to study the whole situation and try to determine what would be the best way to do it. So I never gave any support to the first proposal for it, because I didn't think, of course, there was any chance for it, and I didn't think that it could start in that way.

Fry: What was your strategy in helping to get more support and understanding around the state for this? I wondered if your appointment of the commission to study it was partly to serve that purpose.

Warren: Well, of course. I would expect that commission to explore all the facts of it with the minority groups and with employer groups, and possibly have to deal with the labor unions too, and come up with a reasonable report that would appeal to the public—one that we could get through the legislature. That was the purpose.

Zoot-Suit Riots

Nichols: While we're still on the racial question, had the zoot-suit riots in Los Angeles influenced you in showing the gravity of the situation if there weren't anticipation of problems and adjustment? Did it perhaps influence you in setting up the commission and the committee later, or did that have much of a determining factor?

Warren: I recognized the zoot-suit explosion as being an indication of the importance of our minority problems, and that we would have to do something to improve race relations in order to get rid of those things, so I appointed a commission to look into it and had it headed by the present archbishop of San Francisco, Archbishop [Joseph] McGucken, who was then a young clerical in Los Angeles, a very liberal one, too. He made a study of the situation and reported to us on certain things that could be done—police relationships with minority groups and things of that kind—and I think it was very helpful.

Fry: Was your attorney general, Bob Kenny at that time, in on any of this, the deliberations about the zoot-suit riots, since this would seem to be some sort of a law enforcement problem, too?
WARREN: On that particular phase I don't recall. I don't recall. I'm sure I wouldn't have kept him out of it, but I just don't remember any affirmative thing that was done. I may even have consulted with Bob about whom we would put on there [appoint to the study commission].

FRY: That's another unfair question, because it's so little and small—

FEINGOLD: He mentions it in the final report of the attorney general.

FRY: Oh, does he?

WARREN: That we did work together on it?

FEINGOLD: Yes. He just mentions it in passing.

WARREN: I just don't have the specifics. I know I canvassed the situation pretty well in order to get a group that would approach that thing intelligently and in a humane way.

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Development of Warren's Social Philosophy

FRY: The other question this brings up in my mind was something I had tucked away as I listened to the speech that you made to the history graduates about ten days ago in which you mentioned that at Boalt Hall your courses were kind of specialized and that the humanities aspect was not as broad then for law school graduates. The question that occurred to me was—I wondered how your own education proceeded—not your formal education, but we have picked up intimations here and there that you made a real effort to continue to read books to educate yourself, particularly in the area of social concerns.

I wondered if you can look back over your post-graduate life and remember anything that—how you selected your books that you read. Did you actually go after further knowledge in general areas of social concern that might not have related to a specific problem in the state but just something to help build up your own philosophy and [ideas?] about the way societies function?

WARREN: Well, at the present I would say that most of my views on such matters were acquired through my experiences in life rather than what I read.

I was just returning along those welfare years, and that in itself was a tremendous experience that the average person never would have. And then when I was attorney general we were still in the depression, and I had grown up as a poor boy—not poverty stricken, but my father was a working man. It was just a little railroad town, and we saw a lot of people who were underprivileged.
We had a lot of Chicanos down there; we had some blacks; we had a lot of Chinese, and so forth. And I learned something from that way of life, too.

Then when I got into work which involved those things, I think I probably learned more from that than from anything I read. I was always interested, in college, in political science and things of that kind. I never was a voracious reader on social problems. I don't mean I didn't read about them, but I don't say to any outstanding degree.

Fry: I was wondering if, when you were dealing with welfare on a county level and within a county context in relating to what you said a while ago, that counties were always more conservative, if you found that—can you remember if your view then was more conservative toward welfare than it was later—

Warren: Now, you put words into my mouth. You put words into my mouth. I never said counties are always conservative.

Fry: Supervisors.

Warren: Well, that's different. Generally speaking—

Fry: I mean, county administration.

Warren: Generally speaking they are conservative, and they have to be, because they have to make the budgets, they have to determine how much people are going to be taxed, and so forth. They of necessity, I think, are conservative, like any financially responsible group is. But I'm sure that my views about the relationship of counties to the state in welfare matters were shaped rather largely by my experience when I was district attorney through all of the depression years and while I was attorney general.

Henderson: Even though all races can share some common disadvantages like poverty, did you feel that you had to do, not a lot of reading, but some reading about the Negro and his growth in America, his history in America, to make up your policies and the commission?

Warren: Was there anything written in those days? [Laughter] You'd better look at your history and see.

Henderson: What days are you talking about—the forties?

Warren: I'm talking about when my views were formed and throughout the twenties and thirties, you see. How much was written in those days?

Henderson: There were several magazines, for instance, like the Crisis and there were certain newspapers like the Pittsburgh Courier that were—
Pittsburgh Courier. I knew the publisher of it. No, we never saw publications like that out here.

HENDERSON: Did you know about A. Philip Randolph and the work he was doing?

WARREN: A. Philip Randolph—let's see, Randolph was—

FRY: Where was he?

HENDERSON: He was all over. He was a national figure—he was president of the Brotherhood of Pullman Porters.

WARREN: Yes, yes. I know of him, but I don't think I knew him in those days.

HENDERSON: He would go back to [inaudible]

WARREN: Yes, he was an eastern man, I think.

HENDERSON: You're right—New York.

WARREN: I didn't know him. You know, you have to remember, too, that before World War II there were very, very few Negro people in California—very few. The only places you would find them, in fact, would be in railroad terminals, where the dining-car people and the pullman people would congregate. And that's why you had a sizable population in Oakland, because here were the terminals for the Southern Pacific, the Santa Fe, and the Western Pacific. But outside of cities of that kind there were very, very few. I don't think there were fifteen hundred Negroes in San Francisco before World War II. There weren't many more than that. It was a city almost without Negroes.

Los Angeles had a very small Negro population in those days. But when the war came along and they solicited for—down in the South—for people to come here for the shipbuilding industry and the airplane industry, they all came along. Then when they outlawed—not outlawed—when they finally made the mechanical cotton picker, it threw a million people out of employment down in the South, they started moving out into these various parts of the country, and that's when it started. This is really—it hadn't started when I became governor; it hadn't started.

HENDERSON: [inaudible] in 1943, you realize that there was a substantial [inaudible]

WARREN: Well, I guess I didn't realize the proportions of it to anything like we have today, because it had barely started. The shipbuilding—you see, '43, we were just in the war, and we'd only been in the war one year. It was 1943 when I came in [as governor] in January 1943. There just weren't any of these big groups that today are a very vital part in our society and our economy. We never thought anything about black children being in our schools. I lived down in Bakersfield, and we didn't have many, but we had a number of them in the small school there, and it
was no problem. Nobody ever thought anything about it.

*Assemblymen Augustus Hawkins and Byron Rumford*

**HENDERSON:** Could I ask you about a couple of Negro legislators?

**WARREN:** Yes.

**HENDERSON:** The first is Augustus Hawkins.

**WARREN:** Yes, I knew Gus all along from the time he came into the legislature. Our relations were fairly—were what you might call friendly. He at that time was with the group that wanted to put the FEPC on the ballot, don’t you know, instead of taking mine. And I knew him quite well, and favorably to this day in Washington as a congressman.

I knew Byron Rumford, and Byron and I put through the bill to integrate the national guard. I think it was about the first in the country where it was done. And Byron and I put that through.

Gee, that’s about all of them—actually, there were no other ones.

**HENDERSON:** No, not in your governorship. About Augustus Hawkins, I noticed that in 1947 he alone, by himself, introduced—at least his name is the only one on the bill for the commission, to establish a political and economic commission. And you—well, you sponsored that bill continually all the way, evidently, from 1943 or ’45 to 1951, I believe.

**WARREN:** Yes. Was Gus on my bill?

**HENDERSON:** Yes, he was, in 1947, and that’s why I thought perhaps [he] might have seen some good in the commission that you were advocating.

**WARREN:** If he was on the bill, he was [an advocate], yes. I didn’t remember whether Gus was on my bill or whether he was on that other one.

**HENDERSON:** He wasn’t on your FEPC bill in ’46, but he introduced the commission bill in 1947.

**WARREN:** I see.

**HENDERSON:** The only difference I see between your FEPC bill and the initiative that came later on that year was that yours advocated more court participation in the final [order?] of the commission.
Yes, rather than leave executive powers in the commission itself to do things.

For enforcement.

Enforcement, yes.

Yes, because the bill is carried through, then that means enforcement—[if some order isn’t carried through?].

Yes, yes.

Do you think that the fact that you won the election for governor in the primary in 1946 affected the fate of the FEPC initiative that appeared in November of that year?

Affected what?

The outcome of the FEPC initiative that—

No, I don’t think so. I think you’ll find from the press that my participation in it was not great. I eventually announced myself against it, although I offered a bill along the same lines in the beginning, but it was—well, I don’t remember the details of it, but it just gave too much power to the commission.

I guess it’s time for us to go to lunch.

[Taping is continued during lunch at the Faculty Club]

Digression on the Ivanhoe Case

—some pages in the Ivanhoe decision, and you feel that you did not. The actual record in the archives indicates this—the Supreme Court book. So I really think we ought to clear it up, mainly because I’m wondering whether the records are incorrect. Why would Justice Frankfurter, for example, have refused to participate in that case and you—

Did he refuse to participate in that case?

Yes, that’s what the records show, and that doesn’t make too much sense to me, and it apparently doesn’t make sense to you if you think you didn’t participate at all.
Fry: We think they may have gotten Frankfurter’s name exchanged for your name in the records.

Chall: But wouldn’t you want to clear that up? I would.

Warren: It could well be [that the record is incorrect]. I’ll ask my secretary to see it.

They didn’t hear it, they just denied the [inaudible]

Chall: No, the Supreme Court heard this case, *Ivanhoe v. McCracken*; it dealt with the 160-acre limit. Let’s see—it was about 1958, so you’d been on the court now, you’d been about five years [on the court], but you indicated last time we talked about it that you had disqualified yourself.

Warren: I’m sure I didn’t hear any argument, but I’ll—

Chall: Then I don’t know why the records would say that you had and Frankfurter hadn’t, unless he was ill.

Warren: I don’t know why he wouldn’t have participated in it; I don’t think he had any connection with it at all.

Chall: Well, check it out some day, because if the official records of the Supreme Court are in error, they should be checked.

Warren: It’s in the United States report that way?

Chall: Yes. I had a newspaper account, and I figured that could be incorrect; so I went down and checked the reports, and that’s the way it came out [there] too.

Fry: Have they ever gotten those records incorrect, that you know of?

Warren: Oh yes! [Laughs] I’ll tell you one. Just recently, within the last six months, the report came out and it had "Presiding, Chief Justice Earl Warren."

Chall: [Laughter] That will confound the historians in a few years.

Warren: They withdrew them awful quick, but I’ve got a copy of it.

Fry: [Laughter] To prove you earned your pay that month, huh?

Chall: As long as we know it can be done, then perhaps the ’58 [record is incorrect].

Warren: My secretary was awfully good at those things. She didn’t usually let anything like that go by.
Minorities in California; Personal and Historical Experience

FRY: I have one more question that relates to what we were talking about just before we came over here. Later on in the Brown case you mention the harmful effects of segregated education for black kids, and I wondered if you have anything in your memory that—your contact with Negroes—that would give you this empathy for the psychological problems that come from being in segregated schools, although we didn't have any segregated schools in California at that time.

WARREN: Well, I don't see how anybody could view—any adult person could view—that situation, such a situation, and not see that it would give a feeling of inferiority to people who were thus segregated. I don't think it takes a psychologist or a psychiatrist to determine anything like that. Just let anyone think that to be segregated from everyone else for something that he had no control over, that that was to be his way of life, [and] I don't see how one could come to a different conclusion.

FRY: Of course a lot of people did come to different conclusions—

WARREN: Because they wanted to.

FRY: Because they wanted to, yes.

WARREN: They knew better, but they did it because they wanted that way of life to continue. The court said in the case of Plessy v. Ferguson, I believe, that if the separation of the groups where they had equal facilities was any—oh, what will I say—any offense against the minority groups, it could only stem from their minds.

FRY: Oh, from the minority mind?

WARREN: Right.

NICHOLS: Strange thinking.

FRY: In Bakersfield, did you find any difference in attitudes there of the whites, on the part of the whites, towards the Negroes than the attitudes towards the Chinese? Was there any difference, or was your perception of this that it was fairly equal?

WARREN: Well, of course it's impossible in my mind to make any comparison of those days, because although we had a tremendous number, or a large number, of Chinese in Bakersfield, I don't know that there was a single Chinese child in the city. They wouldn't let them bring the women over here.

FRY: Oh, that's right.
There were no Chinese in the schools or any place else—any kind of school. They lived in sort of compounds, don’t you know, spread along the railroad tracks there where they worked, or had a place in Chinatown where they had congregated themselves, and that’s all there was to it; there just wasn’t any association at all between them [the races] hardly.

Oh, there was a kind of a Chinatown in Bakersfield?

Oh yes, yes, yes indeed!

Was that over in Sumner—where you lived?

Both places. Both places.

They had their little area both places?

Yes. But in Bakersfield, the main portion of the city, they had some merchants there and had living quarters of their own; but in the side of the city where I lived, over on the railroad part of the town, they just lived in bunk houses that the railroad had for them there. There wasn’t a Chinese woman on our side of the city. I don’t remember any on the other; there may have been a few there.

Was this true of Japanese too, or had they begun to immigrate?

Well, we had—I don’t think we had any Japanese when I was a boy in Bakersfield. They came later.

I see.

You see, the whole minority development in our country has stemmed from the search for cheap labor, going all the way back to slavery or when it first came in in the seventeenth century. Everything—the reason they were here was because of cheap labor. They tried it in all parts of our country, you know; it isn’t just the South. They tried it up in the North, in Massachusetts, in the New England states, but their kind of industry wasn’t that which made it profitable for them to bring in and use slaves. They could do it better by hiring indentured servants from England and so forth.

And when we came out here to California—when California came into being [and] they started the railroads, why, they brought the Chinese out here to do all of the spade work—the digging and so forth. And then, when they got through, the Chinese didn’t want to stay there. They’re business people, and they left there, most of them, and went to San Francisco and started little businesses there, and we got the big Chinatown that we have in San Francisco. Then they brought the Japanese in, not to build the railroad, because that had been done, but they brought them in for farm labor. But the Japanese was too smart; he started owning the farms. And then that became too expensive for them, of course, so then they looked to the Filipinos and the Filipinos on that
stoop labor were so good at it that he [the Filipino] made a lot more money than they thought such people were entitled to.

So then they went to the Mexicans, and they got the *bracero* program through. But they used wetbacks, as they called them, before the *bracero* program came along. Then when they became too expensive for them, some of the farmers came to me and wanted me to certify that there was a shortage of that help and that they should be able to get Puerto Ricans. And I wouldn't sign it [the certificate], and they couldn't get them without it—Puerto Ricans are citizens and can come and go as they please; all the Puerto Ricans that want can come here and live, but you can't recruit them over in Puerto Rico to come here in any state unless the governor of the state certifies there's a shortage of that labor and they're needed. That I wouldn't do. I asked these people, "Do you want another Harlem here?"

"Oh, we'll take care of that when they arrive." I said, "It's not going to be my way of doing it, anyway," so I never would certify it.

But that's the way it's gone from one minority group to another.

**CHALL:** There was a fairly sizable number of what is known as Hindustanis in California too. Were they recruited for the same reason, or did they come as a result of economic pressures in their own country?

**WARREN:** Well, I don't know. I should know, too, because they came here, and within the Sacramento Valley largely in the hop industry. But I don't know just how they came. I would guess that they were recruited, but I don't know.

**NICHOLS:** Great numbers of them were recruited for work in the South Seas, in Fiji.

**WARREN:** Beg pardon?

**NICHOLS:** Great numbers of Indians, of Hindus, were recruited at one time by the British from India to work in the South Seas, in Fiji especially, and were very enterprising and quickly took over; as with many of these importations you find that problems arise you haven't foreseen, and they quickly took over from the native society and began to predominate. The British had to then set up restrictive laws. But at that time there was a lot of recruitment of them, and I'd expect that Americans were there too, recruiting about the same time.

**WARREN:** I wouldn't be surprised, because I remember one incident in Canada where they had a whole shipload of Indians and Pakistanis—or Indians or Pakistanis, I don't know which—were there, and they kept them out there for months and months and months—wouldn't let them enter Canada. I don't think they ever got in.

**BAUM:** Were there Mexican-Americans in Bakersfield when you were a boy, as a labor force?
Many of them.

Because they're old families, a lot of them.

Oh yes, there were many of them. Of course they were in schools too; there was no differentiation made. But most of them were in the cattle business out in the foothills and wouldn't be living in the city of Bakersfield. But those who were there—and there were quite a few of them—just worked as mechanics or something of that kind.

They weren't stoop labor at that time, were they?

Oh yes!

Out on the ranches?

When the railroad brought them in, one dollar a day. One dollar a day.

One time I was the timekeeper on the Southern Pacific one summer vacation, and the Mexicans were working there on the tracks and so forth, and it was a dollar a day. I remember one poor fellow lost a hand when a railroad rail fell on his hand—took it right off—and he was in the hospital and came out and he said, "Before, I had two hands [and] I worked for a dollar a day; now I only have one, I work for fifty cents." Poor fellow. But in those days you didn't have any workmen's compensation or anything. There were very few safety measures adopted by the railroads. They had open lathes, where a fellow could lose a hand or something; nobody paid any attention to it.

Some of the people I talked to in Bakersfield told me that the Negroes in town were more or less sort of middle class; that there wasn't too much of an economic distinction between Negro families and white families. And then I talked to someone else and they said they were kind of segregated, though. I wondered which is right.

How were they segregated?

In housing, in housing they were kind of segregated. But when I looked through the Bakersfield directory it looked like they were sort of sprinkled around.

There weren't enough of them, as I would recall it, to have any segregated area if they wanted to. I don't think there was. Of course, it was probably either—on our side it would probably be either north or south of the tracks, as they say in a little railroad town, you know; the lower income class on the other side of the track, they probably would be in that respect. But not where they all lived together in an area.
FRY: Did the Southern Pacific hire Negroes? I mean were they railroad workers? Someone told me, for instance, that a Negro family owned a restaurant in town and this is what kind of gave him the impression that they were primarily kind of middle class.

NICHOLS: Well, pullman porters in those days were considered quite middle class.

FRY: I was thinking about machine work on the locomotives, because this was the town, I think, where they pulled in the locomotives and worked on them.

WARREN: There were so very few of them down there then that I really don’t recall what they did. You could identify the Chinese by the work they did. You could identify the Japanese by the work they did. But I couldn’t identify the Negroes, because there weren’t enough of them to be used as a group for any kind of work. So I don’t have any recollection of that.

NICHOLS: But generally they did tend to be associated at that time with railroads in the sense that many were pullman porters or stewards.

HENDERSON: Or worked in the round house.

NICHOLS: Or worked in the round house, right. I think that for somebody who doesn’t read books on social history that the chief justice has just given us the best short course in ethnic exploitation I’ve ever heard—in the United States, anyway.

FRY: Yes! That should be your next book.

[Some humorous exchanges are made here, while the chief justice prepares his tea]

Chapter 26: Colorado River Problems

CHALL: While you’re working in your teapot here with water—

FRY: [Laughter] Speaking of water!

CHALL: ——I’ll go on with my main topic here. I wanted to ask you some rather broad questions about your response to problems involving the Colorado River while you were governor. Between 1944 and 1946 we were dealing with the United States-Mexican water treaty; and between 1947 and 1963—of course, ten years of which you were on the Supreme Court—we were dealing with Arizona v.
California. However, during the time that you were a governor, in both of these instances as they came up you spoke before congressional committees, signed financial bills, I think both of which were brought in by Ben Hulse to promote publicity and lobbying for California against these two measures. We put resident attorneys into Washington, D.C., and varieties of other things.

Now, what was your response? I know you did testify and you were concerned, but did you feel that in both instances California would suffer seriously if some of this Colorado River water were to go to Mexico or Arizona?

Warren: I supported the California position from the time I became attorney general until I left as governor. I did testify before committees, I did—politically in California I spoke for the rights of California on the Colorado River. I think toward the end of my regime, I came to feel that we weren't entitled to everything that our people were demanding, and I think some of the positions I took for California in that whole controversy were probably not in the best interests of either California or the country. I think I was mistaken. I was misled by those southern California groups that are just so aggressive that they're ruthless, and they were ruthless in that. Of course, I immediately disqualified myself when the matter came to the Supreme Court, and the Supreme Court gave a decision that was rather favorable to Arizona. I was rather glad that they did.

Chall: How did you finally come to some of your conclusions, as you say, toward the end of your regime that perhaps southern California interests didn't require all that water?

Warren: No, I didn't say that they didn't need the water; they still need water, and will for a long time. But to be entitled to take it from the Colorado River without regard to the other southwestern states I thought was—well, I came to realize, I think, as much as anything, by those bills for exploiting our position throughout the country and the things that they said when they went around to these different states, and the reaction that came from those other states—there wasn't a single state in the West that was for us, you know, except Nevada, and Nevada had been guaranteed a certain amount of water and she was satisfied—then (I don't know if she is now or not).

Chall: Then did some of this feeling come to you during the governors' conferences that you discussed with us this morning—as you spoke to other governors, for example, about common problems?

Warren: Well, when I started to suspect there was something wrong, I sought an action in the Supreme Court to have it determined.

You see, we had entered into some contracts with the Department of the Interior as to what water California should get. And Arizona claimed that that was taking water that rightfully belonged to them, so I advocated bringing a suit in the Supreme Court to determine just what the rights of the states were. At that time our water people were for it, because Arizona was against it. Then
Arizona all of a sudden came to a realization that that was what should be done with the situation. So their governor brought an action in the Supreme Court to have it determined, and the minute he did, our big water users down in Los Angeles were against it. I think that's when I had my rude awakening. I was just gradually waking up a little, but when that came I think—and that's the one that finally went to the Supreme Court.

CHALL: I see, the final Arizona v. California. I see.

WARREN: Yes. But really, they're ruthless. There's no question about it.

CHALL: Was this—since it seemed to involve the major water users in California, primarily in the south——

WARREN: Beg pardon?

CHALL: This whole controversy seemed to involve southern California and the heavy water users. Was this, then, a divisive kind of thing for state politics as such? How did the north feel about this matter, or didn't they care?

WARREN: They didn't care as long as it came from the Colorado.

CHALL: I see. [Laughter]

WARREN: It's like the war now that we're in over in Vietnam. People know that they're getting killed now just like they were a couple of years ago, but our own people are not getting killed; so no matter how inhumane it is, you don't get any reaction against it, because our own people are not getting killed.

FRY: Did this pit the north against the south, then, in the water?

WARREN: Beg pardon?

FRY: [Laughter] Well, I'm asking a question I don't want [inaudible]

CHALL: Did you feel that the hostilities regarding the Colorado River would intrude themselves into the 1948 and the 1952 national campaigns?

WARREN: No, I don't think I gave any—I don't know that I gave any attention to that. I'd been with it as attorney general and so forth. I don't think I thought of that, and I don't know that it did have any big difference. It might have but——

CHALL: Did you ever feel eventually that the Colorado River problems might be better handled by a watershed arrangement, a conference—like a TVA, for example—rather than separate, compact treaties, battles in the Supreme Court, and what-not, prior rights?
WARREN: Well, I sat in on a lot of conferences with California and Arizona people for years, you know. And it just developed, nothing from either side. Neither side was unselfish, but we were in a more powerful position; and I think we could have softened our position greatly to the benefit of everybody concerned. Whatever position I took then was in favor of the water rights of the people of our state as distinguished from the water rights of the United States, but I don’t think they bore on that, on the Colorado thing, at all.

NICHOLS: Not directly, I suppose.

CHALL: If in the early stages of these Colorado River controversies you had been of the opinion which you came to later and not been highly supportive of the large water users in southern California, do you think it would have been a form of committing political suicide?

WARREN: Oh, I don’t know. No, I think if I had wanted to I could have played it by ear and paid no great attention to it. But I was sort of an activist in those days. If I had a job I wanted to get in and do it, and so I got into it, don’t you see. But I suppose as attorney general I didn’t have any authority of that kind, but I got into it because I thought it was in the interest of the development of our south. But I don’t think I really had an official obligation to interest myself in it as much as I did.

CHALL: I see. It really was a personal commitment?

WARREN: Yes, it was, based upon what I had thought were the best interests of our state.

CHALL: Unless you have something to add on water, I have no more questions.

Chapter 27: Japanese Americans in World War II

Use of the Alien Land Law

FRY: [To Feingold] Do you want to go into your questions?
FEINGOLD: Yes, I had a few questions about the Japanese and the use of the Alien Land Law in '42. I was wondering, first of all, how you and your staff in the attorney general's office reached the decision to enforce the Alien Land Law.

WARREN: Well, because it was on the books and people would complain.

FEINGOLD: Who in particular had complained, do you remember?

WARREN: Well, it was probably the white farmers who were in competition with the Japanese, or who the Japanese were in competition with. But the law was on the books there and had been for a long time that they could not—they could not own farm land, and the attorney general is supposed to enforce those laws for the state. So I was doing the job.

FEINGOLD: I remember you called a conference, I think, in February of '42 of the sheriffs and the district attorneys around the state, in which the idea came up to draw up those maps to show the location of the Japanese farms.

WARREN: To do what?

FEINGOLD: To draw up maps that showed the location of Japanese farms.

WARREN: Well, that was in connection with the defense side of it, to show how—I mean, it was a fact too that there was a large number of recent Japanese ownerships of land that had never been plowed or tilled or anything, because it was desert land—but it just happened to be right around our army camps, and after Pearl Harbor that didn't look very good.

FEINGOLD: [Laughter] I can see that.

WARREN: We tried to marshal that to see how much of that there was in the state, and I think that's what those conferences were for. And, of course, we would use the Alien Land Law on it too, if it was that way. But I think that in most of those situations we were not able to do anything with the Alien Land Law, because they would put the title in one of their infants who was born in this country.

Reparations and Return from Relocation

WARREN: But immediately after the war, California set aside all of those judgments that we had in the Alien Land Law and repaid what they had paid out under them. Not because we were required to, but because the Supreme Court had held that the law was contrary. So we went back and reimbursed them.
FEINGOLD: Yes, I was just going to show you a little chronology that I had typed up. We came across a little newspaper clipping from 1951 in the *Los Angeles Times*, which noted that you had signed a bill in that session providing $422,000 to be paid for losses suffered by persons whose property was taken away under the Alien Land Law.

WARREN: Yes, yes.

FEINGOLD: One of the questions I had about that was that I know that the federal government had also passed legislation for reparations to the Japanese starting a couple of years earlier.

WARREN: That was on the relocation, wasn’t it?

FEINGOLD: That’s right. So I gathered that this state legislation was more or less to plug up the loopholes in the federal program, or was this something different?

WARREN: Well, I would say that it probably was motivated by the same thing that caused the federal government to do what it did with federal cases. In other words, I feel that everybody who had anything to do with the relocation of the Japanese, after it was all over, had something of a guilt consciousness about it and wanted to show that it wasn’t a racial thing as much as it was a defense matter. To do that we passed bills of this kind and a number of other things that were done to make the Japanese feel that they were back home and among us and so forth.

I remember when the secretary of the army called me up. It was a Saturday morning and I was in Los Angeles. He got in touch with me and told me that Monday at noon they were going to start letting the Japanese come back and asked me if I would help them do it. Well, I told him that I would. The war was all over and everything was—we had no need to fear anything. I told him I certainly would.

I was on the telephone I’ll bet nine-tenths of the time between then and Monday noon when it was finally announced, calling people and telling them that it was going to be done, and telling them that when we advocated the relocation of the Japanese we did it because we thought it was in the interest of the war, and the war’s over. And the worst thing that could happen to the state of California would be to have us maintain a feeling of antagonism toward the Japanese who had lived in our state and who hadn’t done anything wrong, and [I said] that I hoped they would cooperate with the federal government and with me in bringing them back to California so they could be happy here. Practically all of them said they would do it. Only one mayor rebelled, and that was Mayor Bowron of Los Angeles.

FEINGOLD: Really?
And he made one statement and everybody just jumped all over him and that's all we heard about it. They came back and started right to school, you know. The kids all welcomed them and everything. We had maybe a half a dozen or so instances of hoodlums going by and throwing rocks into windows and so forth, but most of those were caught and prosecuted and were convicted of doing it, and the thing was just washed out. I don't believe the Japanese were ever as happy in our state as they have been since.

There was for a time some breakdown at lower levels, apparently—at least there were some Japanese who complained they didn't get full recompense for their lands, and fifty cents on the dollar—-

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It was a terrible thing. I can't understand the government doing that, but they did.

And that came up before you, too? You were on the court at the time?

Yes, that was about three or four years ago, yes.

Goodness! That recent?

Yes. It would have to be more than three years, because I've been off three years now. But I'm sure it wasn't more than five and I think closer to four.

I was going to back up a few years, in 1946—-

Let me back up a few years!

[Laughter] We'll just put the tape on rewind.

[Laughter] Yes, we have a magic "time machine."
1946 Amendments to the Alien Land Law

FEINGOLD: In 1946 there was a proposition on the November ballot that was—well, the title of it was "Validation of Legislative Amendments to the Alien Land Law;" in other words, it was essentially allowing the voters to approve of the Alien Land Law and to close certain loopholes that existed in the law then. I wonder if you remember that at all? That was in '46.

WARREN: No, I don't remember, but I think it must have lost very badly.

FEINGOLD: In fact, I think that it won then, but it was on the ballot again several years later and it lost the second time around.

WARREN: I don't remember that. Was that an initiative measure, do you remember?

FEINGOLD: Yes, yes.

WARREN: No, I don't remember it.

FRY: [To Feingold] Is that all you have?

FEINGOLD: Yes.

Chapter 28: Regulating Lobbying

1949 Special Legislative Session

FRY: Let's see. Gaby had some more questions for you on lobbying, according to my "formal program" here. [To Morris] Do you want to go into those?

MORRIS: Yes. We've mentioned lobbying several times, and we thought we'd like to get the record straight on what was accomplished during your time. My sort of overall question is, was your major concern on the lobbying issue the possibility of improper activities by legislators, or was there also a matter of reduction in state revenues from tax breaks brought about by lobbyist activity or excessive expenditures in aid of lobbyists' clients?
WARREN: Well, my great interest was an opposition to the influence that these lobbyists bring to bear upon legislators and the manner in which they do it. Whether it’s—no matter what their issue was, to dominate the legislature the way some of them did was destructive, it seemed to me, of the democratic process.

MORRIS: We mentioned George McLain earlier, and in 1949 you asked the Sacramento Grand Jury to look into his influence on the legislature.

Fry: Yes, that was a bribe, wasn’t it?

MORRIS: Yes, he was accused of—

WARREN: Well, of course a bribe, now—it’s one thing to ask them to prosecute a crime and it’s another thing to ask them to investigate their influence. I don’t think I asked anyone to investigate the influence of a lobbyist. If there was some crime connected with it, yes.

MORRIS: There was evidence that he’d been making payments to Assemblyman [John W.] Evans.

WARREN: Yes. Of course, that’s bribery. That’s a crime that ought to be investigated and punished wherever it can be found.

MORRIS: And that was the same year that the magazine [Collier’s] published the article about Artie Samish’s activities.

WARREN: Was it?

MORRIS: Yes, it was ’49. And then in December you called a special session on lobbying. Was that because—did the McLain evidence of bribery and the Samish activities—had they built up to a point where you felt it was a good time to call a special session on this issue?

WARREN: Well, when I called a special session I usually thought it was a good time to do it [laughter], or I wouldn’t have called it at that time. But, now, just how much—I’ve forgotten whether we asked the grand jury—we called a special session after or before that article on—

MORRIS: December of 1949 was the date of the special session, and I think the articles on Samish were in the summer—June and July. There were three of them.

WARREN: In ’49?

MORRIS: In ’49, in the summer of ’49.

WARREN: Well, then I would say yes, it probably did have something to do with it, making it timely.
MORRIS: And we'd kind of like to sort out the legislation here. There were two bills introduced, one [AB30] by [Marvin] Sherman, and one [SB7] by Powers in the senate, which included the declaration of campaign contributions. And then there were also half a dozen bills introduced which—-

WARREN: Now wait a minute. Those passed?

MORRIS: The ones on listing of campaign contributions did not pass.

WARREN: I thought so.

MORRIS: [Laughter] And then there were also four or five bills which were modeled very closely on a federal lobbying act of 1946. They said that lobbyists must register and must list the amounts of money they pay anybody for consideration of legislation, and the federal bill had said that every payment of over two hundred dollars needed to be declared. Then the various state bills had different amounts, and there was a bill by Mr. [Glenn M.] Anderson and one by Mr. [Arthur W.] Coats and one by John Collier. The legislature said that your bill was too stringent.

WARREN: My bill was John Collier's.

MORRIS: This was what I wondered—how you decided that Mr. Collier's bill was the best one of the bunch.

WARREN: Because I think we gave it to him.

MORRIS: I see. Was it a usual procedure for a legislative committee to say, "Since there are seven or eight bills on this one issue, we want to decide beforehand which one is the one we're going to work on"?

WARREN: I think in the nature of things that's always done. They always determine which ones they're going to take seriously and which ones they're not going to take seriously.

MORRIS: And you'd have access to this information?

WARREN: No, not necessarily. Somebody might talk about it publicly; they might not. There'd be no reason for me to have to be in on it.

MORRIS: Directly involved. Would your legislative secretary discuss this kind of a thing with—-

WARREN: Depends on the attitude of the committee. If they were against our bill they wouldn't be asking for advice on how to proceed.
Well, apparently they turned down the two bills requiring declaration of campaign contributions out of hand. What were their objections?

I don't know. Well, I say I don't know. I do know from general observation that the legislators don't want the public to know where their funds come from, for obvious reasons.

But they were prepared to put some limits on the activities of lobbyists?

Well, so their bills would say, but if you read them, I think most of those were escape hatches.

Because there was sufficient—was there quite a lot of public concern about the revelations of the Samish articles?

Well, I don't attach too much significance to the revelation of the Samish articles. That was known for a long, long time. There was nothing really new in that except some of Samish's flagrant talk to this man [Lester Veliel—that was the thing that made them a really interesting document to the public. But outside of that there was no secret to how Samish, and others too—he was just one of them—but this time he was so blatant when he had this Charlie McCarthy on his knee and called him "Mr. Legislator," you know, talking to him. The legislature couldn't escape that, you know, they just couldn't escape that. They had to take some cognizance of it.

And take a look at their own activities? Because Samish's comment at the end of those articles was that he wouldn't have had the success if people hadn't been willing to accept his favors.

No doubt about that. That's just as plain as apple pie.

Interim Study Committee; Enactment of the Collier Bill, 1950

Well, then at the end of the '49 special session an interim study committee was appointed to study the matter of lobby regulation again.

That was appointed by whom?

That's what I wanted to ask you about. The chairman was a man by the name of [Thomas M.] Erwin. The legislature established an interim study committee. It was a legislative committee.
WARREN: Escape hatch.

MORRIS: Escape hatch?

WARREN: Yes.

MORRIS: Mr. Erwin was on good terms with the lobbyists?

WARREN: One of the boys.

MORRIS: I see! [Laughter] So the interim committee introduced a bill in the 1950 legislature, and this was the one that you described earlier but we never got it on tape. The Collier bill was to take effect, and then two days later Mr. Erwin introduced a bill which revised a number of procedures of the Collier bill?

WARREN: No, I’ll tell you briefly what the story was. I had the Collier bill introduced and it had enforcement measures included in it. It was a rather strong lobbyist bill, and that’s what the legislature was complaining about. So in order to get around that bill, they introduced a bill with a lot of fine rhetoric in it as to what the obligation of the senate and the house of representatives [assembly] was in protecting the public against illegal lobbying, and they went through a lot of that rhetoric, you know, and set up some things that the legislature should do. But really it didn’t—it was no enforcement at all. It just didn’t mean anything.

Well, when it got down to a point where there was too much pressure for the legislature to defeat the Collier bill, which I had had introduced, they decided that they would put not only the Collier bill through but would put their own bill through, the one I’ve just been telling you about. It was hortatory entirely, it had no powers in it at all, but it sounded awful good in a bill. And so they put that in and put it through in the hopes that they could convince me that I ought to take that bill instead of the Collier bill, and the Collier bill had vitals to it and theirs had none, don’t you see.

So we decided that we’d take the best of two worlds and I would sign their bill first, and that would give us all of the high-falutin’ language, you know, about the moral obligations of everybody in connection with it. And then after I signed that, the next day I would sign the Collier bill, which had the enforcement in it. [To Morris] Now just a moment—let me finish.

MORRIS: Okay. [Laughs]

WARREN: And under the law, if there should be any conflict between the two laws, the Collier bill having been signed last would take precedence over the one that was signed first. But there was no conflict between the two, and they got stuck with both of them!
Nichols: A double enforcement.

Fry: That includes those amendments that were run up in January. There were some amendments that put the teeth back into the Collier bill in January, right?

Warren: I don’t know.

Morris: There were two bills that Mr. Collier introduced in 1950.

Warren: It was my bill when it started and it was my bill when it ended. I signed it and I signed it last so it would take precedence over anything else I signed. I signed the other believing that [intending] to put the two of them together, and it looked mighty good.

Fry: Yes, so everybody could go home to his district Tuesday.

Warren: But they couldn’t go home happy, because they had the Collier bill. [Laughter]

Fry: I’ll bet they didn’t mention it.

Chall: They probably thought of that—

Baum: They thought you’d veto the Collier bill, is that right?

Warren: What they wanted me to do was to veto the Collier bill and sign their bill.

Chall: Did they get the point after you’d signed both of them?

Warren: Well, I don’t know. That was the end of the session and I don’t think I—

Morris: Was there any lessening of the lobbyists’ influence after these bills?

Warren: I really don’t remember. When was that bill signed?

Morris: Nineteen-fifty.

Warren: Well, you see, I didn’t have much time there, after ’50, to appraise whether the situation was improved or not. I really don’t know. Those lobbyist bills, no matter how tight you make them, have to depend largely upon the good will of the legislative body in enforcing them. There are so many ways they can duck around them.

Morris: So that it does relate to the ethical standards of the legislature as a whole and individual legislators.

Warren: Oh yes, oh yes.
MORRIS: There was some discussion on all these amendments and revisions that each branch of the—each house of the legislature should do its own regulation, and you protested—this was protested; I think you objected to it. I wonder if you felt lobby regulation might have been better outside the legislature anyhow, I mean done by some—

WARREN: I don't know that you could do that under separation of powers. I'm inclined to think just offhand that maybe the constitution gives them the right to regulate the conduct of their own houses. I never thought it through as to whether any outside body could police them, but I don't—I never had any intention of doing that, anyway.

Government Reorganization; Limits to Lobbying

MORRIS: One other question that occurred to me: In addition to these various specific lobby regulation bills, there were various committees over the years that studied government reorganization. Was there any connection between those committees and the need for lobby regulation?

WARREN: Not that I recall. I remember once that they had—I think it was just before I became governor, too—they had a big study made by the Brookings Institution on government reorganization. But whether it contained anything about lobbying or not I don't really know.

MORRIS: In one of our textbooks—the last committee of this sort while you were in office was in 1953. Cap Weinberger was the chairman of that committee on government reorganization. And one of the textbooks on California history that we read said that in 1953 this committee did revise the legislative committee system, and the quote was "to eliminate Samish influence."

WARREN: Well, it would be a good thing to claim even if not true. I don't know whether it was or not, really. I don't know what the purpose of it was. They set up their own regulations in their houses, and I don't think that was any bill that they sent to me to—I have an idea it was done by resolution or by rule or something like that.

MORRIS: Internal—

WARREN: Internal administration, yes. So I don't know whether it did or not, but I think you'll still find plenty of lobbyists up in Sacramento.

MORRIS: Kind of a wind-up question is, what is the dividing line between legitimate advocacy in regard to legislation and government activities, and improper activity?
WARREN: Well, the constitution says that everyone has the right to petition the government for the redress of grievances, and I've always supposed, and I think most people have, that that includes the right to intercede with your legislators to make such changes in the laws or to prevent changes in the laws that in your opinion would not be in the interest of the nation. And to that extent I think they have the right to speak to legislators individually. I think they have the right to go before the legislature and speak before the committees. I think they have the right to write to them setting forth their purposes, and so forth. In other words, I think they can do anything short of bringing pressure to bear upon government through coercion or bribery or excessive entertainment—things of that kind that are in essence bribery so far as a lot of people are concerned. That's about all there is to it. You just want to keep it decent.

As far as going to Sacramento is concerned and interceding with the legislators pro or con, on any issue, it's perfectly all right, and as a matter of fact should be commended. But that isn't what they do, so many of them. That's what makes the trouble with the lobbying system.

NICHOLS: It seems to me there isn't much difference between the kind of direct lobbying influence that a Samish or a McLain exert, and the kind of thing that Unruh was later doing where he develops a fund of contributions by special interests like Howard Ahmanson to his campaign, which he then uses as a pool to subsidize the campaigns of various other legislators, gets them elected through that money, and then uses that as a device to put them in his pocket. And yet there's never been any direct legislation against that, that I know of. It seems to me that there's something wrong there, a loophole—that this is just a little more indirect form of lobbying, really.

WARREN: That's what it is. Yes, it is.

NICHOLS: It's a much more airtight form.

WARREN: You would think the legislators themselves would rebel against that—to have one man determine how much campaign expense they were going to be entitled to have, but that, they say, was done.

FRY: You'd think the lobbyists would rebel against it too, because this is the practice that they followed up—contributing heavily to campaigns—and it takes away that aspect of their activity.
Chapter 29: 1948 Presidential Campaign

Warren and Thomas Dewey

Fry: Well, I'm about to ask some questions on the '48 campaign, but first I want to ask you if you need to draw this to a close?

Warren: No, go ahead.

Fry: You're very stoic.

Warren: Go ahead. We got started late today.

Fry: Thank you. We understand about the 1948 campaign and your vice-presidency nomination that when you went to the convention you had in mind avoiding the vice presidency and holding off so that you could run for the presidency later. Now, is that true or false?

Warren: Why do you put all those things into my mouth? [Laughter]

Fry: I didn't put that into your mouth!

Warren: Yes you did! You said that's what I was doing.

Fry: No, I said Irving Stone told us this. Irving Stone told us this and I wanted to know if it's true.

Warren: Oh, oh. You didn't say Irving Stone said that.

Fry: No, I said, "We have understood that...." And I was protecting my source until questioned.

Chall: He wasn't the chief justice for nothing. [Laughter]

Warren: Well, to close this one out, the answer is no.

Fry: Okay. Did you have anything in mind about a Taft-Dewey deadlock in that convention in which you might come in and run as a dark horse?

Warren: No.

Fry: The next question is—these are all kind of equal-time questions, I might say, where someone has told us something and I want to check it with you.
WARREN: Why don't you tell me who told you?

FRY: All right. Mary Ellen Leary thinks that she remembers that the press corps, who was on your train, felt that—I think it was in Detroit, maybe, or Cleveland—that you finally made a speech in which you did address yourself more to the issues, and their speculation at the time was that this was your own decision to go ahead and address the issues more than Dewey and the campaign captains were wanting you to.

WARREN: Well, if that's Mary Ellen's point, why, that's Mary Ellen's.

FRY: She was telling me what the press was speculating at the time without really knowing what was going on about campaign tactics between you and Dewey.

WARREN: Well, let's not go on speculation.

FRY: That didn't happen, you didn't have a speech that was—

WARREN: No, no. I was obliged to have a speech—every night we stopped, on some issue, and I did every night. I've forgotten what I said at Cleveland, I've forgotten what I said at Detroit, but it was run-of-the-mill all the way.

FRY: I tried to look up some of the old speeches, and the only thing I could find that they might be speculating about was some remarks that you had made on your opinion of the Taft-Hartley bill. That was the only thing I could find.

WARREN: It was an issue in those days.

FRY: Do you remember if Dewey had said you should treat that lightly, or anything?

WARREN: No. No. I think I said in my transcript [Memoirs] how little contact I had with Dewey during the campaign, and that's true, that's correct.

FRY: You didn't really have an opportunity, then, to try to convince Dewey that he should talk more to the issues to the people, is that what you're saying?

WARREN: No, I'm not saying that now. That wasn't the question you asked me. You asked me if he told me at that time to talk about that issue, and I said, "No, he did not." I never had that. And I only had two conversations with him on the phone while I was on that trip. So that ends that.

I don't like to be abrupt, but I don't like to have these things put in my mouth, either. That will get me into trouble in the future here, if I say yes or no. Why don't you just ask a straight question—"Did you do so-and-so or did you do so-and-so?"—and I'll answer it.
Well, did you and Dewey disagree on any basic issues?

Yes, we did.

What were they?

[The] Water and power issue here in California. I wrote about that.

In your autobiography manuscript on page 145 you mentioned that Dewey had spent the better part of an hour endeavoring to convince you of the desirability of your being his running mate.

That’s right.

Was there any talk then of how he would define the office if you two won?

Not except that he would find a meaningful place for the vice president in his administration, and that would relieve it of the—just the almost total elimination of any duties that a vice president has under the constitution. The only thing he has to do is to preside over the Senate. And how many times Agnew has presided over the Senate during this term I don’t know, because he’s never been there. And the same with other fellows. Dewey said that he would work it out so that I would have a vital part in his administration. But he didn’t discuss what job I would have.

Reservations About a Senate Seat

You also mentioned on the next page that you were not interested in being a Senator or a cabinet officer in Dewey’s administration.

Any administration!

Or in any administration. I wondered what your reasons were.

Well, in the first place, they weren’t as good as the jobs I had.

You liked being governor.

Yes, it wasn’t as good a job as I had, and I had six children and wasn’t about to try to go—I think at that time cabinet officers were paid about fifteen or twenty thousand dollars a year, and for me to move back to Washington with six children and try to keep up with the Joneses was just the kind of life I wasn’t looking for.
We have an interesting fragment of a letter that came in in some Percy Heckendorf papers, and it mentions that there were some people who wanted you to be Senator. We don't [for certain], but it's a letter, I guess, that Mr. [Thomas] Storke in Santa Barbara wrote to you, and I thought maybe you could tell us more about this move to get you to run for Senator. I guess this is about 1946.

Well, I don't know. I don't remember. [Examining the letter] I don't know that this is to me. I don't know.

It's written to you, and apparently he sent a copy to Mr. Heckendorf.

It doesn't say that here—it isn't directed to me.

That's the second page.

This is the second page.

Yes, I know it is.

And this was in Percy Heckendorf's files of correspondence to or about you.

Whether it is or not, I never had any desire to be a Senator. I could have been a Senator when I appointed Bill Knowland; I could have been a Senator when I appointed Tommy Kuchel; and I didn't want to be a Senator—and that's all there was to it. Many people talked to me about being a Senator, but I just never had any interest in it.

Or you could have been by running in that Nixon-Gahagan Douglas [1950]—

Oh yes, I could have run in there, I'm sure, and been elected, but I didn't want to be a Senator.

Dewey's Plans and Confidence

[To Fry] Chita, may I ask one thing?

Yes.

You mentioned a good deal about Dewey's neglect, really, of your—well, you don't put it this way. Let me ask a direct question.

Yes.
Nichols: Why do you suppose Tom Dewey did not recognize your full assets in his campaign? Was it in the nature of the man to want all that power to himself? Was he just neglectful? Did he not appreciate your abilities and your tremendous influence in the West? How do you analyze his attitude there?

Warren: You mean in just leaving me to myself, is that what you mean?

Nichols: Yes, in not utilizing your knowledge of the West, which he badly needed. In not letting you speak out on issues, which he also badly needed, was very apathetic—

Warren: No, no, no—where did you get that he wouldn't let me speak out?

Nichols: Well, I'll have to retract that. That was a general impression.

Warren: Yes, that's the trouble.

Nichols: I erase that. I got an impression from reading several books and sources that he didn't give you issues to speak out on, let's put it that way, or he didn't encourage you to address yourself to particular things.

Warren: Well, I tried to write that in my manuscript [Memoirs], where I said that Bill Knowland and I went to Albany and were with Tom Dewey for three days shortly after the convention. And at that time Tom told us how many speeches he was going to make, where they were to be made, what the title of them was, and advised us also that his speeches had been written already. And the man who wrote them was there with him. And so then he told us that he was going out to make these speeches and do certain things around the country, and they said they had this train set up for us to go—for me to go, for I think it was about thirty-five days, around to thirty-eight states of the union, and that's all there was to it.

Nichols: Your program—

Warren: He didn't tell me what I should say, he didn't tell me what I shouldn't say. I think he left that to my judgment, knowing that he was the leader in the thing and that I probably wouldn't be saying anything that would be against him and would injure him in the election, which was a pretty good judgment to follow.

Nichols: But he still seems to have been in a rather passive position with regard to utilizing the tremendous ability you had on that ticket to—

Warren: Or his own.

Nichols: Yes, or his own.
WARREN: Or his own. That's right.

NICHOLS: Do you feel he felt it was too much in the bag?

WARREN: Sure, he did. They all thought it was in the bag—nothing to it; couldn't lose.

FEINGOLD: That's what happens when you make assumptions like that.

WARREN: That's right. Couldn't lose. Remember Elmo Roper, who cut off the polls early in October, said it was silly to waste the time and money having polls in the future. It was all over, Dewey would be elected by a landslide, and he wasn't going to have any more of them. And Tom lived right across the street from Gallup, Dr. Gallup, and they were great friends, and Gallup was 'way out in left field on the thing, too. So they just thought it was in the bag, and treated it that way.

Nina Warren

CHALL: As you went around the thirty-eight states on your train, did you get a feeling that that was not so?

WARREN: I didn't, but my wife did.

CHALL: Is that right?

WARREN: No, I didn't—and anyway, you've got to reason that a vice-presidential candidate is a tail on the kite, anyway. He isn't a great crowd-drawer and is never supposed to be, because the one thing is, "Who's going to be elected president?" So people we met all along the line were friendly, and there weren't great crowds, but there were friendly crowds. I didn't see any reactions there that would cause me to believe that we wouldn't be elected, but it did cause my wife to. She spoke to me about it a week or so beforehand. She said she didn't want to see me hurt. And she said, "You don't think you're going to win this, do you?" [Laughter] I said, "Oh, I think we will, probably. Everybody seems to think so." "Well," she said, "I don't want to make you feel bad, but you're not going to win this one."

NICHOLS: Did she believe in women's intuition?

BAUM: Did she have an assignment to go out and mingle with any people separate from you by any chance, like women's groups?
WARREN: No, no, no.

BAUM: So she stood next to you, did she?

WARREN: My wife never made a speech in her life. Never made a political speech. She never asked anyone to vote for me in her life. She was just an observer, that's all. A quiet observer.

BAUM: With her ear to the ground. [Laughter]

CHALL: I wonder what she was observing!

WARREN: She never offered any such suggestion about any other campaign I was in, and gee, you know, I was in so many of them, but she never offered any such suggestion as that one. But she had that firmly in mind.

FRY: In your manuscript you also mention that she thought you might not be happy working as vice president under Dewey. I couldn't tell whether you meant that—that the emphasis was on Dewey or the emphasis was on you working as a vice president when you had been used to being a chief executive in your own state.

WARREN: I think probably some of both.

Frederick Houser and Fred Howser, 1946

[Conversation omitted regarding time and scheduling]

FRY: There is this thing that comes out of Katcher in which he says that—this is back in 1946, when you ran for governor, before the campaign really got under way—while the Democrats were the ones in 1946 that had the most problems in getting into interparty difficulties, he said, "There had been moments when [Lieutenant Governor Frederick F.] Houser appeared to impinge on Warren's official prerogatives" and that "there had been the attempt to move Houser into Warren's place and Warren into Hiram Johnson's." [p. 199]

WARREN: That would be dead. Hiram was dead.

[Warren thinks that Fry has mentioned Fred N. Howser; the misunderstanding is immediately corrected]

FRY: That would be Senator [laughter]——
WARREN: Well, that's speculation. But really, Howser never played any part in any gubernatorial possibilities that I ever heard anything about. He was a district attorney of Los Angeles County who had been put in there by Samish and a few other fellows. He had one term and he ran for attorney general, because there was a vacancy there (Bob Kenny running for governor), and as soon as he got into the office he started to destroy himself and did it very effectively. So really Howser plays no part in my political outlook on any subject at all.

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Chapter 30: 1952 Presidential Campaign

_Taft, Nixon, and Eisenhower Preliminary Maneuvers_

FRY: There's a story in one of the news magazines that you thought there were some distortions in Mazo's book. I'll give you a chance to look at that first before I start asking you questions.

WARREN: Well, what did you want to ask?

FRY: This chronology is mostly from published material on that whole pre-convention shuffling. And the main things that I had questions about are the things I've underlined there. I thought you might have some comments on those. We might start out with just any general distortions in Mazo's book that you might want to comment on. It's probably been a long time since you've read that.

WARREN: No, I don't want to—I don't want to see anything to comment on.

FRY: Well, then, when you spoke to Dewey in Honolulu, when you were returning from Japan in August of '51, was there talk then of anything about the convention? For instance, did Dewey want you to head an Eisenhower delegation at that time?

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WARREN: I don't know that I talked to Tom in Honolulu in August '51.

Fry: Oh, really?

WARREN: Where did you get that?

Fry: I don't have my source here, but it would be in one of the books that—I think it came from Katcher, that you and Governor Dewey had lunch together in Hawaii.41

WARREN: If we did I've forgotten all about it, but I doubt that we did. I remember I was on my way back to the Japanese-American Peace Treaty conference in San Francisco. I don't remember seeing Tom at that time. I might have, but I don't recall.

Fry: Then the next item is that the Taft forces at that time, in the fall—in October—were informed that the leading Republicans in California were hostile to you, and I wondered what they meant and if the leading Republicans they were talking to might have been the Werdel forces. Do you know?

WARREN: I don't know, I don't know.

Fry: Did you know? Were you aware of any leading Republicans hostile to you?

WARREN: Oh, I'm sure there were a lot of people and a lot of Republicans in California who weren't favorable to me, but I don't know what any Robert Barry would know. Who in the hell is Robert Barry?

Fry: I have no idea.

WARREN: Is that the fellow who ran against McCloskey this year? Was there a Barry ran against him?

Fry: I don't know. He was sent to visit California and whip up support for Taft. I don't know whether he was a Californian or not. Let's see. The main question in all of this was, Nixon makes the statement in both his own book, and Mazo also says this, that he had always been for Eisenhower. And I wondered if this was your impression at that time, in this pre-convention time?

WARREN: I don't care to comment on it. He can say what he wants to.

Fry: Because he had signed the statement saying that he would support you on the first ballot, or until released.

41. M. F. Small recalls that this meeting was reported in the Sacramento Bee.
WARREN: That's different.

Fry: I see. Did you have any doubts about [Bernard] Brennan's loyalty to you—

WARREN: I never expected any from him.

Fry: When Kyle Palmer came to you and suggested that—

WARREN: Never expected any from him. He was Nixon's man.

Fry: —he purported to be. Was the main purpose of this delegation to give some representation to people who would be loyal to you and people who might have other preferences after the first ballot?

WARREN: It was to give Nixon a place on our delegation, that's what it was for, and to have him satisfied with his place. One of the things that they wanted was to have Brennan sit in with us on the selection of the delegates. I said, "Sure, he could do that."

Fry: Okay. We also have a note down on May 16 that there were overtures by one of Paul Hoffman's men for you to join the Eisenhower bandwagon right after the Oregon primary.

WARREN: I don't know.

Fry: Do you remember anything about that?

WARREN: No.

Fry: Okay. The big thing that happened, I guess, was on May 22 when both the state and the national Eisenhower committees directed the people in California to vote for your delegation if they were for Eisenhower. And I wondered, then, if this meant that a vote—if this made your delegation an anti-Taft delegation? Is that what that meant? Or what was the purpose?

WARREN: How could what they say make my delegation [do] anything?

Fry: I wondered if you had negotiated this.

WARREN: No, no. I had no negotiation with them at all.

Fry: So this was just a move [by] the Eisenhower forces, then. Let's see. Now, there's also, I think in all three books, or at least in two of the three, that Dana Smith, who was treasurer for the Werdel forces, was also the man who set up the Nixon fund that later became so controversial and caused the Nixon "Checkers speech." Now, they felt that this whole instigating of that controversy was by two men in the Warren delegation, because Nixon had campaigned—you must have read this—because Nixon had campaigned for Eisenhower on your train.
WARREN: I didn't say so.

Fry: Were you aware—

WARREN: I didn't say so.

Fry: You didn't say so, but I'm just quoting these other books.

WARREN: But I put it the way I wanted it in my book.

Fry: In your book you didn't mention the connection between that and the later controversy over the Nixon fund.

WARREN: No, the Nixon fund wasn't in my life. I had nothing to do with that. I'm not writing a book on Nixon.

Fry: That's what we want to get down straight for our records.

WARREN: That's his business and not mine.

Delegate Seating Strategies

Fry: Okay. Oh—could you tell us if you were for or against the unit rule in the convention for the California delegation? Because under June 24 there [in the chronology] we have two summaries of what people say, and the Taft people felt that Nixon wanted it because he wanted to be able to throw the whole unit to Eisenhower. But in the instructions to your county chairman—

WARREN: Well, that's a very simple matter. There wasn't any question about it. The question of the unit rule was my decision, and I did it for a very, very definite purpose. We knew that we had a half a dozen people on there, at least, that were not loyal, and we didn't want to go to the convention and have Warren have so many and somebody else have so many. So we put them under the unit rule so that they'd all have to vote one way, and we knew if that was done we knew how they were going to vote because [laughing] we had the whole thing sewed up.

Fry: All right. Over on page 4 do you see my question there about was this the turning point? It's on page 4 of that. And what we're talking about here is whether or not the convention would seat the Eisenhower delegations for Texas and Georgia or the Taft delegations for Texas and Georgia.

WARREN: I think undoubtedly that our delegation going for the Eisenhower forces in there helped Eisenhower, couldn't do otherwise, and it hurt Taft, couldn't do otherwise. And I've been of the opinion that if this vote had been taken a couple of
days before the convention, that maybe Taft would have had enough votes to go. I think that they ruined themselves at the convention by their arrogance. Offended an awful lot of people. You just had to be a McCarthyite or a Taftite in order to have a place in the convention even, in the hall. And I think they alienated a lot of people. I think on the merits we had to go against the Taft group down in those southern states. I'm not at all sure that that was to my benefit, but I thought we had to do it anyway.

Fry: There's one more ambiguity on that, which I think I have there in the first paragraph. Mazo says that you backed the Eisenhower forces here, but—-

Warren: Where?

Fry: In that vote. I wonder if that's exactly accurate. That it may have been instead that your delegation voted for the Eisenhower delegations being seated after you released them to vote according to their own conscience.

Warren: No, this was pre-convention.

Fry: This was pre-convention, that's right.

Warren: This was pre-convention. No, no, they had not been released. Our delegation voted for the Eisenhower delegates as against the Taft delegation—three southern states, Louisiana, Georgia, and Florida, I think.

Fry: They voted as a block, and was this on your leadership?

Warren: They voted the unit rule that I put into effect.

Fry: I'm sorry. The reason I'm confused is that someone told me once that even though this might have meant that you were erasing the chances for a deadlock, that you told people to vote according to the way they felt the delegation should go.

Warren: No, no, we had the unit rule, then, and this was done I think the day before the convention was convened. And we did it independently of a vote for the nomination. I doubt very greatly if it was to my advantage to do it, but I just didn't think I could do otherwise.

Fry: I see. Now, Bill Knowland was the chairman of the delegation. Could you educate us here: In a situation like that, would you be the leader or would Bill Knowland be the leader in pre-convention questions like that and the position that your delegation should take?

Warren: Oh, he would, undoubtedly, would undoubtedly confer with me, and I would make the final decision as to what he should stand for.
FRY: I see. And he would go to—you mean that it was your decision—was his job more or less to do the actual conferring with the delegates?

WARREN: Well, in that particular thing there would be, but the chairman of the delegation has a lot of things to do from the time he gets to the convention city until the time it's over, and hasn't enough time to confer with the candidate all the time. But on a major policy of that kind he would of course, if he was loyal, take the judgment of the candidate himself. And Bill did.

FRY: May I read you a quotation from the *San Francisco Chronicle*, then, on the result of the vote, and see if you think it rings true. It says that "Nixon's selection for vice president was the reward for the key part played in producing the Eisenhower-Stassen-Warren coalition to force through a change in convention rules and to seat contested delegates from Georgia and Texas—the votes that turned the tide for Eisenhower's nomination." And then Kenny wrote an article which says, "In view of this, Nixon's point that the California delegation stayed with Earl Warren to the finish is of little significance." [July 12, 1952]

WARREN: Well, that's their view of it. Nixon had absolutely nothing to do in what they call an Eisenhower-Stassen-Warren coalition to force through a change in convention rules and to seat contested delegates from Georgia and Texas. There was no such coalition, and if there had been, Nixon would have had no part in making that decision, because he didn't have any control over the delegation—and I did, I assure you. [Laughter]

FRY: Fine. [Laughter] You must have, because they hung right in there.

WARREN: Or they wouldn't have been there.

*California Delegation's Convention Balloting*

FRY: At the time of the voting for president, when they cast their unit vote for you and then after all the states voted [and] they still lacked nine or eleven or something votes in order to put Eisenhower over the top, was there an effort made at that time by you and your delegation to offer your votes for—since one vote had already been recorded—to offer your votes for Eisenhower to put him over the top at that point?

WARREN: It wasn't recorded. It wasn't recorded.

FRY: Oh, it's not recorded until the whole thing—
WARREN: Till everybody's on record. My instructions were that they should not change.

FRY: Until after the first recorded vote, then.

WARREN: Well, I didn't tell them to change then, but they were to vote for me on the first ballot, and that meant until the first ballot was closed. And that they did.

FRY: Did you make any effort to put Eisenhower over the top, then?

WARREN: No, I did the opposite! They voted for me. They voted for me. Because I had promised people—as I said in my transcript, people here, the Keck people and the Taft people and other people had—I say the Taft people, how many of them I don't know there were, but the Keck people who had this Werdel delegation in there, said that my delegation was just a dummy delegation for some other candidate. And I told them that no matter what happened, that delegation would vote for me on the first ballot, and after the first ballot we would decide what we would do in the future. And of course, when it got that close to Eisenhower, there were importunities made on me to turn our delegation over, which would have clearly done the job for him, and I wasn't going to let it be said that I was a patsy for anybody else. I'd promised that they were going to vote for me and they had to do it. And I just insisted that we stay put until it was over. And we did.

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Campaign Appearances for Eisenhower

FRY: I see. Then later on in the election campaign you mention in your book that you worked for Eisenhower in California.

WARREN: Oh yes.

FRY: I wonder why you did not do more in national campaigning as you had in the previous two presidential elections while you were governor?

WARREN: Well, in the first place, I wasn't asked. And in the second place, I did more than I did in the 1944 campaign—not as much as I did in the '48 campaign, because I was on the ticket myself.

FRY: Yes, I see.

WARREN: But I did everything that was asked of me in the Eisenhower campaign. I went back to Chicago once and had a television program with the General, and that's about all I went out of the state on, I think, and it was because I wasn't asked to do it. I would have gone other places had they asked me to do it.
Fry: Were Dewey and [Herbert] Brownell the ones who were more or less running Eisenhower's campaign at that time?

Warren: Yes.

Fry: I was wondering if Eisenhower had any particular response to your gestures to Truman and to Adlai Stevenson.

Warren: I never heard of any if he did.

Fry: You got no feedback on that?

Warren: No.

Chapter 31: Career Decisions in 1953

The Call from Herbert Brownell About the Supreme Court Appointment

Fry: Well, to roll right on, your good friends Wally [Wallace R.] Lynn and Ed [Edwin S.] Carty have both mentioned about your Supreme Court appointment when you were with each of them when a call from Brownell came. There's one page missing from your manuscript, but I thought you could fill this in for us maybe, because we don't have the time line straightened out.

Warren: Do you happen to remember what number page that was? Was that page 56?

Fry: No, it was 198.

Warren: One ninety-eight.

Fry: Page 198, right.

Warren: I got one of those copies yesterday and one of those copies from Mrs. [Margaret] McHugh, and the other one I found that was gone was 56.
FRY: Maybe we can trade you a 56 for a 198. [Laughter]

WARREN: Maybe so. All right, what is the question?

FRY: I'll tell you what we know and you can fill it in. I mean what we think we know. I guess Wally Lynn tells of—I guess you were hunting somewhere north of San Francisco, and I don't know whether this was on his ranch or not, but you were in a place where there was a local telephone company, and word came that you were supposed to call Brownell or Eisenhower (I don't know which one), that they wanted to talk to you. But you couldn't talk there, because it was a party line, and you and he got in a car and you drove through an awful rain storm until you began to see Bell Telephone signs, and you finally found one near a little roadside place and you jumped out and called. Of course, Wally Lynn doesn't know who you called; he just knows it had something to do with the Supreme Court appointment, or he thinks it did.

WARREN: He doesn't even know that. No, Wally's mistaken about the incident. I don't recall just what incident he's talking about, but it was not that.

Ed Carty and his boys, and my boys and I, at my request, went over to Santa Rosa Island, which is forty miles off of the coast of Santa Barbara, and we went deer hunting. I went there not particularly because I like deer hunting—we went over there many times for that—but this time it was a kind of a hideout. It was after [Justice Frederick M.l] Vinson had died and there was speculation around about who was going to be chief justice and so forth, and I didn't want to be in on the middle of all that speculation and answering questions and so forth. So I got my friend Ed Carty to set up another one of those deer hunts over there.

We went over there deer hunting. There was no telephone on the island at all, but they do get messages through that ship-to-shore arrangement that they have—the fishermen have—out there. And the message came over the ship-to-shore, and everybody out there in the Pacific can hear it [laughter]——the message came over there that Herb Brownell wanted to talk to me. And that's all it said. He wanted to know when I could talk to him. So from there we put out another ship-to-shore and had them send a little plane over, and I flew over to the Santa Barbara shore and there I called Herb Brownell. He said, "When can I see you? The president wants me to see you. Can I see you Sunday?" And I said yes. "Where's the best place?" And I said, "I think McClellan Field, where I keep my plane, is probably the best place." He said, "All right, I'll be there." (I think he said ten-thirty or eleven o'clock.) I said okay. And I was there and he was there, and that's the way that happened.

FRY: I see. What was this that made you feel—what communication had come that made you feel that you'd better go to Santa Rosa Island?
WARREN: Well, the minute the thing happened it was, "Who was going to be chief justice?" And my name was mixed up in it.

FRY: It was just Vinson's death?

WARREN: Yes.

FRY: Okay. I thought maybe we had missed something here, that maybe we had missed another communication between you and Eisenhower.

WARREN: No, no. But that thing at Wally's had nothing to do with this thing at all. It must have been in connection with something else.

FRY: Oh—well, I hate to tell him [laughter], because it was a very exciting time.

WARREN: Well, it might have been. Wally and I have been on so many trips, you know, and we've had them interrupted by important calls at times, that I don't remember this particular one. But it wasn't the one when I was notified that Herb Brownell wanted to see me.

FRY: I thought that maybe you had gone hunting with Wally Lynn right after you returned from Europe and were put on alert then and then you came down to Santa Barbara. But that's wrong.

WARREN: That's all wrong, yes.

FRY: You decided that you would retire from public life, you said in your manuscript.

WARREN: And announced it on the first of September, which was a week before Vinson died.

FRY: Golly, it was, wasn't it?

WARREN: Sure it was.

**Other Offers**

FRY: That was very close. Did you consider seriously any other offers from outside government that came to you then? In the history of the Ford Foundation they mention that someone had seen you relating to heading up the Fund for the Republic, for instance.
WARREN: Well, that’s true, but that had been long before, and I had declined. I wasn’t interested in it.

Fry: Had you considered anything else?

WARREN: No. I didn’t have a place at the time.

Fry: Well, those are all my questions on that.

WARREN: I had been asked if I would take the solicitor generalship of the United States, if I was asked by the president to do it, and after a lot of agonizing I had told them that I would consider it. But I never heard from him on it.

Fry: That was just—then you didn’t hear any more about an appointment from the time they mentioned the solicitor generalship to you until after Fred Vinson died?

WARREN: That’s right, that’s right. That’s right—no, I never heard. But I felt, I just felt, when I went over to Europe there, I just felt that I had to announce that I was leaving public life, because it was only sixteen months until a new governor would come in by election, don’t you see, if I did. I just thought that the people ought to have time to scour around and find out who they wanted to be governor before just leaving it at the last moment and having it go to somebody who perhaps wasn’t the person but nobody else had time to get ready.

Fry: Goody Knight was really standing there ready. [Laughter]

Morris: Then there was Dick Graves, who strove mightily.

WARREN: Beg pardon?

Morris: There was Dick Graves, who also was appalled at the thought of not having Warren as governor, and scurried around. He said he spent months and months trying to find somebody to run, and nobody would. So they finally said, "Why don’t you run, Dick?" And so he did. [Laughter] And he ran on the Democratic ticket.

WARREN: Yes.

Nichols: I hate to be a villain here, but we did promise we’d get the chief justice home earlier [this time]. Okay?

WARREN: Well, this has been interesting.

[General concluding remarks deleted]
TAPE GUIDE — Earl Warren

**Interview I: 14 December 1971**
- tape 1, side A: 1
- tape 1, side B: 35
- tape 2, side A: 62
- tape 2, side B: 89
- tape 3, side A [side B not recorded]: 118

**Interview II: 17 April 1972**
- tape 4, side A: 121
- tape 4, side B: 135
- tape 5, side A: 151
- tape 5, side B: 167
- tape 6, side A: 180
- tape 6, side B: 211

**Interview III: 22 June 1972**
- tape 7, side A: 223
- tape 7, side B: 237
- tape 8, side A: 249
- tape 8, side B: 261
- tape 9, side A [side B not recorded]: 277
30 November 1971

Mrs. Amelia Fry, Director
Earl Warren Oral History Project
Regional Oral History Office
Bancroft Library
Berkeley, California

Dear Chita:

The records of the Modern Military Branch of the National Archives and Records Service have provided the following information concerning the incident recalled by Chief Justice Warren:

On the night of December 22-23, 1941, the Monte Bello, an oil tanker, was sunk by torpedo off of San Luis Obispo. This incident is recorded in Record Group 80, the Records of the Secretary of the Navy, General Correspondence 1940-1942, File QS 1/Lll-1, Document number 411222.

Coast Guard records documented the sinking of two other ships in December:

December 24, 1941 - Abbaroka was sunk in the same general area as the Monte Bello.

December 21, 1941 - Emidio was sunk "off San Diego."

Peter N. Laugesen, an archivist in the Modern Military Branch, might be able to supply additional specific information.

RADM John W. Greenslade was Commandant of the Twelfth Naval District, San Francisco, at the time of these incidents. He is, almost certainly, the person the then Attorney General of California contacted regarding this occurrence.

I am delighted that NARS records were useful in this case. Let me know if we can be of additional assistance.

Best regards,

ANN M. CAMPBELL
National Archives and Records Service
The Labor Record of Earl Warren--Incumbent and Candidate for Governor, June 6, 1950 Primary Elections

California State Federation of Labor  
995 Market Street  
San Francisco, California
Earl Warren---incumbent and candidate for Governor
June 6, 1950 primary elections

LABOR RECORD

Part I. action on legislation summary

Part II. action on non-legislative matters

Note: Governor Warren's record on legislative matters has been compiled from the legislative reports made each year by the Federation. The annual report on his legislative action omits bills that were not passed, those applying only to special trades of activities and of no general significance to the Federation. Page references following each item refer to legislative reports of the Federation for the year indicated.
1943 Regular Legislative Session

Unemployment Insurance -- GOOD

SB 1026. Vetoed. This legislation was opposed by organized labor and the Department of Employment. It would have exempted nonprofit hospitals from the Unemployment Insurance Act, thereby excluding about 4,000 hospital employees from coverage. The definition of nonprofit corporations was too broad. (Page 21)

AB 347 and SB 998. Vetoed. This legislation was opposed by the Department of Employment and the State Federation of Labor, because it would have removed 100,000 agricultural workers from unemployment insurance benefits. (Pages 20, 22)

AB 1226. Vetoed. This legislation would have established a statutory procedure for handling of Unemployment Insurance Act claims. It was disapproved by the Attorney General, the State Federation of Labor, and the Department of Employment. (Page 23)

AB 1544. Vetoed. This legislation would have excluded golf caddies and insurance agents and solicitors receiving only commissions, from the Unemployment Insurance Act. It was opposed by the State Federation of Labor as it would have encouraged firms to take men off salary and place them on commission. The Attorney General said that it was discriminatory and unconstitutional. (Page 24)

SB 129. Signed. Increased the maximum payment from $15 to $20 for those earning $380 and over during their highest quarter. (Page 18)

Unemployment Insurance -- BAD

SB 993. Signed. Replaced the former tripartite California Employment Commission with a five-man California Employment Stabilization Commission of purely "public" members. The State Federation requested a veto. (Page 20)

Workmen's Compensation -- GOOD

SB 1044. Signed. Raised the maximum temporary disability benefit from $25 to $30 for the duration of the war. (Page 13)
Other Legislation of Interest to Labor — GOOD

AB 295. Signed. Required employers to furnish employees with an itemized statement of payroll deductions. (Page 16)

AB 307. Signed. Provided child care centers without additional local taxes. (Page 11)

AB 1073. Signed. This legislation puts more teeth into the existing law regarding advertisements for "scabs" during labor trouble by increasing criminal penalties for employers who fail to mention in such advertisements that a strike, lockout or other labor disturbance exists. (Page 9)

AB 1323. Pocket-vetoed. This legislation would have exempted graduate nurses working in laboratories licensed by the federal government preparing blood plasma, from the maximum hours provisions of the Labor Code. (Page 13)

AB 1994. Signed. This was a compromise bill based on recommendations of the committee appointed by the Governor to investigate the entire question of old age pensions. It had Federation support. Aid was increased to $50 and the relatives' contribution scale was modified. (Page 27)

SB 15. Signed. Gave a $25 increase in monthly salary to state employees earning less than $500 and a $20 increase to all other salaried employees. (Page 25)

SB 103. Signed. Reduced the state sales tax from 3 percent to 2 1/2 percent up to June 30, 1945. (Page 28)

Other Labor Legislation — BAD

AB 1048. Vetoed, because not clearly enforceable. Required employers to maintain medical or surgical chests around power machinery and to furnish pure drinking water. (Page 17)

AB 512. Signed. Suspended the Full Crew Law for the duration and gave the Railroad Commission power to regulate the number of brakemen needed. Veto requested by the Railroad Brotherhoods and the Federation. (Page 30)
1945 Legislative Session

Unemployment Insurance — GOOD

AB 1538. Signed. Reduced the waiting period for unemployment insurance from two weeks to one week. The Federation had sponsored a bill which would have entirely eliminated the waiting period, but accepted this bill as a reasonable compromise. (Page 9)

SB 615. Vetoed. Would have deprived thousands of workers of unemployment Insurance benefits by changing the definition of agricultural labor. (Page 9)

SB 983. Vetoed. Would have deprived insurance salesmen paid on a commission basis of unemployment insurance benefits. (Page 9)

SB 1191. Vetoed. Would have debited employers' accounts under merit rating with only 73 percent of the payments charged against them, thereby giving employers benefit of a lower tax rate. (Page 10)

AB 2206. Vetoed. Would have exempted all Mexican Nationals brought into the state as agricultural workers from provisions of the Unemployment Insurance Act, which would have encouraged unscrupulous employers to hire them in preference to citizens on whom it would have been necessary to make unemployment insurance contributions. (Page 10)

AB 220. Signed. Extended unemployment insurance coverage from employers of 4 or more to employers of one or more. (Page 8)

Workmen's Compensation — GOOD

SB 85. Signed. Made an appropriation of $200,000 to be used to fully compensate workers already suffering from partial permanent disability for the combined permanent disability suffered in connection with a subsequent injury. (Page 10)

AB 134. Signed. Provided that an injured workman who is permanently disabled shall receive not less than 75 percent of the award to which he is entitled for such permanent disability, irrespective of any sums received for temporary disability in connection with the same accident. (Page 11)

AB 654. Signed. Continued in effect for two years, or for the duration of the war, a temporary law providing weekly benefits of $30 for temporary disability, and added volunteer firemen to those entitled to such benefits. (Page 11)
Governor Warren
1945 Record

(Workmen's Comp.--GOOD)

**AB 1290.** Signed. Had the effect of increasing lump sum workmen's compensation awards. (Page 12)

**AB 1343.** Signed. Provided that the Industrial Accident Commission may award reasonable attorney's fees in cases where an employer fails to secure payment of compensation. (Page 12)

**Other Legislation of Interest to Labor -- GOOD**

**AB 274.** Signed. Authorized continuance of child care centers if money were available for their support from the federal government. This emasculated version was the result of a Senate amendment. As the bill was introduced and as it passed the Assembly it continued authorization for maintenance of child care centers for two years and legalized expenditures by local governmental agencies for their support. (Page 16)

**AB 329.** Signed. Tightened existing law relative to the hours of women who work for more than one employer in the course of the same week. (Page 16)

**AB 334.** Signed. Clarified the law relative to the weight of objects that may be handled by women employees. (Page 16)

**AB 920.** Vetoed. Would have nullified provisions of the law relating to maximum hours of work for women, insofar as employees of certain technical laboratories are concerned. Passed both houses and was vetoed by the Governor. Unfortunately, however, the bad provisions of this bill were incorporated in **AB 2088**, another bill by the same author. The Governor was compelled to sign the latter measure, in view of the fact that it was the only bill reaching his desk to continue certain wartime regulations relating to the employment of women. (Page 16)

**AB 335.** Signed. Extended to all employers a prohibition against interference with the political rights of their workers. The previous law applied only to those who regularly employed 20 or more persons. (Page 17)

**AB 1391.** Signed. Sponsored by Warren, this bill provided for needed reorganization of the State Department of Industrial Relations. (Page 18)

**AB 1531.** Signed. This was the "Urban Redevelopment Bill," which provided legal machinery and established procedures to enable public agencies to cooperate with private enterprise in rehabilitating slum areas within cities. (Page 18)
(Other Legislation -- GOOD)

AB 2057. Signed. Provided machinery for the relief of unemployment to become effective upon declaration of an emergency by the Governor and the legislature. The Federation took the position that failure of the legislature to develop any comprehensive postwar employment program and its refusal to extend coverage and benefits of unemployment insurance made this measure desirable to "cushion" the shock of anticipated emergencies. (Page 18)

Salaried state employees received a $15 a month increase; per diem employees did not benefit. (Page 17)

1946 Special Session

Disability Insurance -- GOOD

SB 40. Signed. Provided for the payment of disability benefits to workers unemployed because of sickness or injury not compensable under workmen's compensation laws. The amount and duration of benefits are the same as for unemployment insurance. Bills to establish a system of disability insurance had been introduced three consecutive preceding sessions of the legislature. Governor Warren placed disability insurance as the No. 1 subject on his agenda of social legislation for this special session and was forthright in his support of the measure. (Page 5)

SB 126. Signed. Appropriated funds to permit disability payments provided for in SB 40 to begin immediately. (Page 7)

Workmen's Compensation -- GOOD

AB 109. Signed. Continued wartime measure which increased benefits payable under the Workmen's Compensation Law for both temporary and permanent disability from $25 to $30 per week until the fall of 1947, necessitating the introduction of another bill at the next regular session to make the liberalized act permanent. (Page 7)

SB 100. Signed. Provided workmen's compensation coverage for Disaster Council workers. Provision for compensation coverage for such workers was on the basis previously made for War Council workers. (Warren letter ch. Labor Code)
Other Legislation of Interest to Labor -- GOOD

Over $262,000,000 was appropriated for the purpose of financing the greatest public works program ever undertaken in California. The appropriations provide for projects in every city and every county in the state and many types of construction are involved.

This tremendous backlog of public works, which will supplement a still more extensive list of private projects, should assure a prosperous construction industry over a period of several years and have a salutary effect on sustaining high levels of employment throughout the reconversion period. (Page 8)

AB 7. Signed. Established a policy under which child care centers are to be continued. (Page 9)

SB 45. Signed. Appropriated $3,500,000 for support of child care centers until March 30, 1947, and provided that none of the money could be expended for the care of any child unless a reasonable fee is paid by the parent. The bill also contained a "means" test, providing that no money could be spent for the care of any child unless parents show to the satisfaction of the governing board that he is not financially able to provide otherwise for the care of the child. Children of veterans were exempted from the latter provision. (Page 9)

AB 40. Signed. Repealed the Minors Emergency War Employment Act and revoked all outstanding permits issued thereunder. That law was enacted in 1945 to temporarily relax child labor laws during the wartime emergency. (Page 11)

AB 102. Signed. Appropriated $25,000 to the Department of Industrial Relations to be used in connection with the conciliation and mediation of labor disputes. The State Federation had joined with the department in requesting funds for this function.

1947 LEGISLATIVE SESSION

Unemployment Insurance -- GOOD

AB 1328. Signed. Increased the maximum unemployment and disability benefit from $20 to $25 per week; increased the maximum duration from 23 plus weeks to 26 weeks; imposed restrictions on seasonal workers employed less than four months each year; granted employers reductions in their tax rates, provided the benefit fund of the Act remains in excess of $400 million. (Page 22)
Unemployment Insurance -- Bad

AB 1327. Signed. Disqualified an individual from the date upon which a claim is filed, instead of, as previously, the date when the disqualifying act occurs. In addition, it disqualified a worker for each week during which he fails to report at the employment office, even though he may be temporarily disqualified for benefits.

AB 2079. Signed. Provided that, when and if a separate system is established for the placement of farm workers, the California Department of Employment will have no further duties as far as placement of such workers is concerned. The act depends on federal legislation to make it effective, but is bad in principle nonetheless. (Page 11)

SB 1097. Signed. Required that an applicant for unemployment insurance must actively seek work in addition to reporting to the state employment office. (The "blue card" system was developed as a result of this amendment.) (Page 24)

Unemployment Disability Insurance -- GOOD

AB 115. Signed. Provided for payment of disability benefits for each day of disability after a seven-day waiting period, instead of paying only for full weeks after at least fourteen days. Also provided for the establishment of a contingent fund for the payment of disability benefits to individuals whose disability commenced during a period of unemployment insurance. (Page 25)

SB 1100. Vetoed. Would have provided that when 80 percent of the employees were covered by a private "voluntary" plan, the remaining 20 percent would be covered involuntarily. (Page 26)

Unemployment Disability Insurance -- BAD

AB 2064. Signed. Gave some additional advantages to private plans. (Page 26)

Workmen's Compensation -- GOOD

AB 1830. Signed. Provided for more adequate filing of injury reports and more effective enforcement of the safety provisions of the law. (Page 30)

AB 2500. Signed. Clarified and strengthened provisions on coverage of agricultural employers. (Page 30)

SB 146. Signed. Required one week's notice to claimant of cessation of payment of claim. (Page 31)
(Workmen's Compensation -- GOOD)

SB 256. Signed. Increased the minimum death benefit from $2,000 to $3,000; increased the maximum where there is a dependent minor child from $6,000 to $7,500, and increased the minimum amount payable from $1.5 times to 4 times. (Page 31)

SB 259. Signed. Provided that workers shall receive 100 percent payment for both temporary and permanent disability, provided that in life pension cases in addition to the permanent disability the maximum amount of temporary disability compensation payable is 10½ weeks. Continued program started in 1945. (Page 31)

SB 535. Signed. Prohibited any compromise and release agreement unless it is submitted to and approved by the Commission. (Page 32)

SB 1512. Signed. A compromise bill, increasing the minimum benefit from $6.50 to $9.75 and the maximum from $25.00 to $30.00. This continued the wartime measure. (Page 32)

Labor Code Changes -- GOOD
(Labor Unions, Wages, Hours)

AB 411. Signed. Required advertisements for help wanted to state the existence of a labor dispute when one exists. (Page 33)

AB 743. Signed. Amended and improved regulations applying to health, safety and comfort in labor camps. (Page 33)

AB 761. Signed. Revoked 1943 wartime measure which had permitted women to work under conditions contrary to those in the Labor Code. (Page 28)

AB 1512. Vetoed. Would have extended the time of payment of wages due strikers until termination of strike. Amended to apply only where strikers "actively prevent" payroll clerks from entering plant. (Page 10)

SB 189. Signed. Provided that either party to a labor dispute may request mediation by the Department of Industrial Relations. (bad originally only) (Page 11)
Labor Code Changes -- BAD

AB 964. Signed. Exempted female executives, administrators and those doing professional work and earning over $350 per month from the workday and workweek limitations of the labor code. (Page 28)

SB 237. Signed. The lumpers bill...requiring produce dealers to establish a scale of unloading charges for farm products; unloaders required to register with the Labor Commissioner, except when father, son, or regular employee of trucker of farm produce. Deprived union and employee representatives of voice in setting standards, and gave employers full control. Federation requested a veto. (Page 21)

SB 342. Outlawed "hot cargo" and secondary boycott practices, making permanent the existing temporary, wartime measure passed in 1941 over the veto of Governor Olson. The wartime measure had subsequently, in 1942, been approved in a referendum. Governor Warren felt that SB 342 should become law so that its constitutionality might be tested in the California Supreme Court, but because of doubts as to the constitutionality of the measure he refrained from signing it and allowed it to become law without his signature. (Page 11, Warren statement)

SB 1492. Signed. Made jurisdictional strikes and organizational strikes illegal. The Federation strenuously opposed the passage and signing of this bill and requested a veto. (Pages 5, 6)

Product and Housing -- GOOD

AB 1762. Signed. Continued child care centers with appropriation of $5,500,000.

SB 109. Signed. As amended established State Redevelopment Agency consisting of 5 members to study matters of housing and community redevelopment, etc. Appropriated $77,000. (Page 9)

Pensions -- GOOD

AB 138. Signed. Increased old age pensions from $50 to $60. (Page 11)

AB 377. Signed. Increased the amount of assessed valuation of real property which may be owned by aged persons receiving pensions from $3,000 to $3,500. (Page 11)
(Pensions -- GOOD)

AB 850 and AB 851. Signed. Increased from $65 to $75 the maximum monthly aid to the needy blind and the self-supporting blind and boosted the state’s share of the expense. (Page 6)

Public Employees -- GOOD
(Teachers and other state, county and municipal employees)

AB 222 and AB 241. Signed. Provided 40-hour, 5-day week for all state employees and made appropriation.

SB 437. Signed. Provided cost of living increases for state employees. Appropriated $12,500,000. (Page 17)

SB 1350. Signed. Increased accumulated sick leave for state employees to 150 days. (Page 18)

Miscellaneous -- GOOD

AB 10. Vetoed. Would have limited voting rights in recreation districts to one vote for each $100 of assessed valuation. (Page 33)

Miscellaneous -- BAD

AB 1819. Signed. Financial responsibility law for automobile drivers. Not a bad law in itself, but made employee-drivers financially responsible for accidents, etc., during working hours. (Page 33)

AB 2542. Vetoed. Would have required members of the State Board of Cosmetology to devote full time to duties and provided salary of $4200 per year. (Page 8)

1949 Regular Session

Unemployment Insurance -- GOOD

AB 744. Signed. Included public housing administration agencies under the Unemployment Insurance Act. (Page 25)
AB 828. Signed. Provided that a person eligible for unemployment disability benefits and unemployment benefits in the same benefit year may receive the maximum of both, resulting in the payment of additional benefits estimated at $1,100,000, of which $700,000 will be under the unemployment insurance program. (Page 25)

AB 2296. Signed. Permitted governmental units to elect coverage under the Insurance Act, provided a majority of the employees affected consent. As first proposed would have extended coverage to all public employees. However, relatively few employees are affected since civil service and permanent tenure positions are specifically excluded from coverage. (Page 25)

Unemployment Insurance -- BAD

AB 384. Signed. Disqualified perpetually an individual convicted of willfully making a false statement to obtain unemployment insurance benefits. (Page 26)

AB 827. Signed. Provided that no benefits shall be charged against any employer's account when the claimant voluntarily quit or is disqualified because of a discharge for misconduct. (Page 27)

Unemployment Disability Insurance -- GOOD

AB 669. Signed. Provided that unpaid wages due an employee will be deemed wages in computing benefits payable under the Act. Amendment provided a hospital benefit of $8.00 a day up to a maximum of 12 days, for employees covered by the Unemployment Insurance Act. (Page 31)

Unemployment Disability Insurance -- BAD

AB 82. Pocket-vetoed. Permitted optometrists to prepare the certificate needed to support the first claim for disability benefits. (Page 31)

SB 1330. Signed. Required group coverage on an industry-wide basis on a master voluntary plan approved by 75 percent of the employees. Applies particularly to casual and interchangeable employment and was sought by the longshore industry. (Page 34)
Workmen's Compensation — GOOD

SB 123. Signed. Repealed any credit provisions for temporary disability payments as far as permanent disability ratings were concerned, resulting in more equitable payments for claimants. (Page 38)

AB 154 and AB 155. Signed. Provided that disability payment shall be made for disability suffered for any day or fraction thereof after the employee leaves work as a result of the injury if the length of the period of disability is in excess of seven days. Previously no payments were received for the first seven days of injury. Also provided for the elimination of the waiting period when the temporary disability lasts more than 49 days. In permanent disability cases, the benefit is due one week after the injury becomes permanent, or one week after temporary disability payments stop, whichever date occurs first. (Page 39)

AB 169. Signed. Increased compensation award due to the serious and willful misconduct of the employer, from the previous maximum of $2,500 to $4,500. Amended in the Assembly, however, to a maximum of $4,500. Amended in the Assembly, however, to a maximum of $3,750. (Page 39)

AB 185. Signed. Provided that the Industrial Accident Commission shall set an award for the payment of attorney's fee incurred by an employee as a result of an unreasonable or frivolous appeal to the courts by the employer or insurance carrier. (Page 40)

AB 285. Signed. Increased burial expenses from $300 to $400. (Page 40)

AB 424. Signed. Eliminated any credit for temporary disability where death occurs as a result of the injury, thus removing a previous provision whereby, if death occurred more than 12 months after an injury, a deduction of all compensation paid prior to the death was made from the death benefit. (Page 41)

AB 901. Signed. Provided for the determination and payment of attorney's fees in third party suits. (Page 41)

AB 1805. Signed. Provided an increase of 25 percent, up to a maximum of $7,500, in the death benefit for a widow with one or more dependent children. Provided also that disability indemnity shall not be deducted from and shall be paid in addition to death benefit where the original injury resulting in death (rather than the disability resulting in death) occurs after the effective date of this new act. (Page 41)

AB 2890. Signed. Extended duration of permanent disability benefit payments for those with over 60 percent permanent disability from 240 weeks maximum to 400 weeks on a graduated basis. (Page 42)
Labor Code Changes -- GOOD
(Labor Unions, wages, Hours)

AB 106. Signed. Provided that every employment agency must notify each applicant of the existence of a labor contract. (Page 10)

AB 160. Signed. Provided that women doing the same work as men receive the same pay, but many qualifying phrases are inserted. (Page 36)

SB 621. Signed. Gave the Department of Industrial Relations power to intervene on its own motion in a labor dispute and made records of the Department on disputes confidential. (Page 14)

SB 1001. Pocket-vetoed. Would have excluded from the labor code maximum hour provisions graduate nurses in hospitals, clinics and biological laboratory technicians in cases of emergencies; and employees engaged in the initial harvesting and/or processing of perishable agricultural horticultural or fish products. (Page 37)

Public Employees -- GOOD

AB 956. Signed. Made improvements in principle in the State Teachers' Retirement System which could add about $40 to monthly retirement checks; the improvements depended on the appropriation of money and in any case do not become effective until July 1, 1950. (Page 17)

Public Employees -- BAD

AB 2064. Signed. Provided that in the adjustment of salary ranges, improvements of living standards and current costs of living are not to be considered. (Page 20)

Social Welfare -- GOOD
(Pensions, housing, schools)

AB 645. Signed. Increased aid for the partially self-supporting blind from $75 to $85 to make their pensions equal to those for the totally dependent blind under Article 25 (the pension initiative). (Page 18)

AB 707 and AB 1138. Signed. Continued child care centers until June 30, 1950, and declared such centers are primarily a matter of local concern. Appropriated $5,848,500. (Page 7)
(Social Welfare -- GOOD)

AB 1345. Signed. Amended the Welfare Code to bring its old age pension provisions up from $60 to $75, to protect pensioners if Article 25 should be repealed outright. (Page 18)

AB 1346. Signed. Amended the Welfare Code to increase aid to the needy blind from $75 to $85 to protect pensioners if Article 25 should be repealed outright. (Page 16)

AB 1921. Signed. Repealed sections of the Welfare Code relating to the responsibility of relatives of partially self-supporting blind, making provisions for the partially self-supporting blind the same as those for the dependent blind under Article 25. (Page 18)

SB 550. Signed. Provided state aid to eligible school districts and for sites, building and equipment. Aided impoverished districts, grade schools and kindergartens particularly. (Page 18)

SB 1567. Pocket-vetoed. Would have eliminated the State Redevelopment Agency and its powers on the housing program. The Agency had had no appropriation since mid-1948. (Page 13)

disembarrassed -- GOOD

AB 40. Signed. Permitted the manufacture and sale of colored olean orarine for home consumption. (Page 16)

AB 45. Signed. Exempted ships and materials used in the construction of ships from the sales tax. (Page 43)

AB 507. Signed. Eliminated segregation and discrimination based on race or color in the state militia. (Page 8)

AB 2309. Signed. Provided clear and effective limits on the interest rates of small loans of over $300. Limited loans of $100 to $500 to 24 percent, and loans of $500 to $5,000 to 10 percent. Governor Warren had pressed for a stronger measure. (Page 16)

Miscellaneous -- BAD

SB 421. Signed. Permitted prison industrial or agricultural enterprises to have a gross annual production up to $225,000. The limit had been $175,000. (Page 44)
PART II

NON-LEGISLATIVE RECORD
Action on matters other than signing and vetoing legislative bills

1942 Ran for Governor without labor endorsement.

1943 **GOOD** Friendly to labor and helped to put over the California State Federation of Labor's program to eliminate ignominious legislation during the war crisis, despite the fact that he had been opposed by labor in the 1942 elections.

1944 **GOOD** Vigorous opponent of Proposition No. 12, the "right to work" (anti-closed shop) measure in the 1944 election.

1945 **GOOD** Endorsed health insurance bill and worked for it.

   Called special conference on housing.

**BAD** Appointed W. F. Knowland to fill the unexpired term of Hiram Johnson, deceased, for the term running from August 14, 1945, to January 3, 1947. Knowland was elected in 1946 for a six-year term. State and Congressional voting records on Knowland 36 good votes, 54 bad votes and 7 absences.

1946 Received both Democratic and Republican primary nominations and was endorsed by the California State Federation of Labor.

**GOOD** Called a special session of the legislature to consider nine of the 13 points requested to be considered by the Federation. The Disability Insurance Law was passed at this session due to Warren's strong support of it.

1948 **BAD** Opposed Federation measure for Senate Reapportionment, Proposition No. 13.
1949  GOOD  Pardoned Redwood Lumber strikers at Federation request.

BAD  Endorsed repeal of Article 25, the liberal pension measure. Reproal was opposed by the Federation.

Approved removal of rent controls in practically all known instances where it was requested by the city or county involved, except in Sacramento.

1950  GOOD  As a regent of the University of California, voted against loyalty oaths as a means of getting rid of communists in the University.
GOVERNOR EARL WARREN
(1950)

I come to you after seven years as Governor believing I am entitled to the support of the working men of this state because I have been their friend throughout these years. I believe that the record will support this, and just as long as I am in the public service I will consider it my sworn duty and my pleasure to serve the best interests of the working people of this state.

Answers to questions:
1) I have never been for the "Hot Cargo" law. I opposed both punitive measures when they were on the ballot.
2) I believe the jurisdictional strike is as harmful as possible to the union man and to labor and I am against strikes of this nature. I believe that there should be an anti-jurisdictional strike law.
3) I am against an anti-closed shop law and an anti-union shop law.
4) I am against an anti-featherbedding law.
5) I am against a state Taft-Hartley law. I have never advocated such a law.
6) I am in favor of collective bargaining rights for state and local employees with the stipulation that there shall be no strikes against the government.

Q. What was your position on the Taft-Hartley Law when you were a candidate for Vice-President?
A. I took the position that it should be amended to conform with the experience we had under it so that it would not be an unfair law.

The law should be amended. I did not approve of it as I read of it going through the Congress.

Q. What particular provision of the Taft-Hartley law would you be opposed to?
A. I thought it was passed at a time when there was so much emotion that there were punitive portions. Prohibiting labor organizations to spend money in politics is unfair. I would never have required the anti-communist oath. I believe it makes them (labor) a suspect group in the eyes of the public and they should not be singled out for treatment in that manner.

On the question of injunctions, I would be inclined to go back to the Norris-La Guardia Act.

Q. Would you be opposed to the repeal of the act in toto?
A. I don't care what the law is called, but I do believe that we need a basic labor-management act. I would prefer building on the Wagner Act.

Q. Do you think it fair that where they are unable to apply the act with respect to elections (building trades) they yet impose the punitive features of the act?
A. I think if it is impractical or impossible to have an election, it is unfair to hold an election.

Q. What do you think of reapportioning of the state senate and the proposition on the ballot in 1948?
A. I never associated it with a labor problem. I am opposed to it. I believe it is the American system of government consistent with our system of checks and balances that the small states and poor states should have the representation, that we give them a voice in the affairs of the country even though they are not wealthy or large in size. I believe that the same principle applies in our state government. If reapportionment took place, a very few counties of the state could control it and it would make it possible to have a political boss to dominate the entire state. At the present time every part of the state does have representation and I believe that in the long run the working people of the state and everybody is better off by balancing the state so that every section has a voice.
7) I am against depriving "seasonal" workers of unemployment insurance benefits.

8) If the bill allowing a maximum of $30 for unemployment benefits had passed, I was prepared to sign it.

9) I would rather go first for workmen's compensation increases and I think it is of great importance that that be done as $30 a week is not enough to compensate a man for disability.

11) I am for dependency benefits under workmen's compensation insurance.

12) I am for a state compulsory prepaid medical care plan. It must be done.

15) Until the federal law is down to 63 or 64 years of age we cannot go into it. If they put it on the basis of the federal government doing it, I would be for it in California.

Q. What constructive legislation was accomplished in the defeat of the last pension bill, other than eliminating Myrtle Williams and McLean?

A. I opposed it to get rid of them. No financial benefits were achieved except raising the age from 63 to 65, taking many off the rolls. The relative's responsibility was restored.

Q. How many years residence should be required before being eligible for old-age pensions?

A. It should be the same all over the country. We have 5 years in California. If we should lower that in any way we should be inviting the poor all over the country to come here.

14) I believe the best way for us to maintain the spirit as well as the form of our democratic institutions is to keep the responsibility as close to home as possible. Every program that can be administered at home should be. On that theory, I have been in favor of a county administration under state standards and regulations. Now I am disturbed about this because the counties are getting
their share pared down so low that they have very little financial responsibility for the program. I don't believe anyone should administer a program in which they have no financial responsibility. If it goes any lower, the state should take it over and operate it.

Q. Do you think that the county administration at times creates hardships on some of the old folks in moving around the state?
A. I think when you have 58 counties administering a program there are bound to be variations and there will be a lot of hardship cases. I have felt that there are compensating factors in keeping administration as close to the people as possible. The further you take things away from the people the less human they are. We could provide for that by regulations on the part of the state to compel the county administrations to be uniform.

13) I think it would probably be a practical impossibility to get it. I don't know if it would be the right thing to do. I believe in competition. It is a sound way to start some of these social programs. On the other hand, we have some very trying conditions. When we found out that our disability insurance fund was far greater than it should be and we tried to liberalize the system, we ran into great opposition from the insurance companies because it would cut down their profits. If they show a disinclination to be reasonable and to let this fund serve the purpose it was set up for, we may have to go for it. They have been wholly unreasonable. Next time, if I am there in the Governor's office, I am going to advocate a further liberalization of the fund and will continue to recommend it until the workers get the benefit of every dollar, above expenses and a reasonable caution.
17) Should be publicly owned. I am not sure that they should be state owned. If the federal government is going out of the business, we should have the local housing agencies operate them. They should not be turned over to private ownership, and particularly not to the employer farmer. I have been working with Senator Drobish to prevent giving these camps to the farmers.

18) I did have a position and went against a buzzsaw with the legislature and did not get anywhere with them. The situation has changed so much that I don't believe that it would be possible to get a rent control bill through.

19) I am for a state housing commission with sufficient funds to help solve the housing shortage. I tried twice to get a state housing commission. I would be for it any time. There isn't a big city in this state that does not have some slum area that could be rehabilitated.

Q. What is your position of federal rent control administered in this state?

A. I am against the way it is being administered. For them to be in it in name only and have no great appropriation of any kind and pass it off to the cities and states, I think it is not good government.

20) I am against such an act.

21) I don't know what powers we could give the labor commissioners. We are having quite a time with our unemployment. We have a lot of Mexican nationals who are here illegally. If you do get them out, they come right back. So far as making it a misdemeanor for persons to knowingly employ illegal aliens, I see no reason why we should not.

22) I am for the continuation of child care centers. I still think there is a need for them.

24) I think cross-filing is all right. It gives a poor man an opportunity to get elected at one time without putting himself into the hands of someone to run two campaigns for him. I see nothing wrong with both parties giving their nomination to a single person if they want to do it.

Q. Don't you think that cross-filing keeps us away from party pressure and control?
A. This gives more independence to government than any other thing could.

26) I am for an FEPC commission. We must do something to bring about a fair opportunity for employment for everyone.

25) I don't know that it is an issue. I don't know that there is any agitation. There is no objection to state control. I am not a local optionist.

Q. What about state control like in Washington?
A. I don't think I want to put the state into the liquor business.

27) We cannot be increasing the sales tax. I have been concerned about the cities increasing the sales tax. I would oppose it if the counties presented it. I don't like it because it is practically a gross income tax.

Q. Can you tell us something of your attitude on the general subject matter in the development of water and power resources of this state — the building of steam power plants, etc.?
A. That is one of the vital problems of the state. Our future depends on the manner in which we conserve our water and use it. I have been a firm advocate of the Central Valley Project. I believe we should have steam plants and I believe that every kilowatt that can be developed should be developed, and even so it won't be too much power to do the job. I am 100 percent for it as it is terribly important, and don't sell it to just one company — the power company.

Q. What can you, as Governor who takes the position you take on this subject matter, do to see that other state agencies make the same representation before Congress?
A. You have to realize that when I came into office there was no state program of any kind. There was no state agencies. We are evolving a statewide program that I am sure will be consistent with the things which I have said. At the present time there is a Board for these matters. But two names are given to the Governor and the Governor must choose one of those two names to appoint a member to the Board. Those interests can become vested interests as much as the PG&E. We must change that law so that this Board will be selective.

Q. Will it be your continued policy to confer with the Federation with regard to any appointments affecting labor?

A. I want representation on all the commissions and boards and not just the agencies which affect labor. I want to see them in every phase of our state government.

Q. During the course of your governorship, if you are elected, would you have the same attitude on a federal basis?

A. Yes.
Correspondence between Monroe Deutsch and Earl Warren, 23-24 July 1934

Berkeley
July 23, 1934

Confidential

Mr. Earl Warren
District Attorney of Alameda County
Oakland, California

My dear Mr. Warren:

Occasionally one hears a rumor or report with reference to alleged radical acts on the part of members of the University of California. We should deeply appreciate receiving any or all reports of this character which may come to you, together with the evidence upon which the charge may be based. We should, of course, like to know the name of the individual making it, the occasion on which the act stated took place, the names of witnesses, the exact time and place of the occurrence.

The University of California is anxious not to harbor on its staff anyone who is encouraging the overthrow of our government by force. You, of course, are well aware of the fact that rumor spreads readily whether there is a basis for the original statement or not.

I am taking the liberty of sending to you with this letter Captain Walter Lee, chief of our police force, and we should regard it as a favor to the University if you would place in his hands all information of this character which has come to you or which may hereafter come to you.

I am

Very sincerely yours,

MEDER
July 24th, 1934.

Professor Monroe E. Deutsch,
Vice President,
University of California.
Berkeley, California.

My dear Professor:

Captain Walter Lee has just presented your letter concerning the radical movement to me, and I have discussed the situation with him at considerable length.

Personally I do not know of any disloyal acts on the part of any members of the faculty, but for a long time it has grieved me to hear people in business and professional circles and on the street condemn the university for harboring reds in its faculty. I need not say to you that I believe a general criticism of this kind to be unjust, but the fact remains that the opinion prevails in many parts of the state. In fact, it is not uncommon to hear discussions of that sort in this county among alumni of the university.

About two months ago I discussed this situation informally with Luther Nichols and Bill Monahan, and told them that I believed the university must do something to counteract this destructive criticism. If something is not done soon I fear that the university will feel the effects of it at the next session of the Legislature. I was pleased to read the U.C.L.A. commencement address of President Sproul. It undoubtedly had a good effect upon the public, but I do not believe that the matter should be allowed to rest as it is. The public has undoubtedly been apathetic for a considerable period of time, but there can be no doubt but what it is aroused at the present time on the question of radicalism. The danger is that it will become so aroused over red activities in the agricultural districts that a wave of violence will sweep the state, and it seems to me that this is the time for the public officials and the saner elements of the community to organize and coordinate their activities in combating disloyal acts of the radical groups. In any such program the university could well assume a position of leadership.

If President Sproul would actively interest himself in the activities of the patriotic organizations that are now working out a program it would put the university on record in a way that would be forcibly called to the attention of every citizen of the state. On the other hand, if something of this kind is not done I am afraid that in any campaign made against radicalism the university will be subjected to severe though unjust criticism, which it may not have an opportunity to answer satisfactorily to the great mass of the people.
I trust you will pardon the intrusion of my views on this subject as I have been concerned about the wave of criticism against the faculty of our university. It is my opinion that this criticism can no longer be ignored.

You may rest assured, however, that whatever action is taken by you to remedy the situation will meet with my hearty support. In the meanwhile I will follow the suggestion in your letter and communicate any information along this line that affects the university to Captain Walter Lee.

With best wishes, I am

Sincerely,

[Signature]

District Attorney
Appendix E

Outline for handbook on functions of district attorney’s office

OUTLINE*

1. Preface.

Warren and Beattie

(a) Purpose and Scope of Book.
(b) Table of Contents.

Beattie

2. Bibliography.


Owen Hotle, Jr.

(a) Development of Public Prosecution in early societies

Beattie

(b) Development of Prosecutor’s office in United States.
  1. Relation of District Attorney to the Public.
  2. Importance to Community.
  3. Recent Growth of Power.

Owen Hotle

(c) The District Attorney in California.

Warren & Beattie

(d) The District Attorney in the Future.

Warren & Beattie

4. Qualifications and Training of District Attorney and Assistants.

5. District Attorney as an Investigator.

(a) In Detection and Suppression of Crime.
(b) In Preparation of Cases for Trial.
  1. After Investigation by Police.

Geo. C. Perkins

Oscar Jahnsen

6. Co-operation with and Use of Other Agencies.

(a) Governmental.
  1. Local.
    (a) Police.
    (b) Sheriff.
    (c) Probation Officers.
    (d) Municipal and County Officers.
  2. State.
    (a) Attorney General.
    (b) Identification Bureaus.
    (c) Corporation Department.
    (d) Narcotic Bureau.

*Page 1 of Outline retyped from the original.
3. Federal.
   (a) Department of Justice.
   (b) United States Attorney.
   (c) Secret Service.
   (d) Postal Authorities.
   (e) Narcotics, Prohibition, Customs, Immigration, etc.

   (a) Board of Fire Underwriters.
   (b) Auto Theft Bureau.
   (c) Better Business Bureau.
   (d) Special Agents of Public Utilities.

   (a) As an Inquisitorial Body.
      (1) Conduct of Public Officers.
      (2) Finances of Public Offices.
   (b) For Indictment.
      (1) Class of Cases.
      (2) Extent of Use.

   (a) Use of Citation System.
      (1) Misdemeanors.
      (2) Felony.

   (a) Attitude of District Attorney Toward.
      (1) Misdemeanor.
      (2) Felony.
      (a) Before Conviction.
      (b) After Conviction.

10. Searches and Seizures.

11. Prosecution of Misdemeanors.

12. Prosecution in Juvenile Court.

13. Prosecution of Felony.
Saul Berry: Preliminary Examination.
Smalwood: Pleadings and Preliminary Motions.
   (a) Complete Set of Forms of Information.
   (b) Forms for charging Prior Conviction.
P.H. Chamberlain: Dismissal of Cases.
   (a) Accepting Lesser Pleas, etc.
Chamberlain: Waiver of Jury.
Warren Olney: Preparation for Trial.
   (a) Use of Agencies.
   (b) Facts.
   (c) Law.
   (d) Experts.
   (e) The Trial Brief.
   (f) Set of Instructions for All Crimes.
   (g) Forms of Verdict.
J.F. Coakley: Trial.
   (a) Attitude and Demeanor of District Attorney toward Case and Defendant.
   (b) Jury.
      (a) Information Concerning.
      (b) Examination of.
   (c) Opening Statement.
   (d) The Case of the Prosecution.
      (a) Witnesses.
   (e) The Case of Defendant.
      (a) Cross examination.
   (f) Argument.

Chas. D. Wehr: Appeal.
   (a) Misdemeanors.
   (b) Felony.
   (a) Attitude of District Attorney toward.
       1. Probation.
       2. Parole.
       3. Pardon.
   (b) Information for Parole Board.
   (c) County Parole Board.
       1. Functions and Administration.

Perkins - 16. Special Writs.
   (a) Habeas Corpus.
   (b) Mandate.
   (c) Prohibition.

Smellwood - 17. Extradition.
   (a) Forms for Intra State.
   (b) Forms for International.

   (a) Removal from Office.
   (b) Abatement Suits.
       1. Liquor.
       2. Red Light.
       3. Narcotic.
   (c) Penalties and Forfeitures.

   (a) Procedure for Commitment.
       1. Insane.
       2. Feeble Minded.
       3. Inebriates.
           (a) Liquor.
           (b) Narcotics.
   (b) Jury Trials.
20. Office Management.
(a) Organization.
(b) Expenses.

(a) Showing duties, dates, etc.


23. "Dents".
A brief statement of things a District Attorney should not do, annotated with references to Crime Surveys and authoritative works showing results of bad practices.

24. Index.

Fuller: "Prosecutor's Handbook"
50 maps/papers.

from annotated working copy of photostated outline:

1. new item inserted as "23. Lawlessness in Law Enforcement" assigned to Mark Hardin

2. additional names in pencil: Lawrence Fletcher, Poindorf (sic),
Adrian Hynes
Letter from Earl Warren to Harrison Call, 30 May 1941, and press release of 16 May 1947

Honorable Harrison W. Call,
Member of the Assembly,
State Capitol
Sacramento, California

Dear Sir:

Your request for an immediate opinion concerning the constitutionality of Senate Bill 877 was received yesterday, but in the short time available it has been impossible to prepare a detailed opinion. I will, however, express my views informally, and trust that such expression will serve your purpose.

The field of law of which this bill is a part has been in a state of flux for some years, and the decisions of the highest courts of the land have not been unanimous.

However, since 1937, the Supreme Court of the United States has held that, regardless of the common law, enactments of legislatures or decisions of state courts, with respect to the permissible limits of labor dispute, the right of peaceful picketing cannot be abridged because that right springs from the Constitution of the United States, and is essentially based upon the right of free speech guaranteed by it.
The Supreme Court of the United States has held that the right of picketing exists when fairly used, that is, when the picketing is peaceful and truthful, even when there exists no direct dispute between employer and employee, and even when the absence of such direct dispute would render the labor combination unlawful within the meaning of the decisions or statute law of the particular state jurisdiction.

Senate Bill 877, by its terms, particularly by the language of section 1132 to the effect that "Any act, combination or agreement which directly or indirectly causes, induces or compels a violation of any of the provisions of this chapter, or inflicts any loss, injury or damage on anyone because of his refusal to violate any of the provisions of this chapter shall be unlawful," could be interpreted as prohibiting such peaceful picketing in connection with the combinations described in the bill as "hot cargo" and "secondary boycott".

In so far as Senate Bill 877 might attempt to accomplish this purpose, I believe it to be of doubtful constitutionality; however, under the decisions as they exist to-day, the legislature has power to declare unlawful and to prohibit the combinations described in the
Hon. H. W. C. -3

bill as "hot cargo" and "secondary boycott" insofar as such prohibition does not abridge that right of peaceful picketing which is based upon the constitutional right of freedom of speech.

Whether that portion of the bill, which declares unlawful the combinations described as "hot cargo" and "secondary boycott", would be sustained in the event of a holding by the courts that the bill is invalid insofar as it abridges the right of peaceful picketing, depends upon the effect to be given by the courts to the separability clause contained in the bill.

Obviously, the separability clause is intended to cover such a possible situation, and the trend of the courts has been to make such clauses effective as far as possible. However, the separability clause of this bill is somewhat unique, and I am not aware of any decisions which construe or apply a clause identical or similar to it.

Trusting this is the information you desire,

I am

Sincerely,

Attorney General.

EN:SA
"I have carefully considered S.B. 342, generally known as the Hot Cargo Bill.

"This bill, in effect, would make permanent without change the existing wartime Hot Cargo Act which was passed at the 1941 session of the Legislature, vetoed by the then Governor, and subsequently passed by the Legislature over the Governor's veto. The operation of the original act was suspended pending submission on referendum to the people at the general election of November 3, 1942, at which election the voters approved the legislation by a majority of 215,563.

"When the Hot Cargo Act was under discussion at the 1941 session of the Legislature I was requested, as Attorney General, by a member of the Legislature to give my opinion with respect to its constitutionality. Under date of May 30, 1941, I gave my opinion to the effect that insofar as the legislation restricted the right of peaceful picketing the measure was of doubtful constitutionality. That opinion was based upon certain decisions which had been rendered by the United States Supreme Court placing the right of peaceful picketing within the constitutional guarantee of the right of free speech provided by the Fourteenth Amendment to the United States Constitution.

"At the same time the Legislative Counsel gave a similar opinion to the Legislature and in the following year, 1942, the Legislative Counsel again reexamined the question of constitutionality in the light of two important United States Supreme Court cases, which had been decided in the meantime, and came to the conclusion that these later cases on the whole did not change the Legislative Counsel's earlier opinion.

"My immediate successor as Attorney General also took the position in a number of court cases that the act was unconstitutional insofar as it prohibited peaceful picketing.

"Since the approval of the existing Hot Cargo Act by the people in 1942, the question of its constitutionality has been raised in a number of court cases. The Superior Courts, of six of our Counties, applying decisions of the United States Supreme Court, have held it unconstitutional in certain fundamental respects, while four other Superior Judges in one of these counties have sustained its constitutionality.

"Several of these lower court decisions, and some original proceedings, eleven cases in all, are now pending before our State Supreme Court. Seven of these cases have already been briefed, argued and submitted to the State Supreme Court for decision.

"In the bill now before me, S.B. 342, no effort has been made by the Legislature either to conform the existing Hot Cargo Act to the various legal opinions that have been rendered in the past or to conform it more closely to the latest decisions of the United States Supreme Court indicating the extent to which State law can go in this field."
"It merely makes permanent the broad prohibitions of the war time Hot Cargo Act against all secondary picketing regardless of the purpose of the labor dispute or the economic relationships involved.

"In my consideration of this bill I have asked the Legislative Counsel for an opinion with respect to its constitutionality, and he now certifies to me that in his opinion the bill is constitutional.

"The present Attorney General, however, after exhaustive analysis, advises me in response to my request for his opinion that in some fundamental respects, it probably goes beyond the permissible limits indicated by the latest expressions of the United States Supreme Court. He has summarized his conclusions in the following language: 'In essence, all that can be said is that the law is probably unconstitutional as applied to certain situations, and probably constitutional as applied to other situations.'

"It is this doubt concerning the constitutionality of the Hot Cargo Act in certain fundamental respects that has led to the conflicting decisions of our Superior Courts and the cases now pending before the State Supreme Court.

"What the final decision of the Supreme Court will be no one can anticipate with certainty. At all events, a decision will soon be rendered and in all probability before the effective date of S.B. 342.

"If this bill involved entirely new legislation it would call for the exercise of my own independent judgment concerning its constitutionality. However, in view of the conflicting decisions of the Superior Courts, and the present difference of opinion between the Attorney General and the Legislative Counsel, there is no such certainty as would warrant me in expressing such a legal determination through the exercise of the veto power, which is an executive, not a judicial, act. To do this after the law has been in operation for more than four years after approval by the people, and at a time when eleven cases are so near decision in our State Supreme Court, would, in my opinion, be depriving the people of the right of judicial interpretation of an act to the principle of which they gave their sanction at a general election.

"So that my action will not preclude the Supreme Court from a full judicial determination of the entire subject matter, I will allow S.B. 342 to become law without my signature, it being impossible for me to sign it because of my views on its constitutionality."

###
OBITUARY

MR EARL WARREN
Former Chief Justice of the US Supreme Court

Mr Earl Warren, the former Chief Justice of the United States Supreme Court, who died yesterday at the age of 83 presided over the Court during a particularly dramatic era.

There have been times in its history when its judgments have concentrated on interpreting the law as it stands, leaving it to Congress to make whatever changes it deemed necessary; and there have been other periods when the Court has placed the emphasis upon re-interpreting the law in the light of changing social conditions and the development of public opinion. Warren’s Court followed the second course. It was liberal and activist. It kept pace with, and some would say outstripped, the movement of public opinion.

At a time of conservative political leadership in the United States, which he was for the first half of Warren’s reign, the Court became the most important vehicle of social change. This applied particularly, but not solely, in the area of civil rights. Whether Warren was a great lawyer is open to question, but he must be numbered among the great Chief Justices who made their mark upon the history of the United States.

His concept of his office was not in fact surprising for a man of his background. He made his name as a politician rather than as a lawyer and as a politician of a special kind. He was one of whose greatest political gifts lay in his capacity to appeal to moderate people in the opposing party. For three terms he served as Republican Governor of California at a time when there was a natural Democratic majority in the state. This was the record of a moderate conservative who could run before the wind of change. It was a gift that he developed as Chief Justice to the point where the wind may sometimes have had a bit of a job in keeping up. The vigour of his liberalism is said to have surprised President Eisenhower, who appointed him in 1953. But it was natural that his contributions lay in sensing the kind of laws that the country needed at that time. That was bound to be controversial, but he himself always commanded an authority and respect that went to the man as well as to the office.

Warren was born in California on March 19, 1891, of Scandinavian stock, both his parents having come to the United States as children. His father was a craftsmen building railway carriages, and an active trade unionist. The family knew hard times, and young Warren had the kind of upbringing approved in American folklore, tackling a variety of casual jobs while still in high school; but later the father prospered modestly as a small property owner and was able to support his son at the University of California at Berkeley, where he studied political science before graduating in law and being admitted to the California bar in 1914.

Warren served in the 1914-18 War, though not overseas. On demobilization he was quickly diverted from private practice into a variety of public law offices. As district attorney of his county from 1925 to 1938 he earned a reputation for severity; but it was also observed that no conviction he secured was ever reversed on appeal. During these years he became active in Republican politics serving as chairman of the party’s state committee from 1934 to 1936, and as a national committeeman from 1936 to 1938.

Warren’s political instincts—and talents—were, however, for moderation and compromise. When he was elected attorney general of the state of California in 1938, it was as the nominee of all three parties, Republican, Democratic and Progressive. His years as attorney general were notably efficient and free from corruption (though perhaps marred by treatment of Japanese Americans on the outbreak of war which is now generally regarded as harsh and which later came to trouble Warren himself), and in 1942 he was elected governor. He ran as a Republican, but he had made an impressive showing in the Democratic primary, and (as Californian law permits) in the election he carried every county. In fact it was by now clear that Warren’s appeal was his own rather than that of his party. A big, burly, bluff man, his ancestry, his upbringing, his attractive wife and handsome, growing family made him the people’s delight and the despair of his opponents. He was easily re-elected in 1946 as the nominee of both major parties and elected yet again in 1950 (when the Democrats chose James Roosevelt, son of FDR), to become the only man in California’s history to win three terms as governor.

Inevitably he had meanwhile developed national political ambitions. As early as 1944 he had the support of the California delegation for the presidential nomination. He bowed to Governor Dewey’s suggestion that he, Warren, should run for Vice-Presiident: In 1948 he again lost the nomination to Dewey. For this time he agreed to take the second place and was nominated for the Vice-Presidency by acclamation. He tried yet another to win the presidential nomination in 1952. In all these contests Warren showed that he could hold the loyalty of his delegates till a late stage in the bargaining and that he could avoid making needless enemies; but he failed to project his local popularity to the nation at large.

In 1952, particularly, many professional saw the advantages of a candidate with Warren’s cross-party appeal, but a figure with more stature was needed and was available. In the early months of 1956, when President Eisenhower’s health made it uncertain that he could run again, opinion polls indicated Warren as the only other Republican who could beat Adlai Stevenson. But Warren then made clear his intention not to run, and the issue was, of course, settled by the President’s recovery.

Eisenhower had persuaded Warren, with some reluctance, to accept appointment as Chief Justice on the death of Fred J. Vinson. The court to which he came was notorious for its conservatism. There is no direct evidence that the President deliberately chose Warren as a moderator, but that was the task which the new Chief Justice under-
took: his natural inclination was perhaps reinforced by his consciousness that he lacked judicial experience. His role was quick and strikingly symbolized. When he was appointed the court was believed to be sharply divided over Brown v. Board of Education, the famous case which tested the validity of segregation in public schools. In a matter of months Warren was able to write the decision, and read it as the unanimous decision of his court. The decision was remarkable not merely because it was unanimous, but for the range of non-legal evidence which the court was prepared to cite in its support. Yet the court was careful not to press integration too hard. Only after a further year did it provide instructions for lower courts and then, borrowing a familiar chancery phrase, it advised that integration should be accomplished "with all deliberate speed."

Brown v. Board of Education was symbolic in a second and more lasting sense. Warren had been a conciliator, an administrator, a cross-party politician through conviction, not through lack of it. On the court his good sense and his desire to make agreement easier, but in the main debate which divided his colleagues he found himself drawn more and more to one side. This was the contest between those who took a narrow view of their judicial function—those for whom Mr. Justice Frankfurter expounded "with fire and eloquence and unique learning the doctrine of his great predecessor, Holmes—and those—among whom Mr. Justice Black was the leader—who saw their task in much more positive social terms, who were willing to use the court as an instrument of reform. Increasingly it became clear where the new Chief Justice's sympathies lay. He was not a lawyer of profound learning or piercing intellect. What he had was a passion for justice—indeed, in simpler terms, a passion for fair play.

This quality found scope in a time when the concern of the court shifted strikingly towards questions of human rights. Perhaps half the cases that now come before it can be brought under this head; hardly one in a hundred could have been brought under it 25 years ago. Under Chief Justice Warren the victory increasingly went to the pragmatic reforming party. For that he was not, of course, solely responsible. Other activist justices were appointed; Mr. Justice Frankfurter retired, leaving no successor of equal stature; and Frankfurter himself, like Holmes before him, had been more "liberal" in civil rights cases than in others. But when the Court makes a mark, the Chief Justice is inevitably singled out—as the John Birch Society's attempt to "impeach Earl Warren" bears witness.

Alarm was not confined to the lunatic fringe. Lawyers of learning, conscience and sense argued that the Court was abandoning the exposition of law and was expounding rather the prejudices of its members. Even non-lawyers feared that by moving outside its proper role, the Court would endanger its prestige and so its constitutional position. To this the reformers retorted that not only restraint had in the past endangered the standing of the Court; and so far the facts have not justified the alarm of their critics. There can hardly be better evidence than the choice of the Chief Justice to head the inquiry into the murder of President Kennedy, an inquiry which undoubtedly roused violent political emotions.

This was an especially difficult task. The force of public emotion and anxiety demanded a speedy verdict. Fears, some of them bizarre, needed either to be established or set at rest. But the Commission was confronted by a plethora of evidence of different kinds and varying quality. Perhaps understandably, therefore, its methods were not always as careful as they might have been. Some corners were cut. The report failed to establish or set at rest some of these passions. Some of the facts have been overturned. That still stands as the verdict of history.

Warren first announced his resignation in June, 1968, but agreed to stay on because of President Johnson's inability to get his choice as successor, Mr. Abe Fortas, approved by Congress. Warren finally retired the following June after President Nixon had come to office, so that he had served as Chief Justice under four Presidents.

He married in 1923, Mrs. Nina Meyers, a widow, and they had three sons and three daughters.

[Other Warren obituaries are available in The Bancroft Library]
INDEX — Earl Warren

abortions, 40, 42, 44
aging, 151-152, 156, 212, 216, 225
pensions, 10, 229-231
agriculture, 191-193, 198, 203, 206-207, 252-253
    harvesting, 62-63. See also farmers; farmworkers
Alameda (city), California, 57
Alameda County, district attorney’s office, 8-9, 13-14, 22, 63, 85, 145, 147, 156, 181
    prosecutions, 34-36, 40-46, 49, 53-58, 64, 76-80, 142
    staff, 52-53
Alien Land Law, 259-262
American Bar Association, 14-15
American Federation of Labor, 211
American Samoa, 93-95
American Trust Company, 95
Annenberg, Moses, 28, 30, 116-118
Anti-racket Council of Alameda County, 20n
appointments, governor’s, 123-127, 130, 132, 135, 157, 169, 175, 183, 185-186, 192, 203, 207-208, 219-221, 224, 232, 235, 273
Arizona v. California, 200n, 204, 255-257
Army Corps of Engineers, 195, 197, 207
Arnstein, Lawrence, 232
Associated Farmers, 191
attorney general’s office (California), 24, 110, 124, 126, 130, 148-150, 156, 258-259
    legislation, 98
    prosecutions, 91-92, 95
    reorganization, 11, 14-15, 23, 146-147
Avery, Mrs. Russ, 98

Bakersfield, California, 125, 246-247, 251-254
Bank of America, 78
bank robbery, 22, 78
Barrows, David, 35-37
Barry, Robert, 278
Bates, Sanford, 135
Beattie, Ronald, 17
Becker, Burton F., 22, 55-56
Bee Perspectives and the Warren Era, 128
Belli, Melvin, 49
Bennett, Jim, 135
Berlin, Richard, 74
Billings, Warren, 143
Black, Jim, 191, 205-206
blacks. See Negroes
Boke, Richard, 202
Bonelli, William G., 184-186
bookmaking, 90, 116-117
Bowron, Fletcher, 8, 260-261
bracero program, 253. See also farmworkers
Brasil, Abe, 1-2
Brennan, Bernard, 279
bribery, 82-84, 90. See also corruption
Bridges, Harry, 76, 79-80
Brock, A. A., 206
Brookings Institution, 268
Brophy, Russell, 27-28
Brown, Edmund G. (Pat), 198, 243
Brown v. Board of Education, 251
Brownell, Herbert, 284-285
budget (state), 123, 169, 239
bunco men, 78
Burgess, Lloyd, 90
Burnes Philip, 92-94
Burns, Michael J., 174n

    special sessions, 101-102, 262-265
    special session (1940), 101
    special session (1971), 101
California, Senate Finance Committee, 238
California, southern, 7, 199-200, 206, 256-258
California, State of
    Adult Authority, 135, 137-139, 141
    Agriculture, Department of, 206
    Architecture, Division of, 160
    Colorado River Board, 124, 200, 203
    Corrections, Department of, 130,
Equalization, Board of, 184-187
Finance, Department of, 189, 234, 239
Fire Marshal, 157
Highway Commission, 169
Justice, Department of, 146-147, 176
Mental Hygiene, Department of, 138
Personnel Board, 26
Public Health, Department of, 154-155
Public Utilities Commission, 196
Public Works, Department of, 99
Railroad Commission, 220-221
Relief Administration, 100
Social Welfare, Department of, 224, 234, 236, 239
Water Resources, Department of, 199
Water Resources Board, 190
Youth Authority, 136-138

California, the Great Exception, 205
California Bar Association, 11, 219
California Club, 104-105
California Federation of Labor, 3-4
California Medical Association, 152-153, 180-182
California Physicians Service, 181
Cameron, George, 72, 75
Campbell, Gordon, 105
Campbell, William, 117
Carlson, Tom, 115
Carr, Ossian, 60-61
Carrington, Richard, 74
Carty, Ed, 285
Central Medical Bureau, 232
Central Valley Project, 124-125, 191, 193-194, 197
Chamber of commerce, California, 11, 173
Chandler, Harry, 75
Chatters, Ford, 8
Chicanos, 64, 241
Chickering, Martha, 225
Child care centers, 236-237
Chinese, in America, 251-252, 255
Chino correctional institution, 131
Christenson, T. L., 12
city manager government, 59-61
civil defense, 15, 100, 102-103, 107-109, 259
civil liberties, 8, 32
civil rights, 141, 179
Democratic party (Democrats), 9-10, 99, 124, 167, 178-180, 196, 211, 242-243
Depression, 1930s, 245
Deuel, Charles H., 133
Deuel bill, 136
Deutsch, Monroe, 5
Dewey, Thomas E., 117, 194, 228-229, 271-272, 274-275, 277, 284
Dickey, Randal, 207-208
district attorney, handbook on, 17-19
dog racing, 113-116
Doubleday and Company, 168
Downey, Sheridan, 193, 217
Downey, Stephen, 217
Dresser, William, 91, 95
Driver, Mike, 60-61
Drucker, Lou, 135
dullea, Charles W., 129
Earl Warren: A Political Biography, 8, 91n
Edmonston, Robert, 194-195, 198-199
education, 164
segregated, 251
El Cerrito, California, 114
election campaigns, 241, 257
ballot measures, 11, 19-20, 23, 111, 179, 197, 214-215, 230-231, 243, 248, 262 finance, 6-7, 10-11, 32-33, 90, 104-106, 264-265, 269
1930 district attorney, 10-11
1934 reorganization of attorney general's office, 11, 19-20, 23
1936 presidential, 124
1938 attorney general, 6-10, 30
1942 gubernatorial, 100, 104-106, 126, 211
1946 gubernatorial, 134, 211
1948 presidential, 206, 270-272, 274-275
1950 gubernatorial, 3-5, 79
1950 U.S. Senate, 273
1952 presidential, 197, 283-284
1954 gubernatorial, 287
electric power, 191-197, 205-207
Ely, Northcutt, 195-196
emergency services, 103
Emeryville, California, 22
Engle, Clair, 197
equal opportunity, 110, 251. See also fair employment practices
Erwin, Thomas M., 265-266
extortion, 81
fair employment practices, 179
legislation, 240-243, 248-249
farm bureaus, 173, 191, 207
farmers, 63-65, 112, 192, 259
farmworkers, 62-65, 206, 252-253
Feather River Project, 197-200
federal government, 109, 260
regulations, 226-229, 253. See also
United States
Ferguson (Bessie) case, 22
Filipinos, 252-253
Flint, Chet, 64
Folsom State Prison, 129
Frankfurter, Felix, 249
Fund for the Republic, 286
Gail, Charlie, 84
gambling, 24, 28-30, 90, 113-114, 117-119
gambling ships, 91, 95
Garland, Gordon H., 86, 99
gas tax bill, 1947, 170-176
Geddes, Ernest R., 178
Giffen, Russell, 203
Gilman, Philip, 180
Gleason, Verne, 237
Gordon, Walter, 135-136, 241
Gosden, Louis, 40, 44-45
Gosden (Louis) case, 40-49
governor, powers of, California, 102-103
Governor's Advisory Committee on Children and Youth, 65
Governor's Committee on Penal Affairs, 133
governor's conferences, 194, 216-219, 227-228, 256
clemency, 130, 141-144
graft prosecutions, 54-58
grand jury, 53-57, 67, 86, 90
grange, 173
Graves, Richard, 107-108
Greenslade, John, 2
Guidera, Mathew, 78-79
habitual criminal act, 144-145
Hagar, Ella Barrows, 36
Haggerty, Cornelius (Neil), 4, 211-212
Hahn, Brian, 90
Halverson, Wilton, 155, 163, 182
Hard, George, 45
Harte (Brooke) case, 19-20
Hassler, John F., 61, 123
Hatfield, George, 174
Hawkins, Augustus, 248
health insurance legislation, 154, 180-182
Hearst (William Randolph?), 71-73
Hearst newspapers, 74-75, 102-103
Heffner, Dora Shaw, 158
Helms, George, 52-53
highways, 170, 173-174, 177, 228
Hill-Burton Act, 154
Hoffman, Paul, 279
Holton, Karl, 137
homicide, 47, 80-81, 142
Hoover, Herbert, 72-73
horse racing, 118-119
hospitals, construction finance, 154
Hotle, Owen, 18-19
Houser, Fred, 166
Howser, Fred N., 96, 148-150, 277
Hoyt, Ralph, 10
Hulse, Ben, 256
Hume, Portia Bell, 183
Hyatt, Edward, 194-195, 199, 218

Imperial Valley, California, 62-63, 204
indeterminate sentence, 51
insurance rackets, 42
irrigation districts, 192
Ivanhoe v. McCracken, 150, 204, 249-250

Jahnson, Oscar, 62-63, 92-93, 115
Japanese, in America, 252, 255, 259-261
Jensen, Lowell, 85
Jerome, Black Jack, 113-116
Jones, Walter, 129
judges, appointments, 219-221
jurisdictional strikes, 212
juvenile delinquency, prevention, 66

Kegley, Carl, 9-10
Kelly, Earl, 59
Kelly, Mike, 58, 73
Kennedy, Lucile, 235
Kenny, Robert, 8, 23, 32, 97, 134, 146, 149, 196
Kern County Land Company, 202
Kerrigan, Frank, 34
kidnapping, 19-21
Killion, George, 123-124
King, Earl, 76-77
Knight, Goodwin, 74, 166, 221
Knowland, Joseph R., 58-59, 72-73, 75, 127
Knowland, William F., 127, 193, 274, 281-282
Kuchel, Thomas H., 148
Ku Klux Klan, 55-56

labor contractors, 63-64
labor unions, 3-4, 77-78, 79-80, 105, 110-114, 142, 210-214
and elections, 9
legislation, 111-113
Lacy, Joe, 81-82
Lacy (Joe) case, 81-82
law enforcement, 13, 15-17, 19-25, 49-50, 54, 66, 83, 103, 146-147
legislation, 8, 14, 82, 144. See also crime
Law Enforcement and Judicial Administration in the Earl Warren Era, 28n
League of California Cities, 107-108
Leake, Paul, 185
Leary, Mary Ellen, 271
Leavitt, Frank, 54-55
Lee, Edwin, 97
Lewis, John L., 210
lieutenant governor's office, 166-167
Life magazine, 134
Lindner, Clarence, 73
liquor licensing, 184-187
lobbying, 8, 13-14, 82, 86-88, 105, 144-145, 147, 165-166, 171-173, 178-179, 185, 187, 212, 219-220, 256, 262-269. See also special interests
local government, in California, 68, 107-108, 146-147, 150-152, 155, 224-226, 246
Los Angeles, California, 104-105, 111, 118, 198, 200, 212, 215, 221, 244, 257
Los Angeles Times, 797, 127, 260
Luce, Clare Boothe, 48, 134
Luce publications, 133-134
Lundeberg, Harry, 79
Lynch, Thomas, 15, 23-25
Lynn, Wallace R., 284-286
Lyon, Charles W., 184, 186

McClatchy newspapers, 75
McGee, Richard A., 130-132, 135-137, 140-141, 164
MacGregor, Helen, 128, 169, 217-219
McQuicken, Joseph, 244
McLain, George, 225n, 230-231, 233
Martin, Irving, 126
Mathewson, Duncan, 78
May, Samuel C., 17, 61
*Memoirs of Chief Justice Earl Warren*, 1, 6, 9, 28, 86, 99, 122, 125, 133, 141, 152, 163, 210, 271-272, 274, 276
mental health services, 151-160, 183, 216-217
Merriam, Frank, 71, 127
Metropolitan Water District, Los Angeles, 200
Mexican Americans, 64-65, 241, 253-254
Mexican labor, 206
Mexicans, 64, 241
migrant workers, 62-65
Miller, Nathan Harry, 9
Miller, Royal, 193
Mooney, Tom, 143
Morton, Harold, 172-173

Napa State Hospital, 159
narcotic enforcement, 146
National Archives and Records Service, 2
National News Service (Nationwide News Service), 28, 118
Negroes, 109-110, 241, 246-248, 251, 254-255
Nixon, Richard M., 278-279, 282
nonpartisanship, 8-9, 99, 177-178

Oakland, California, 58-59
courts, 68-69
police department, 68-69
*Oakland Tribune*, 32, 58, 123
oil companies, 170, 172-173, 175-176, 178

Olney, Warren, 40, 89, 148-149, 187
Olson, Culbert, 75, 87, 98-104, 108, 111, 120, 124, 196, 212, 224, 230, 233
*Olson’s New Deal for California*, 86n, 99, 102-103
O’Neill, Jack, 65, 199

Pacific Gas and Electric Company, 191, 195, 205-207
Palmer, Kyle, 127-128, 279
pardons, 130, 141-143
pari-mutuel betting, 119
parks and beaches, 127, 209-210
participatory democracy, 218
peace officers, joint legislative committee, 13
Pearson, Drew, 149
pensions, old age, 229-231
and 1938 election, 10
*People v. Brophy*, 27
Philbrick report, 86-87
Phillips, Herb, 128
Phillips, John, 101
Phillips, Pete, 177, 179
Piazzi, Frank, 31
Piers, Robert, 7
*Pittsburgh Courier*, 246
plea bargaining, 49-50
*Plessy v. Ferguson*, 251
Plumas County, California, 5
pollution control, 207-209
Post, Alan, 187-188
Powers, Harold J., 174
press, and politics, 74, 102-103, 126-129, 133-134, 141, 173, 218, 271
1938 campaign, 31-32, 111. See also newspapers by name
prison scandals, 129
*Proceedings of the U. S. Attorney General’s Conference on Crime*, 12n, 21n
Proescher, Frederick, 46
Prohibition, 91, 95
public housing, 100-101
public nuisance, 28
public power, 193, 195, 206
Puerto Ricans, 253
race relations, 110, 240-244, 247-248, 251-255
Radin, Max, 120
Railroad Brotherhoods, 9
Railroad Commission, California, 29
Ramsay, Ernest, 76-77, 141-142
Reagan, Ronald, 101
reapportionment, 214-215
Reclamation Act, U. S., 192
rehabilitation, prisoner, 131, 141
Reinecke, Ed, 101
Republican party (Republicans), 71, 111,
134, 177-180, 193, 196, 211, 242
national, 74
national conventions, 69-71, 277-283
1936 favorite son delegation, 71-74
Republican State Central Committee, California,
71
revenue bonds, 197-198
Reynolds v. Sims, 215
Richard Nixon: A Political and Personal Portrait,
277n
Rifkind, Simon, 200
Riverside County, sheriff, 24
Robbins, Wes, 127
Rogers, William, 149
Roosevelt, F. D., 242
Roosevelt, Jimmy, 4, 196
Roper, Elmo, 275
Rosenberg Foundation, 65
Rowell, Chester, 72
Rumford, Byron, 248

Sacramento Bee, 128, 177, 278n
Sacramento County, 1938 grand jury, 86
Sacramento Municipal Utilities District, 193
Sacramento Valley, California, 200
Sakowitz, Ben, 142-143
Samish, Arthur H., 87-90, 184, 186-187,
265, 277
Sampsell, Lloyd, 129
San Diego Federated Trades and Labor Council, 9
San Francisco, California, 115, 167, 224
police department, 77-78, 129
San Francisco Chronicle, 33, 72, 102-103,
108, 282
San Francisco News, 64
San Francisco Post-Inquirer, 31-32
San Joaquin Valley, California, 198
San Luis Dam, 198-199
San Luis Obispo County, California, 1-2
Schottland, Charles, 232, 237-238
Scoggins, Verne, 126-127, 169
Scolls, Joe, 94-96
Scudder, Kenyon, 131
secondary boycott, 110-113, 212-214
Secret Boss of California, The, 89n
self-incrimination, 76-77
Shipboard Murder Case, 76-80, 141
Sierra Club, 209-210
Sloat, Nathan, 218
Small, Merrell F., 4-5, 164-165, 217, 219
Smith, Arnholt, 173
Smith, Dana, 279
Smith, John A., 173
Sonoma State Hospital, 159
South Bay crossing (San Francisco), 167-168
Southern California Edison, 191
Southern Pacific Company, 254-255
special interests, 104, 111-112, 165, 196,
207, 269. See also lobbying
Spence, Homer, 215
Stark, Heman, 218
states' rights, 228
Stead, Frank, 209
Steinhart, Jesse, 7
Stockton Record, 126
Stockton State Hospital, 155-156, 158
Strala, A. C., 95
Strauss, Michael, 202
Sturgis, Gene, 59
Superior Oil Company, 173, 175, 178, 197
supreme court, California, 29, 40, 143-144
Supreme Court, U. S., 25, 77, 97-98, 204,
210-211, 212-214, 249-250, 256, 259,
261, 285
decisions, 38-39
Sweigert, William T., 125-126, 174
Swing, Phil, 192
Taft, Robert A., 278-281, 283
tallman, Frank, 154-156, 183
taxes, 170, 177-178
tenBroek, Jacobus, 233
They Would Rule the Valley, 216
Thirsty Land, The, 216
Time magazine, 134
Tinning, Archibald, 43-44, 116, 132
Townsend, Francis, 229
Townsendites, 229
train robbery, 21, 34-36
Tramutolo, Chauncey, 9
truckers, 170-171
Twining v. New Jersey, 39
undercover operators, 78
United States. See also federal government; Supreme Court, U.S.
Attorney General, 90
Congress, 191-194, 197, 202, 205-206, 242, 256
Federal Bureau of Investigation, 20, 141-142
Interior, Department of, 256
Internal Revenue Service, 90, 187
Justice, Department of, 30, 117
Reclamation Bureau, 192, 195, 198, 202
Solicitor General, 287
University of California, 31, 119
University of California, Berkeley, 5-6, 241
Bureau of Agricultural Economics, 217
Bureau of Public Administration, 17, 61, 68n
School of Public Health, 155
Unruh, Jesse, 269

veterans, World War II, 161-162
vice president, office of, 272

Warren, Earl, Jr., 18-19
Warren, Methias, 245
Warren, Nina (Mrs. Earl), 275-276
Washington, Kenny, 241
Water Pollution Act, 1949, 207
water resources, 124-125, 190-204, 216-218, 255-258
160-acre limitation, 190, 193-194, 199-200, 202-203
Webb, U. S., 71
Wehr, Charles, 40-41, 43
Weinberger, Caspar, 185, 201
welfare, 100-101, 224-226, 234, 238, 240
governor’s commission on, 235
Wedel, Thomas, 196, 283
Williams, Myrtle, 225n, 230-231, 233-234
Williams, Paul, 241
Wilson, Emmet, 28
Wollenberg, Albert C., 174
Wollenberg, Charles, 224-226, 233
women, working, 236-237
World War II, 93, 102-103, 236
civil defense, 15, 100, 259
civilian restrictions, 160, 227
defense industries, 247
Japanese submarines off West Coast, 1-2
Wyckoff, Florence, 65
Young, Clement C., 143
youth, governor’s advisory committee on children and, 65, 217
zoot-suit riots, 244
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