

California State Archives
State Government Oral History Program

Oral History Interview

with

HON. JOHN WILLIAM BEARD

Member, California State Senate, 1957-1961
Chairman, California Industrial Accident Commission, 1960-1965
Judge, El Cajon Municipal Court, 1980-

April 13-14, 1987
La Mesa, California

By Lawrence B. de Graaf
California State University, Fullerton

RESTRICTIONS ON THIS INTERVIEW

None

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PREFACE

On September 25, 1985, Governor George Deukmejian signed into law A.B. 2104 (Chapter 965 of the Statutes of 1985). This legislation established, under the administration of the California State Archives, a State Government Oral History Program "to provide through the use of oral history a continuing documentation of state policy development as reflected in California's legislative and executive history."

The following interview is one of a series of oral histories undertaken for inclusion in the state program. These interviews offer insights into the actual workings of both the legislative and executive processes and policy mechanisms. They also offer an increased understanding of the men and women who create legislation and implement state policy. Further, they provide an overview of issue development in California state government and of how both the legislative and executive branches of government deal with issues and problems facing the state.

Interviewees are chosen primarily on the basis of their contributions to and influence on the policy process of the state of California. They include members of the legislative and executive branches of the state government as well as legislative staff, advocates, members of the media, and other people who played significant roles in specific issue areas of major and continuing importance to California.

By authorizing the California State Archives to work cooperatively with oral history units at California colleges and universities to conduct interviews, this program is structured to take advantage of the resources and expertise in oral history available through California's several institutionally based programs.

Participating as cooperating institutions in the State Government Oral History Program are:

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The establishment of the California State Archives State Government Oral History Program marks one of the most significant commitments made by any state toward the preservation and documentation of its governmental history. It supplements the often fragmentary historical written record by adding an organized primary source, enriching the historical information available on given topics and allowing for more thorough historical analysis. As such, the program, through the preservation and publication of interviews such as the one which follows, will be of lasting value to current and future generations of scholars, citizens, and leaders.

John F. Burns
State Archivist

July 27, 1988

This interview is printed on acid-free paper.

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INTERVIEW HISTORY

Imperial County has rarely been a source of political leadership in California's history. Insofar as an oral history project would include representatives from this citadel of conservative agribusiness, it would not expect to find a longtime proponent of liberal idealism. Yet, both of these traits emerge in this interview with John William "Bill" Beard, one-term state senator from the Thirty-ninth District in the late 1950s. From Bill Beard's reflections, the State Government Oral History Project has gained insights on a crucial era of political transition, from longtime Republican domination to a period of liberal ascendancy. It has also secured a candid portrait of the operations of the state legislature prior to its becoming a full-time activity from one of the many "cow county" representatives who numerically dominated the upper house from 1926 until the mid-1960s.

But Bill Beard has yielded information beyond his legislative career. Following his primary election defeat, Governor Edmund G. Brown, Sr., appointed him chairman of the Industrial Accident Commission. In this capacity, he offers valuable recollections of one of the lesser known but also one of the oldest social service activities in the state. In 1980, Beard was named to the municipal court, where he has been part of a long running experiment in the unification of lower court operations. In all three branches of California government, Bill Beard

has reflected a mix of careful legal consideration and liberal idealism. The latter theme, particularly, should make this interview a valuable sample of that philosophy during its formative years in California politics.

Main Themes

This interview was commissioned as an overview of Judge Beard's entire life of public service, with no single primary issue or theme in mind. As the interview worked out, however, several broad topics receive much of the comment. The earliest of these is the formation of the California Democratic Council and the emergence of the Democratic party as a legislative force in the 1950s. Bill Beard was present at the Asilomar conference which formed the CDC as well as the follow-up meeting at Fresno which is sometimes cited as its founding event. In these activities and in the enthusiasm of the Stevenson Clubs, one recaptures some of the zeal which underlay the resurgence of liberalism in California during this period. While discussing his activities prior to being elected to the state senate, Beard also provides a glimpse of racial conditions in the Imperial Valley.

From his term in the senate (1957-1961), Bill Beard offers a detailed picture of how that body ran. The senate in those years fit the stereotype of a club, and Beard relates how he quickly found that partisanship took a second seat. Detailed discussion of various types of committees and the politics of proposing and passing legislation should make this interview a valuable reference for scholars of the pre 1961

alternate year legislature. Beard concludes reminiscences of his first legislative session with interesting profiles of several colleagues.

The liberal legislative agenda is discussed in detail when Beard takes up the last two years of his senate career. His early experiences in an Hispanic barrio made him a lifelong supporter of equal rights legislation despite its unpopularity with many of his constituents. Also, the passage of fair employment and fair housing acts are dealt with in detail. He offers fascinating insights into the internal politics of a senate split between a restless young liberal majority and older, more conservative leadership. The abortive Revolt of Winchester Canyon effort of young Democrats to unseat President pro tem Hugh Burns is a particularly pertinent case in point.

When the interview changed to the subject of workmen's compensation, it was dealing with one of the less discussed policies of California state government. Workmen's compensation law in California was first enacted in 1911, when both statutes and a constitutional amendment established the basic policy that employers should compensate their employees "for any injury . . . in the course of their employment, irrespective of the fault of either party."¹ The 1911 statute also set

1. Constitution of California Annotated, 1946, compiled by Paul Mason (Sacramento: State Printing Office, 1946), Art. XX, Sec. 21, 1330. The original Workmen's Compensation Act of 1911 (Calif. Stats. 1911, ch. 399, p. 796) was supplemented by an act empowering the collection of statistical evidence (Calif. Stats. 1911, Ex. Sess., ch. 39, 166). West's Annotated Labor Code, Sec. 3201-4649 (St. Paul: West Publishing, 1971), 2.2. Calif. Stats. 1913, ch. 176, 279.

up an industrial accident board to adjudicate claims. A much more comprehensive and detailed law, the Workmen's Compensation and Safety Act of 1913 (the Boynton Act), was enacted two years later.¹ Court cases persisted for several years testing the powers, scope, and procedures, so the 1913 act was overhauled by a still more comprehensive act in 1917. The constitutional justification for workmen's compensation was strengthened by a much more detailed amendment adopted in November 1918 to replace the very general powers granted by the 1911 measure.²

In the succeeding decades, the policy apparently worked so inconspicuously that it escaped the attention of both scholars and legislators. Not until 1945 did the legislature investigate the main enforcement agency, the Industrial Accident Commission.³ After forty years of operation, the subject of workmen's compensation had been treated in only two textbooks and was not granted much more treatment in law journals.⁴

1. Calif. Stats. 1913, ch. 176, 279. In 1974, the legislature officially changed the term "workmen's compensation" to "worker's compensation." Calif. Stats. 1974, ch. 1454, p. 3182. This interview will employ the modern term, but the historic name will be retained when referring to pre-1974 document.

2. West's Labor Code, Sec. 3201-4649, 2; Calif. Const. Annotated, 1329-1330, 1331 ff.

3. See California Legislature, Assembly, Partial and Final Reports of Subcommittee of Assembly Interim Committee on Government Efficiency and Economy, 1945 Sess.

4. Richard A. Bancroft, "Some Procedural Aspects of the California Workmen's Compensation Law," California Law Review 40 (Fall 1952: 378-403).

The administrative structure and its powers underwent few changes over the years, but these did not seem to reflect broader ideological issues. Until 1945, the Industrial Accident Commission was one of eight divisions within the Department of Industrial Relations, and it contained three bureaus. In that year, these bureaus were either separated from the commission or absorbed into it, and the commission became a policy making and case review organ.¹ The referees who had handled most workmen's compensation cases received greater authority to make original decisions by 1951 amendments.² A later administrative revamping in 1965 renamed the commission the Workmen's Compensation Appeals Board and placed it under the Division of Industrial Accidents, one of six agencies within a revamped Department of Industrial Relations.³ None of these changes seems to have altered substantially the volume or direction of workmen's compensation cases.

In the absence of major policy issues or linkages to broader historical questions, the interview with Judge Beard on his years as chairman of the Industrial Accident Commission (1961-1965) was largely a review of the operations of that agency, punctuated by commentary on how well various aspects served the goal of the program. This section is illuminating as evidence of the mechanical way in which many state

1. Ibid., 379

2. Ibid. For arguments preceding the 1951 amendments, see California Legislature, Senate, Partial Report of the Senate Interim Committee to Senate on Workmen's Compensation, 1951.

3. California Labor Code, Sec. 3205.5.

policies operate and should prove a valuable supplement to the scanty literature on workmen's compensation for any scholars of that topic.

The Progressive Era produced other programs designed to address the same broad area of workers' safety that workmen's compensation fit, particularly the Industrial Welfare Commission. It was established in 1913 to regulate the wages and hours of women and minors and to investigate "the comfort, health, safety, and welfare of such women and minors."¹ By the early 1970s, this mission had become a major public issue, as the tradition that women needed special legal protection clashed with the logic of the Equal Rights Amendment currently before congress and, subsequently, the states for ratification. But efforts to draw Judge Beard into a discussion of this issue produced little response. He had been away from his post on the Industrial Accident Commission for many years because of health problems. More illuminating, however, was his bureaucratic distinction between the functions of workmen's compensation, which awards damages for injuries sustained, and those of industrial welfare or safety, which seek to ban conditions that might produce accidents. The difficulties encountered in seeking broad historical themes that crossed agency boundaries may be instructive for future interviewers.

The final theme of the interview is the efforts made during the 1970s and 1980s at unifying the municipal and superior court systems in California. Again, Judge Beard was unable to comment on the broader

1. West's Labor Code, Sec. 1173.

movement which embraced several legislative acts and two statewide initiatives, much of which predated his time on the bench. The interview, therefore, is largely a review of the longest standing experiment along these lines, the El Cajon Municipal Court. In the process, however, Judge Beard does offer insights on some obstacles that have frustrated wider lower court unification.

Research and Arrangements

Research for the interview with Bill Beard began in 1986 with the compilation of a chronology of major issues, legislation, election results, and campaign highlights. Several California government textbooks and histories of state government were used to draw up this chronology, which has been a foundation for subsequent interviews. Judge Beard had only a few biographical sketches, mostly in reference works on the state legislature, so such research was necessarily limited.

Major research focused on state legislation, workmen's compensation law and agency structure, and judicial unification. The legislation which Beard personally sponsored and the history of major issues were traced through the Final Calendar of Legislative Business from 1957 through 1960. Workmen's compensation proved the most difficult research task, due to the paucity of secondary literature noted above. Codes of California law provided much background information, along with a few law review essays, particularly the one by Richard Bancroft. On both post 1970 issues of industrial safety and judicial unification, the California Journal was an invaluable source of information.

Arrangements for the interview were made quite easily. I sent Judge Beard a letter inviting him to be part of the State Government Oral History Program and setting forth the general topics to be covered. He promptly responded, and both interviews were conducted in a single trip to El Cajon. In retrospect, perhaps the arrangements were made too generally, for the interviewer and interviewee came into the situation with somewhat different ideas of what was to be emphasized, as the next section will note.

Interviews

The interviews with Judge Beard took place on successive days, April 13 and 14, at his home in El Cajon, just east of San Diego. I drove to El Cajon on the morning of April 13, reviewed notes, and met him at his home when he came from the courthouse. The first interview was divided between a preinterview session before dinner and the taped interview after dinner. The judge graciously invited me to spend the night at his house, and the following morning the two of us jogged around a nearby lake, testimony to his good condition. Later that day, we held the second interview, and I departed for Fullerton. The first interview covers his early life and most of his career in the state senate. The second interview concluded his senate career and took up his years as director of the Industrial Accident Commission and as a judge.

That an interview totaling over five hours was conducted in only two sittings was, perhaps, an error. In both interviews, Judge Beard became noticeably tired and less spontaneous in his comments toward the end of

the session. The latter part of the second interview, which deals with workmen's compensation and judicial reunification, may particularly have lost some details or anecdotes due to having come after a long session.

The detailed discussions of his legislative career and the comparatively brief time spent on workmen's compensation were surprises to this interviewer. I had prepared for a lengthy examination of the workmen's compensation system and was not sure what to expect from his senate years. In retrospect, however, this disjuncture reflects two simple facts: first, that bureaucratic and judicial careers lack the intellectual glamor of legislative ones and, second, that Bill Beard thoroughly enjoyed reliving his years of liberal idealism. Through both sessions, his lifelong idealism continues to come out, and political issues provide a much better podium for expressing such views than a bureaucracy or a court bench. His idealism was tinged with reflections that he had been naive, particularly when relating his stand on very liberal measures in spite of the known conservatism of his district, a disjuncture which cost him the very close primary election of 1960. Yet, this interviewer emerged with the conclusion that if Bill Beard could relive his political positions, it is doubtful he would have changed his stands significantly.

Processing and Staff

Over a year elapsed between the actual interview and the completion of its editing. This was partly due to a turnover in personnel at CSUF in 1987 and partly to many other commitments on the part of the

interviewer. The tapes were transcribed by Garnette Long, and audit edited by the interviewer. All encoding of the editing was done by Gaye Kouyoumjian. Final editing was done by her and Shirley E. Stephenson, with final research steps and RLIN indicators being done by David Cox. The interview was returned to Judge Beard for review at the end of May 1988, and, following the receipt of his comments, the document was completed.

California State University
Fullerton

LAWRENCE B. de GRAAF

Biographical Summary

JOHN WILLIAM BEARD

Personal:

Born: March 25, 1920
Chicago, Illinois
Married: Ann Dodgen, October 27, 1945; four children
Residence: La Mesa, California

Education:

St. Theresa Elementary School, Alhambra, California, 1933
Alhambra High School, 1937
University of Redlands, 1937-1938
Southwestern University, L.L.B., 1949

Military Service:

U.S. Army Air Corps, 1942-1945

Professional Career:

1950-1952 Attorney, Lane & McGinnis, Los Angeles
1952-1955 Deputy District Attorney, Imperial County
1955-1961 Attorney, Beard & Wien, El Centro
1957-1961 State Senator, (D., Thirty-ninth District)
1960-1962 Commissioner, Industrial Accident Commission
1962-1965 Chairman, Industrial Accident Commission
1966-1978 Attorney, O'Reilly & Krinsky, San Diego
1980- Judge, El Cajon Municipal Court

Political Activities:

1953 Advisory Committee, Democratic National Committee
1953 Founding member, California Democratic Council
1953-1956 Imperial County Democratic Central Committee
1974-1980 State Democratic Central Committee

I. POLITICAL ACTIVITIES THROUGH 1956 ELECTION

[Session 1, April 13, 1987]

[Begin Tape 1, Side A]

Family Background and Practice of Law

de GRAAF: Judge Beard, I guess the first thing I'd like to establish is a little bit of biographical background. When and where were you born?

BEARD: I was born in Chicago, Illinois, on March 25, 1920.

de GRAAF: When did you come to California?

BEARD: In 1922, I am told.

de GRAAF: So you're almost a native.

BEARD: Well, I've been here some sixty-five years.

de GRAAF: And did you come to southern California?

BEARD: Yes, the family moved to the Los Angeles area. Then we lived in San Gabriel, which is one of the outskirt towns.

de GRAAF: When did you come to the Imperial County, San Diego area?

BEARD: I moved to Imperial County in early 1952.

de GRAAF: And except for your stint in Sacramento, you have lived here ever since?

BEARD: Well, no. After my stint in Sacramento, we moved to Marin County when I was on the Industrial Accident Commission, which is now the Worker's Compensation Appeals Board. I was up there for almost five years.

de GRAAF: And then moved back down here?

BEARD: Moved back to San Diego.

de GRAAF: Now, one other thing I'd like to establish early, and maybe this can serve as our medium of communication. I noticed with interest in the legislative roster of both regular sessions you served in that your name is officially listed as John William "Bill" Beard. Was that a name you regularly went by?

BEARD: Yes, I'm known as Bill. This was a ploy to ingratiate myself to the common voter, be known as Bill. John William is a little too formal.

de GRAAF: You're also listed with an asterisk indicating you were a veteran of World War II.

BEARD: Yes, I was a pilot in the European theater of operation.

de GRAAF: Did you have any interesting wartime experiences?

BEARD: Well, I hope my wife isn't listening. But, no, there were some very interesting experiences. I spent twenty-seven months in Europe. I was stationed in England, in Paris, France, and Frankfurt, Germany. Then I returned to the States.

de GRAAF: What year did you return?

BEARD: Right before my marriage in 1945, in October.

de GRAAF: You were married in 1945, and did you then resume your education?

BEARD: Yes, I went to law school, directly to Southwestern University.

de GRAAF: And from there into a law career?

BEARD: I went in with the firm of Lane and McGinnis in Los Angeles. I practiced with them for two years and then moved to the district attorney's office in Imperial County. We moved the family to El Centro. That was early in 1952, about January.

de GRAAF: Any particular reason you chose Imperial County?

BEARD: I wanted to get experience as a trial attorney. I wanted to get a view of the prosecutor's position. I had been practicing criminal law as a defense attorney for two years, and I wanted to get the perspective from the other side.

de GRAAF: And how long did you remain in that position?

BEARD: Three years.

de GRAAF: Until 1955?

BEARD: Yes, until 1955. At the end of 1955, I opened up a law firm in El Centro.

de GRAAF: Specializing in any particular type of law?

BEARD: It was general practice. I had Henry Wien as a partner. He is now a superior court judge in Imperial County.

de GRAAF: Out of curiosity, what was life like in the district attorney's office? Was it a particularly well paid position at that time?

BEARD: It was for me because we were entitled to private practice. The salary was about \$250 a month, but we were permitted to have divorce work, federal work, and other work that didn't interfere. We could not take criminal cases, of course, but

I did a very successful business in dissolutions, divorces, family law. It didn't take very long in those days to complete a case and make \$200 or \$300 for a couple of hours' work.

de GRAAF: Was this because the laws or the forms were simpler?

BEARD: Society was much more simple. We didn't have forms. We dictated our complaint by rote, and we just went in. We didn't have things to fight over like they do today.

de GRAAF: That's probably true. No such thing as patrimony, for example?

BEARD: No. We had spousal support and child support, but most of the cases that I handled were not the affluent families, so they were more interested in getting a dissolution of their marriage and moving into greener pastures.

Democratic Party Activities to 1952

de GRAAF: While you were pursuing your law career, I gather you were also doing a few things in politics. Didn't you say that you had participated in some campaigns as early as 1952, or even earlier?

BEARD: Prior to moving to Imperial County, I had worked on [Edmund G., Sr.] Pat Brown's campaign for attorney general of the state of California.

de GRAAF: That would have been in 1950?

BEARD: Yes. And I was fortunate to be one of half a dozen people in the Los Angeles area to be active in his campaign at a

management style level. I just fell into a spot. I was there when the opportunity arose, and I was asked to participate in his campaign. I liked him. I liked the cut of his jib, as they say in the navy, and so I just devoted a lot of time and energy in his successful campaign.

de GRAAF: Had you been particularly active in the Democratic party prior to this?

BEARD: I've always been an activist in the Democratic party. My first campaign was for Richard Richards, who later was my seatmate in the state senate. He represented 6.5 million people in Los Angeles; I represented 100,000 or less people in Imperial County. But when he was twenty-one years of age, he had been a debate star at Alhambra High School. I went to Alhambra High School, and I was also a debate star there. So when he ran for the assembly on his twenty-first birthday, his slogan was, "I'm going to cast my first vote for Richard Richards. If I could, I would cast it twice: one for each Richard."

de GRAAF: Do you recall what year that was?

BEARD: That had to be about 1937, 1936. I'm sure it was 1936. I was sixteen years old, and I learned how to put stamps on envelopes, to lick envelopes, to stuff them, to call on neighbors and solicit their vote, to set up campaigns. It was a most interesting experience, and doubly so when later I ended up in the senate as his seatmate, never having any idea at age sixteen that I would be interested in politics.

de GRAAF: Seatmate means what? You sat next to each other in the senate?

BEARD: We sat next to each other.

de GRAAF: I have a seating chart here. Yes. And did you have any other particular political experiences prior to going into the military?

BEARD: No, not prior to going into the military.

de GRAAF: And then when you came out between 1945 and 1950, were you particularly active in politics?

BEARD: As soon as I got out I joined a Democratic club in the Highland Park area of Los Angeles where I lived. I purchased a home there and was active in various congressional and state legislative campaigns. I mostly was a volunteer. I was there to learn and to help.

de GRAAF: Then were there any other things you can reflect on that may have led to your being asked to work with Pat Brown in 1950?

BEARD: I had a friend who was working in the law office of Prentiss Moore, who was later a superior court judge, in fact, I believe, an appellate court judge. His father had been an appellate court justice, and Prentiss was very active in Pat Brown's campaign. So I was invited over to his office to meet the governor, who was then district attorney of San Francisco. It was through him that I got started. I was very enthusiastic, and I guess that projected itself to the governor and his trainers, or handlers, and they kind of put their finger on me, I thought.

de GRAAF: What exactly was your role? You said it was a management type of role in the 1950 campaign.

BEARD: Oh, it was not anything of a policy making nature. It was more the adjective [management] end of it, just helping pass the word, and getting speech engagements lined up, and seeing that the literature got out, and that the committees were formed. There was no title. There were just a handful of us who were active, and that led to the next big thing that happened to me. I went to Imperial County in 1952. That was when the [Adlai E.] Stevenson-[John] Sparkman ticket was running against [Dwight D.] Eisenhower and [Richard M.] Nixon. I looked at the registration and found that it was 3 to 2 Democratic, and I knew that the Republicans controlled the [Imperial] Valley. And I wondered why, if we have three Democrats registered for every two Republicans, can we not elect a Democrat to any office? So within one month I had 1,500 members of the Stevenson-Sparkman club throughout the Valley. I called a meeting the first Monday I was there. I saw in the paper that there was a Democratic central committee meeting. I went there, and there were only three people who showed up, including myself. They found out I was a young lawyer in the D.A.'s [district attorney] office and they offered me a position on the central committee. I found that I was running Democratic politics in Imperial County the first week I was in there. [Laughter] So I decided that

this was a shame to have only three people show up. But somebody had the temerity to put the notice in the paper of a meeting, so there must be somebody besides me reading the newspaper. After looking at the registration statistics, we decided to start the Stevenson-Sparkman club. It was an untapped resource that nobody had developed; they were all sitting there waiting to be asked, just like an old maid at a senior prom.

de GRAAF: That brings up an interesting question. What do you think there was about all this reservoir of Democrats that made them ready for something like this? Was it Stevenson himself, or the legacy of [Franklin D.] Roosevelt and the New Deal, or something that the Republicans weren't fulfilling?

BEARD: These people were all transplants from Texas, Oklahoma, the Dust Bowl areas, the South. I imagine 80 percent of the lineage could be tracked back to the South, so they were lifelong Democrats. They had always been. I was told, "Please don't tell anyone you're a Democrat. That's the last thing you should do. For goodness' sake, don't let them know that you're a Roman Catholic because those two things will kill you down here." So against all that advice, I found out that there was a sleeping giant, and we just went after it enthusiastically. We got them out. We started to throw fish fries and bring in people from out of state: southern governors, United States senators. We had Senator [Dennis]

Chavez from New Mexico, who had been a powerhouse in the United States Senate, Governor [Francis A.] Cherry of Arkansas, and the father of a young man who just announced for the presidency of the United States last week, Albert Gore, Sr. He was a very eloquent speaker; most of these southern people were. [William H.] "Alfalfa Bill" Murray was another great orator. We brought these people in for our functions, and this really gave the people in the Valley something to think about and be proud of. They were seeing some of their kinfolk from the South. They associated me with those people, because I had orchestrated it in that vein.

de GRAAF: So you then organized, really, the Democrats of Imperial County around the phenomenon of the Stevenson-Sparkman club. Do you recall, was that a common phenomenon throughout California in 1952?

BEARD: Yes, it was starting to become a phenomenon because Adlai Stevenson was a dynamic man. It was unfortunate that he could not get his message across because he was speaking over the head of some of the audience. Ike [Eisenhower] was a military hero, and very difficult to beat, too. And Ike turned out to be a darned good president. I have the utmost respect for Eisenhower. He was the father figure that we needed at that time to heal the wounds of the war. Adlai Stevenson just didn't have a chance.

Formation of the California Democratic Council

de GRAAF: But even in his defeat, he did, in effect, help to organize and catalyze Democrats in some parts of California.

BEARD: He was the spark to get the more sophisticated voter, the intellectual, thinking. It didn't take root immediately; it was four to five years down the line after his initial run. But this stimulated everyone in California, because shortly thereafter we held the first meeting at Asilomar of the California Democratic Council [CDC]. And Senator Alan Cranston, State Senator George Miller, a fellow by the name of Ed Cook from Los Angeles, and I were among the half dozen or so people who were instrumental in starting the California Democratic Council. Our goal was to eliminate cross-filing, of course, and to permit the Democrats to exercise their franchise, because they weren't doing it. About 85 percent of all the elections were resolved at the primary level, and the incumbents had a head-on advantage over everyone else. We saw that the only way to eliminate this was to go after cross-filing. The [California] Republican Assembly had been very effective in marshaling all of its resources to the one candidate in the primary. The Democrats were putting up all of these idealistic people, trying to quixotically knock down the windmills, and they could not concentrate their resources. So we had to get a preprimary endorsement party, and that's what the CDC set out to do.

de GRAAF: Now, the meeting you mentioned at Asilomar, did that come before or after the convention at Fresno in 1953?

BEARD: It came before the convention in Fresno in 1953.

de GRAAF: So it was a much smaller group that met at Asilomar?

BEARD: Yes, I was a section leader. There were four sections. Senator Cranston had one; I had the other, and I may have shared it with Ed Cook; George Miller had another, and I forget who had the fourth.

de GRAAF: Wasn't Paul Ziffren there?

BEARD: I don't remember whether Paul was at the first one or not. I cannot remember him being there. I know Paul very well. I have known him in politics. In fact, I knew him from my days in Los Angeles [working] for Pat Brown.

de GRAAF: And Cranston, at that time, obviously was not a senator. What exactly was his occupation at that time?

BEARD: He was a writer. He was a journalist. He was an intellectual, a very brilliant man.

de GRAAF: At first the CDC, you're suggesting, did pretty much focus its attention simply on getting rid of cross-filing?

BEARD: Yes, yes.

de GRAAF: It did not have the wide agenda that it later came to be controversial for?

BEARD: We had a social agenda. We had to have something to get the disparate groups together into our fold, but we knew when we were laying this out that the primary goal was to get our

people elected. The only way we were going to do that was to do away with cross-filing, which we ultimately did.

de GRAAF: Was this Asilomar conference the one you say that started actually setting up an organization called the CDC?

BEARD: Well, that's where the first formalized meeting took place.

de GRAAF: And then subsequently came the Fresno conference. Were you present at that?

BEARD: Oh, yes. Yes, I was very active in CDC. We took on more policy positions in Fresno. We were not articulating at Asilomar; we were investigating and probing. When we got to Fresno, we started to articulate a little.

de GRAAF: One version has it that there was a short effort by a few alleged Communists to heckle or disrupt the Fresno conference. Do you recall that?

BEARD: Oh, I recall what were called Communists. Yes, I remember it. I don't remember it vividly. But, of course, you've got to remember we were right in the era of [U.S. Senator Joseph R.] McCarthy around then, and the word "Communist" was bantered about rather freely. I've been called a Communist in newspapers. So anyone who disagreed with the extreme right and didn't follow the pattern could very easily have been dubbed a "fellow traveler" or a "pinko." They had less harsh words then.

de GRAAF: I guess the point I was getting at is, do you recall significant internal differences among the CDC delegates at either Asilomar or Fresno?

BEARD: We had policy fights between the more radical element in CDC and those of us who were liberal but not radical.

de GRAAF: What would be some of the issues that would manifest those differences?

BEARD: Oh, loyalty oaths was one of the big issues, as I remember. I don't think that there were too many people who fought to retain the loyalty oath. Most of the people there were college educated, except for some of the labor people. And they were in the tradition of the pioneering labor movement, not the pension fund manipulators that we have today. They were more idealists than professional economists.

de GRAAF: And how often, subsequently, did CDC meet? Was it annual, every other year?

BEARD: Well, I know that we had a north and a south conference; and each year the chair rotated between the north and the south, very much as the California [Democratic] State Central Committee did. We were in conflict with the central committee, and that's where the opposition came from at Fresno. They saw their power being eroded, particularly because a lot of the money that was being raised for political campaigns was funneled through the CDC rather than through the Democratic state or local central committees. Those are the people that would call some of the more radical element "Communist," if that came up. As I saw it, that was where the fight was, between those elected central committee

members or those at the state level who were appointed, and the volunteer organizations.

de GRAAF: Was there any person or persons that stick out in your mind in the state central committee who opposed the CDC in the early to mid-fifties?

BEARD: No. Roger Kent was one of them who was at the forefront of the liberal bloc. He was the son of a congressman, a very wealthy and beautiful person, a very intelligent lawyer. It was that type of person, Alan Cranston and Paul Ziffren and all of these people who. . . . Well, Ziffren I did not associate with CDC as much as I did with Democratic national committeeman and chair. Ziffren to me was more the money-raising arm than trying to put a political or philosophical touch to the program. He was the organizational man. He's with one of the big law firms that does billions of dollars' worth of work for industry. He has liberal tendencies, and he has a big heart, and he's a great man, but his clients in his office are among the biggest industrial and business complexes in the world.

Imperial County Senate Candidacy, 1956

de GRAAF: That's interesting. Beyond the CDC, then, would you like to repeat your interesting tale of how you happened to get called upon to run for the senate? You had not held any elected office prior to that.

BEARD: No, I had never even sought elective office, and I was

actively soliciting people to run for the vacancies because Senator Ben Hulse had retired and that left a state senate seat. I tried to get a very wealthy and intelligent farmer by the name of Jack Benson to run, but he was a friend of the Republican assemblyman, Ward Casey, who had served two terms at the assembly. When Ben retired, he gave him [Casey] his blessing, supported him to succeed him in the senate. So it was very difficult because people thought that it was just an impossible office to win.

de GRAAF: This was in spite of the 3 to 2 Democratic registration?

BEARD: They didn't have the feel that I had for the moment. I just saw it was a propitious moment. And these were good times, you know. We didn't have budgetary constraints. The state was building after the war. Industry was starting to go. We had an influx of people. If I can remember, around 13.5 million people in California was all we had then.

de GRAAF: Was this prosperity in 1956 shared by Imperial County?

BEARD: Oh, yes. Yes, it was. Farmers were doing well. They could go to the bank, get all the financing that they wanted. If they lost a crop the bank would carry them for two or three years. The interest was very low. They were in a gambling business, but the banks went along with them because they profited highly from some of their investments. If they hit in lettuce every four years, they could make it, have three bad years. Then there were the staple crops that were always

good, 9 [percent], 10 [percent], 12 percent return: sugar beets and cotton were started there, and the staple, nongambling crops. Cantaloupe, melons, lettuce are all fickle, subject to weather, market conditions in other states, shipping factors, strikes. The perishables were a tremendous gamble. We had very good times. We didn't see walking wounded out in the streets. There was work for anyone who really wanted it, except the mothers of small children who could not afford baby-sitters. We didn't have the programs then for working mothers.

de GRAAF: So you tried to find somebody to fill the vacancy in 1956 created by the retirement of the Republican incumbent, and you couldn't find anybody. How did you happen to be called?

BEARD: I was in constant communication with Pat Brown, who was then our attorney general. He considered me the Imperial County contact, and he was urging me to get various people to run. I had left the district attorney's office, and I went into private practice and I was doing exceedingly well. I had told my wife that we were going to build a new home--I bought the lot for it--and I would not run, because people had asked me to run. I was thirty-six years old, and I felt I was a little young. On the last day of filing, shortly before noon, I got a call from Pat. He said, "Bill, I have Leverette House," who was later the assemblyman, "and others have circulated your petition, and they're waiting for you at

the courthouse. You must go there to sign it." I said, "For what?" He said, "For the senate." I said, "Pat, I cannot afford to run for the senate." He said, "Don't worry about it. I will see that you get the necessary financing. I think that you will be the key vote." At that time, the Republicans controlled both the assembly and the state senate by a significant margin. He said, "The way I see the trend, if you're elected you will be the twentieth vote. And if you are, [Harold] 'Butch' Powers," who was the lieutenant governor under [Goodwin J.] Goodie Knight, "would switch to the Democratic side and vote with the Democrats so that Hugh Burns could be put in as president pro tem of the senate." So after refusing him, he continued. He said, "You're just going to have to go. That's all there is to it. I will not take no, and I'll take care of you later. Don't worry about it." So I went down there and signed the papers, and when I got home I received a very cold shoulder from my wife because the local headlines said, "Beard Runs For State Senate." She got the paper before I got home. It was the only time I've ever heard her curse. She said, "You son of a bitch!"

de GRAAF: Out of curiosity, did you go on to build the house anyway?

BEARD: Well, it's like everything else in my life. I had bought the lot. I bought a tile roof. My wife's uncle was a roofing contractor, and they had just put in the Hollywood Freeway and torn down those beautiful homes with the Spanish tile

roofs. I had thirty squares of tiles sitting on my lot ready to build, had the plans all ready, when I decided to run. That took all of our savings just to get the filing fees and get my initial campaign started. So there went the house. But about a month or so later, in May right before the election, a friend of mine who was a building contractor said, "I see you've been looking at that house." I said, "Look, you're asking \$40,000 for that. That's a huge house. That's 2,800 square feet. I can't afford that." He said, "I have to make bond. I'll sell it to you for \$25,000." So I said, "I want a thirty day escrow." He said, "No, I want my money Monday morning at ten o'clock." So I said, "I haven't got any \$25,000. What kind of a nut do you think I am?" But I went over--and this is a small community--and I saw the banker at the Bank of America. Arno Yeakel was his name. He was painting his house out there on a Saturday morning. I said, "I'm thinking of buying Dick Cole's house." He said, "I know that house. What does he want?" I said, "\$25,000." He said, "I'll finance it. All we can loan is \$20,000, but I'll give \$5,000 or \$6,000 on a personal note. That's a bargain. Sure, tell him it's OK. I'll see him Monday morning with the money." So that's the way it was. We got a beautiful home out of it, better than I would have built, and for much less money.

de GRAAF: A thing like that you could do in El Centro then, but certainly not in San Diego today.

- BEARD: Oh, the house is worth \$190,000 today, even in that location. It's a beautiful home.
- de GRAAF: Now, this story reveals a couple of other things, too, that I'd like to talk to you about. The first of these is the interesting light you shed on the role of Attorney General Pat Brown. He was attorney general of the state, and yet you suggest he had partisan contacts all over the state.
- BEARD: Well, he did. He was a very astute politician, and he was friendly. He engendered respect. He had good ideas. He wasn't charismatic like [John F.] Kennedy, but in a small group he was much more charismatic. He would remember your name. Of course, Kennedy had a larger spectrum. Pat was dealing with 13 million, and out of that the activists in one party in that group. So he only had maybe 5,000 names to remember, but he had a marvelous memory.
- de GRAAF: Was he at that time more or less making himself the leader of the Democratic party?
- BEARD: He had been because he was the only elected official statewide. The others were all Republicans.
- de GRAAF: Do you think it was already by then becoming set in a lot of peoples' minds that he would be the gubernatorial candidate?
- BEARD: Yes, it was in our minds, and in Pat's mind. Now, as far as the rest of the people were concerned, it was not. He wasn't that well known. He was well known, since the attorney general gets a lot of publicity, and he was smart enough,

having been district attorney for eight years in San Francisco. His base was in law enforcement. He knew the district attorneys in every county and some of their chief deputies because he had been active in the D.A.s' association. He was a good law and order man. He fought for benefits for the working officers, and, because of that, he had a built-in organization in law enforcement. That was his real base of operations, as I saw it. He was a charming, lovable Irishman, a good politician, a real good politician.

Democratic Primary Elections and Cross-filing, 1956

de GRAAF: So that's how you came to be called. I guess your first hurdle was the primary election. Now, was your main opposition Casey cross-filing?

BEARD: Yes. The first hurdle we had was to get the Democrats registered. We worked tremendously on the registration drive because we knew that it would be fairly easy for the Republicans to win against me, a completely unknown, who had just lived in the county since February of 1952. We're talking about May and June of 1956 when the primary was coming up, a little more than four years thereafter. I had no roots in Imperial County. I had some friends. I was going through the chairs at the Elks Lodge. We had a California state ritualistic team, so I was known throughout the Elks Clubs in Calexico, Brawley, and El Centro. Those were the big social clubs where most of the social life of

the Valley polarized. Having been a ritualistic champion at the state level, I won certain prizes. Our team won the state, and we went back to compete. I was beginning to know people in various cities--the major cities--because of my Elks work. And I also had a very brilliant former stockbroker by the name of R. B. Desert, who used to have a seat on the Toronto Grain Exchange, and he had me initiate . . .

[Interruption]

de GRAAF: We're resuming our interview and you were just going over some of the characteristics of your campaign in 1956 that particularly enabled you to win over Casey in the cross-filing primary election. Were there any particular sharp issues that you raised between yourself and him that you can recall?

BEARD: I hate to admit it, now that I'm fifteen years older than he was at the time, but I think age was the issue--new blood--and I felt that . . .

[End Tape 1, Side A]

[Begin Tape 1, Side B]

de GRAAF: So you felt that one of the differences was that he was essentially a candidate of the farmers and you were looking for more diversified economy?

BEARD: Well, Casey was a lackluster politician, and he was there at the beck and call of what I thought were the rich farmers.

He didn't seem to make himself available to the rest of the constituency, except his buddies at the country club. That was my impression of him. I've since changed it. He was a real gentleman and a very fine person. But when you're running against somebody, you have to have some type of an issue, and mine was youth versus age. I had a beautiful family of three children and a lovely wife, and I went after the youth movement.

de GRAAF: Was there a substantial young population in Imperial County?

BEARD: I don't think so, but I think we had the votes. There was nothing really organized along those lines. It was a very small community.

de GRAAF: How large was your margin of victory in the primary, do you recall?

BEARD: Five hundred and forty-eight votes.

de GRAAF: Boy!

BEARD: Well, that was not in the primary. That was in the general election, because I won mine [primary] handily. In the primary I don't know what it was, but there was no concerted effort. The fact of the matter is, they put up a very small campaign. But they thought that they could win it. I was a nothing and it surprised them that I survived the cross-filing.

de GRAAF: Did you get much campaign assistance from outside sources?

BEARD: Yes, [from] Senator Hugh Burns and Senator George Miller and

the state chair at that time, Roger Kent. There were quite a few people like that who came into the district.

Unfortunately, Casey didn't know enough to put the carpetbagger tag on them or on me. If he had had a professional running his campaign, they would have run me back to the big city with my carpetbag. They just pooh-poohed the insolent young lawyer who wanted to get a name for himself and increase his law business. I think that's what they thought of me.

de GRAAF: In counties as small as Imperial at that time, were campaign specialists of the [Stuart] Spencer-[William] Roberts type still unusual?

BEARD: Yes, I brought in the first one.

de GRAAF: Which firm did you bring in?

BEARD: I brought in a friend that I had met in CDC. Her name was Ann Snyder. It was not a firm. [Elizabeth] Liz Snider, who later had a very successful political management firm, also helped. But my coordinator was an unsung former member of the United Tire and Rubber Workers of America, who brought in organized labor for me. We had no effective organized labor, but I got a lot of my money from organized labor through her. She had all of the political tricks. She bought blocks on the bottom page for my advertising. Instead of running my ads lineally and vertically, she would buy the bottom two inches of the newspaper and put, "Elect for Senator, J. William Beard." They were eye-catchers. When the newspaper

found out how effective they were, they stopped selling this horizontal space. We put our money to the best possible use, and I used a pro who helped me poll, find out what the issues were, what they wanted. This would then assist me in a captive audience we had. We had a new thing for the Valley called television, and there was one channel. I was very effective on it, because I treated the microphone as I would you as I'm speaking. I pictured your face on that microphone, and I talked right into it. It was a camera instead of a microphone. I know I won on television because it was a captive audience; there were no other stations that you could get. If you had a very expensive antenna, you could get a few stations on peak hours out of Los Angeles, but aside from that, channel 11 from Yuma.

de GRAAF: Did Casey not use TV at all, or wasn't he as effective?

BEARD: He did not personally appear but once or twice. He had "Lawyers for Casey," and I used the empty chair routine: put his name on the empty chair and invited him to join me to speak to the issues. And I said, "I love these lawyer friends of mine who are supporting Casey. Unfortunately, we can't send them with him to Sacramento to speak for him. You're going to have to have someone who can elucidate and iterate your position there, and these lawyers, unfortunately, will have no place to speak, no rostrum, no platform. You send somebody there who's not afraid to get up

and talk to you and carry your problems." It was a very effective campaign. I couldn't have designed a better campaign to have him lose, and I think this was it: I had a pro. He was using the old country politics of friendship.

Hispanic Voters in Imperial County

de GRAAF: You mentioned during our break that you had grown up in San Gabriel in a predominantly Hispanic area. Was there not at that time a fairly large Hispanic population in Imperial County?

BEARD: Yes, it was dormant. It was not as large as it is now. The only elected officials of Latin American or Mexican descent were in the city of Calexico. There was one in the city of Brawley and, from time to time, there was one on the city council in El Centro.

de GRAAF: So that was not a particularly large constituency for you to tap?

BEARD: It was one that I took full advantage of. In Brawley they had the Anglo-Latin Club, of which I was a member and a frequent guest. I made some very lasting friendships in the Mexican community because of my ability to speak the language or understand and communicate. Later, after I was elected, I brought a young fellow out of Boalt Hall by the name of Cruz Reynoso. I offered him the job of administrative assistant to me to develop that very Mexican population area that would not get out and vote. Cruz worked night and day in that

Mexican-American area. He set up a free clinic for all of the mostly Mexican people who had problems. I told him that he had to charge a dollar, even though they might not pay it, for the dignity that was involved. These were human beings. They didn't want charity, so you charged them a dollar. And we'd take \$50, \$60 in on a Saturday, you would see that many people. They would line up with our clinic.

de GRAAF: What sort of problems did they bring to the clinic?

BEARD: Worker's comp[ensation] defrauding by the farmers who would not pay them, trying to turn them into Immigration [and Naturalization Service] when they owed them two or three weeks' salary rather than pay them, charging them too much at the company store. The very things that helped get me unseated later on by taking on the sacred cow.

de GRAAF: You did this while you were in the senate?

BEARD: While I was in the senate, I tried to buck the establishment when I thought they were unfair. When I went to Imperial County the minimum wage was seventy-five cents an hour in the nation, but the prevailing wage for agriculture was forty-five cents an hour. When I got into the senate, toward the end it was up to fifty cents an hour. When we had the bracero program during my tenure, they would hire 1,000 of them, charge them rent, even though they only needed 500. They would work 500 of them three days a week and the other four days a week, charge them rent, sell them things at the

company store, and they would have an average paycheck of about five dollars at the end of the week. So they would bring me in stacks of IBM cards, 400 and 500 of them that did not exceed five dollars, as their wages after deductions for room, board, and expenses. Those were the things, having been raised in the barrio, that disturbed me, and I had to make an issue of them. There's just too much of the secular humanist in me, I guess. I didn't know I was religious until I was just told that I'm a secular humanist.

de GRAAF: Did Cruz work with you all through your term?

BEARD: All through my term he was my legislative assistant. And then when I was defeated, he went to San Francisco; he ran for the assembly unsuccessfully. Later, I assisted in getting him a job with the Governor [Edmund G.] Jerry Brown, [Jr.] Then he went on the Fair Employment Practices Commission. Then he took over California Rural Legal Assistance. He went to the University of New Mexico as a professor, and went on the Third District Court of Appeal, and finally the [California] Supreme Court.

de GRAAF: What is he doing now that he's been defeated?

BEARD: He's practicing law. I think he has a Sacramento office of a large Los Angeles firm. It's a medium size firm, but they have some affluent clients. He will do well. All three of those beautiful people. . . . [The 1986 election] was a fluke. Had Rose Bird been appointed a justice rather than chief, none of this would have happened.

Senate Campaign, 1956

de GRAAF: OK, back to your election. You did win by five-hundred-some-odd votes in 1956. So we now take you to the brink of going to Sacramento. But before we get into that, I'd like a few of your reflections on elections in that time, because this, I think, can serve as a very valuable basis of comparison with the way things have come about more recently. You already mentioned your use of a paid professional in television. How much of a paid campaign staff did you have?

BEARD: Oh, I had a staff of one, and that wasn't too much. I think I was spending something in the neighborhood of \$600 or \$700 a month, and room and board. This was not high finance in those days. I'm sure that for some of the ads she placed she got her usual 15 percent, which is expected of any pro. So she was able to make maybe an extra \$2,000 or \$3,000 during the campaign over and above her salary. I didn't monitor it; I left that to her. We didn't have the strict reporting laws that are now on the books, and I think there was far less hanky-panky with the procedures we had, because we weren't dealing in millions of dollars. We could run, outside of the big cities, a campaign for \$25,000 for a state senate seat in maybe twenty, twenty-five of the counties. Now, you're looking at \$2 [million] or \$3 [million] or \$4 million for an assembly seat. If you take [Assemblyman] Tom Hayden's campaign, that was one of the most expensive campaigns

statewide, more than Pat Brown spent the first time he ran for governor.

de GRAAF: How about the press? Was there much of a press in Imperial County, and did they take a particular position pro or con you?

BEARD: We had a very conservative press, oriented to the community in which I lived. They endorsed my opponent. The San Diego Union just started its coverage with the Valley edition. They had one staff reporter and one contributor. When I went there, they had a couple of people who would contribute social gossip and maybe a police blotter. The Imperial County Post Press had a person who was very dominant in my campaign. His name is Harry Bernstein; he is the labor editor for the Los Angeles Times. I think his son is there. And I think more than anyone else Harry was my brains. He's a brilliant strategist, and he would give me the buzz words and the key issues to speak on. He could dissect the problem and say, "This is where you have to hit." And probably unbeknownst to his publisher, he was my brain trust in the campaign, now that I remember this. I don't remember enough to write and thank him now and then when I see his by-line in the Times, but now that you're reviving some of my old memories, I know some of the people were very important in my life.

de GRAAF: For a small area and what seemed like an obscure campaign,

you managed to touch base with several people who've become quite influential in later years.

BEARD: Yes.

II. CALIFORNIA STATE SENATE

Organization and Staff

de GRAAF: Now, let's take you on into the senate itself. First, the shock of entering the legislature. I imagine you had to maintain two residences, one up there and one down here?

BEARD: Yes. The first year I managed to rent a trailer and moved my furniture from the brand-new house that I had just bought for Ann [my wife] and the children to Sacramento. We drove our two cars up there and carried the furniture to a rented house. We had three children at that time. They went to school up there, and it was different. It was a much more sophisticated community. The children were exposed to the senate and they were away from the provincialism that we had in Imperial County. They were young enough that it was an adventure to them. They weren't torn from their bosom buddies. They were all in grammar school or preschool, so there was no trauma in moving the family.

de GRAAF: Did this come very quickly after your election?

BEARD: Yes, because I was elected in November and moved up in December.

de GRAAF: The session began in January, didn't it?

BEARD: Yes, but I had to go up there and check with the secretary of

state to see if this dream was really a dream or whether it was true. I couldn't believe it!

de GRAAF: That's what I was going to ask you, because there's a fascinating leap here. To prepare for this, I went through the Legislative Calendars of 1957, 1958, and 1959, and here is this fellow Beard with all of these senate bills he's introducing, and it suddenly occurred to me, just a few months before that, he was still running his first campaign. It must be quite a shock to suddenly find you're in office and realize you're going to be expected in just a couple of months to start all these bills into the hopper. Exactly how did one prepare himself for this?

BEARD: Well, I am a quick learner, I guess, and I went in there with humility and deference to my superiors. I was told that it was a staid and hallowed club, and I certainly was not about to try to change it, because it had been that way for a long time. And I thought I'd better sit around and learn what was going on before I started to move bricks. The bills that I introduced were brought at the suggestion of my board of supervisors, or the governor's office asked me to carry a few of its bills, or the state bar asked me to carry some of its bills. So it was no big deal; I just carried my share. I didn't try to flood the hopper. We had some 8,500 bills introduced the first year I was up there on both the senate side--my side--and the assembly side.

de GRAAF: Did you have much in the way of staff in those days?

BEARD: I had Cruz Reynoso in the county and I had one secretary in Sacramento. My secretary in El Centro was a part-time job. She was paid \$400 a month, so she was a receptionist and she also did work for me in the law office. I think I got \$125 a month to use my reception area and one of my library rooms in my law office suites as my local headquarters. So my state senate headquarters were right in my law office. It was a matter of money; it wasn't a political thing to do. I was not trying to draw business in, but we had no money to run it, and I wasn't about to spend \$200 or \$300 when I was only paid \$500 a month gross to serve. Paul O'Dwyer was my campaign manager. He was the brother of [William] Bill O'Dwyer, who was mayor of New York and also ambassador to Mexico. And after I had won--we thought we had lost because I was trailing in the initial returns--he came over in the morning and said, "Well, I guess we did it." And I said, "Yes." Not Paul, it was Frank O'Dwyer. Paul was a city councilman and ran for the United States Senate from New York.

de GRAAF: That's right, yes.

BEARD: His brother Frank was a farmer and my campaign manager, but he was the honorary. He did a lot of fund raising and stuff, but the ideas came from Harry Bernstein and others. When Frank came in, he said, "How much does this job pay?" And I said, "Six thousand a year." He said, "Oh hell, Bill, let's

call up Casey and tell him to take the damn job. All we wanted to do was show him we could beat him!" Typical Irish humor, you know.

de GRAAF: Well, at \$500 a month I can see his point. Here again, it's interesting to reflect on what you received in salary and perquisites then, compared to what the situation is today. You did have private offices, didn't you?

BEARD: In Sacramento?

de GRAAF: Sacramento, yes.

BEARD: Typical state architecture, bureaucratic bungling. The state architect, in designing the legislative chambers, knew that there were 80 assemblymen or [assembly] persons, and then 40 state senators. Any way I count, that's 120. Somehow, they built 118 offices, leaving 2 of the legislators out in nowhere, to go up to the fifth floor and share space right next to the cafeteria. It was somewhat typical of the things that I found. They knew that there were 16 members of the Senate Judiciary Committee. When they built the chamber for the Senate Judiciary Committee, they only put five chairs out for committee members. The architects were apprised of the mistake that they made, and they said, "Well, rather than make a change order, we have to go ahead and install the five, and then later on tear out the front two rows of seats so that we'll have space to put 16 of you up there." I found that one of the reasons for that was we had money coming out

of our ears. We never had any problem getting money to do a project. When I was in the district attorney's office, I was also county counsel in Imperial County, one of the deputy county counsels. We had fifty-two school districts that had bond issues. We would have to get them ready for O'Melveny & Myers, a big law firm in L. A. [Los Angeles], to give us an opinion. Now, in every construction job, every member of the board of trustees wanted his own stamp. So they would put all of these change orders that would cost a tremendous amount of money to deviate from the architect's original plan. And we had enough money to put up with those people who had to force their personalities on projects and do things way outside of their expertise. That was also the case at the state level. I was amazed, when you talk about staff. I had one legislative assistant [and] two secretaries. I went up to Sacramento last year to work on Senator Diane Watson's Senate Bill 2206. I dealt with only three live legislators. I was talking to staff on all the rest of my work up there in two days. They have probably twenty times the staff than we did. I know it's in the multimillions of dollars the staff that they have now versus what we had.

de GRAAF: Do you feel that with your small staff you were unable to get the professional consideration to the legislation that it needed?

BEARD: No, I don't think that that hampered us. You've got to

remember, we weren't as complex as we are today. It was a time when there was prosperity and we didn't mind paying our taxes. We didn't have the Prop[osition] 13 ethic. No, we were able to get our work done, and I think we did some of the most forward, progressive things. Without us in that legislature, I don't think today's legislature could possibly do the things we did.

Legislative Operations and Committees

de GRAAF: Let's get to some of the things that you did in your four years there. I'd like to take it session by session, beginning with the 1957 session when the senate was even-stephen, twenty Republicans and twenty Democrats. Right?

BEARD: Right.

de GRAAF: Now, I was rather surprised by your remark earlier about Lieutenant Governor Harold Powers, "Butch" Powers, who was nominally a Republican. You said that Pat Brown, urging you to run, said that Powers would vote with the Democrats.

BEARD: Yes. He was a very close friend of Hugh Burns, who was president pro tem from Fresno. He was also a buddy of [Senator Randolph] Randy Collier. Now, Randy Collier was a registered Republican and switched to the Democrats, making the twentieth vote. But he had committed himself, and he had been to the state Democratic convention prior to my election. When I was running for office, he appeared at the Democratic convention and was received enthusiastically. So

he had switched before Butch Powers. So when I was elected, I constituted the twentieth, only because [the] "Great White Fox," as we called him--Randy Collier--had switched over. He represented Yreka and that neighborhood up there, Siskiyou County.

de GRAAF: Now, in this situation, several things I'm interested in. First of all, I guess, is the output and the way it came out. I'm looking at the Legislative Calendar. The senate passed an amazing percentage, it seems, of the bills that came before it. Twelve hundred twelve bills came out of committee; only eleven of those were defeated. Now, of course, about 1,400--1,410 to be exact--were "reported from the committee without action." That's something I'd like you to clarify. What did that mean, exactly?

BEARD: Well, they're reported without recommendation and without action. Probably, "reported without action" is a polite way to say that they went to the Government[al] Efficiency [Committee], which was the burial ground for all bills. They were reported, but they were reported to the Government[al] Efficiency Committee, which was run by the Third House [lobbyists]. At the time, Jefferson Peyser, a former assemblyman from San Francisco, would have a dinner every Tuesday night for the senior legislators on both sides of the aisle. They were the key people on the GE [Governmental Efficiency and Economy] Committee, and the president pro tem,

by his assignments, could determine how that bill was going to be acted upon. Those bills of ours that went to GE, we knew they were doomed because every Tuesday night Jeff would put on one of the finest dinners, and he was representing the Wine Institute, so there was nothing wrong with a bottle of [Chateau] Lafite [wine] every once in awhile. I couldn't get in. The junior members were excluded.

de GRAAF: So what you're really saying, then, is that as the legislature was run at that time, in the senate at least, it really was still very much a seniority system.

BEARD: Oh yes, yes.

de GRAAF: And committee chairs and so forth were largely given on the basis of seniority?

BEARD: Not only chairs, but assignments.

de GRAAF: Assignments, yes. What were some of the prize committees to serve on?

BEARD: Finance, [the equivalent of] Ways and Means on the assembly side. But Finance, Revenue [and Taxation], and Recovery, the revenue committee. . . . The GE was most important because that's the dumping grounds for all the bills.

de GRAAF: By rule, did bills have to go through the Government[al] Efficiency Committee?

BEARD: The Rules [Committee] was a tool used by the senate to formulate the rules of the senate. There were the president pro tem and then there were two from the north and two from the south.

de GRAAF: It wasn't two Republicans and two Democrats?

BEARD: There were two Republicans and two Democrats, but they were also selected geographically. The chair was the president pro tem, who had the fifth vote, the key, swing vote.

de GRAAF: So those were the real sources of power, the president pro tem of the Rules Committee and the Government[al] Efficiency [Committee]?

BEARD: And Finance. The Highway Committee that Collier ran was probably one of the most powerful. It dealt with millions and millions of dollars' worth of contracts, and highways, and rerouting. They had the highway patrol; all of the highway patrol bills and the academy bills had to go through there. Randy Collier kept the highway patrol from becoming a state police force. He could see the danger of having centralized, powerful state police with statewide jurisdiction, rather than have the county run its own policing system.

de GRAAF: Was there legislation proposed in the fifties to make the highway patrol a state police force?

BEARD: Yes. They did it by pecking away. In the labor code, police officers who had heart attacks and strokes were presumed to have those job related, if they occurred anytime during their work life. This was generally meant for the person who is working the hardened criminals in the tough parts of town. Gradually, the highway patrol wanted to get in on that and

get the benefit of that presumption, so we passed a bill to include them in. Then there were often attempts for them to be assigned other duties than just the patrol of the highways themselves. I don't know who was sponsoring them, but just like any other bureaucracy, when you have one, they try to build up power.

de GRAAF: Yes.

BEARD: So Randy was very, very circumspect. No one but Randy had the bills. You've got to remember the California Trucking Association was one of the most powerful lobbies. We were building freeways for the trucking association. The railroads had to acquire land, and make deals, and then do their own bond financing, and float private or public offerings in order to build the railroad. The trucking industry was coming in, and we were just building a tremendous network of highways for them. And they had lots of money. This is why Randy Collier was such a powerful figure.

Politics of Legislation

de GRAAF: Well, you've shed some light then on some of the dynamics of the senate. I guess just one more question before we go into some specific bills. I notice in the 1957 session, out of 1,212 bills introduced, only 11 were actually defeated on the floor. Does this suggest that there was only limited debate on bills once they got to the floor?

BEARD: Well, it suggests a complete control by the leadership, that they only let those bills out of committee that would fly. I've never seen debate on the floor change a vote. On those eleven bills, there are nuances to this. Those eleven bills were defeated because somebody dirtied them up after they got out of committee. There was discipline, and the bills, as they came out of committee, were fine. But when you put amendments on the floor to dirty them up, those bills were defeated.

de GRAAF: The point is just 11 out of over 1,200 suggest, as you say, that most of the real control was being done at the committee level.

BEARD: Oh, yes. The fact of the matter is, the first session of the legislature, [Joseph] Joe Wyatt, who was then president of the CDC, California Democratic Council, came to me and said, "We cannot get the fair employment practices bill¹ out of the committee. I want you to make a motion on the floor of the senate to have that bill pulled out of committee." And I said, "Joe, I'm a freshman senator here, and I've learned that tradition and experience shows that no bill has ever been pulled out of the committee as long as this senate has been in being. Now, why do you want me to jeopardize my relationship with my fellow senators by making an ass of

1. S.B. 2353, which was eventually reported from the Senate Labor Committee without further action in the 1957 session.

myself on the senate floor? I'm not going to move it."

"It's a matter of principle," he said, "and the CDC says, 'To hell with your position,' we want FEP." I said, "Joe, I'll work on it and we'll get you a bill next time. I'll even carry the bill. And I'm coming from an agricultural county that will hate me for it, but I'm not going to make an ass of myself." Joe took an offense toward me and I don't think he's ever forgiven me, if it were his to forgive. But he did not understand that idealism has to be mixed with practicality. You have to be a pragmatist to be up there. Politics is the art of compromise, and some of these starry-eyed idealists were trying to move things too quickly. We eventually got it through the next time. You know, we got the Rumford [Fair Housing] bill and the Unruh [Civil Rights] bill¹ and all the others that came along after. But it's just a question of how you pace yourself and how much of the pie you want at any one given time.

de GRAAF: Going on as far as the dynamics of the legislation are concerned, I notice a similar lack of floor action when your bills went to the assembly. Twelve hundred twelve bills passed the senate, went over to the assembly, and, of these, almost 1,100--1,098--passed. Again, only 4 were defeated on the floor, and 73 reported without action.

1. Enacted as Calif. Stats. 1963, ch. 1853, and 1961, ch. 1187, respectively.

[End Tape 1, Side B]

[Begin Tape 2, Side A]

Partisanship vs. Senate "Club"

de GRAAF: In analyzing the 1957 session, I noted that a large majority of the bills that were sent over from the senate to the assembly also passed there. I am expressing some surprise that there should be that much agreement between two legislative bodies that were so differently apportioned.

BEARD: It was not only the apportionment problem. [Luther] "Abe" Lincoln was speaker of the assembly. The Republicans controlled the assembly the first two years I was there.

de GRAAF: Was that his nickname, "Abe" Lincoln?

BEARD: "Abe" Lincoln was his nickname.

de GRAAF: It was Luther Lincoln, wasn't it?

BEARD: Luther Lincoln. We called him "Abe." Since he was in a powerful position to send these bills to various committees, he could have killed them. But you've got to remember, in the 1957 session we didn't have any of these earthshaking bills like fair employment practices, these things that tear people apart. So we were sending them over rather clean, innocuous bills. Yes, we were making progress. But big progress wasn't to be made until Pat Brown came in the next year with a new majority in both houses, and even a larger majority in the senate. Then we started to move things.

de GRAAF: We'll come back to the federal plan perhaps when we finish

the legislature. I'll be interested in your reflections on how the state ran then as opposed to how it has run since we've had population based apportionment in both legislatures. The final thing I'd like to ask before we move into specific legislation is the extent to which partisanship was or was not much of a factor in the senate in those days. Was there a conspicuous Republican-versus-Democratic line, or were seniority or north-south or urban-rural more important features?

BEARD: The least important of all the factors that you mentioned was political affiliation. We felt we were a group of forty select persons, and I have the utmost respect for the members that I served with. I don't know of anyone who was incompetent. Every once in awhile you get a fluke in politics, a Max Rafferty type; we had one or two whom I did not respect as much as the others. But on the senate side, I can't say that. I'm talking about the assembly side. I think everyone was a representation of his community. It was an all-male senate. We didn't even have a rest room or a ladies' room or a powder room. It wasn't until 1959 that we built one for the ladies in the assembly, when Pauline Davis was there with one other, Dorothy Donahoe from Bakersfield. So we were all-male. We would argue sometimes for the press and for our constituents. But as heated as the argument was, it was assuaged as soon as we adjourned to the senate "club"

to get drunk together. It wasn't a question of just drinking; it was a question of probably getting drunk more often than just having a social drink. So when you're drinking heavily with someone you may discuss your bill, but it's more of a convivial meeting than it is a political forum or a debating society. It was a fun club.

de GRAAF: Oh, so this is what they refer to when they say the senate had a "clubby" atmosphere.

BEARD: Yes.

de GRAAF: Did this atmosphere change particularly by 1959 when the Democratic majority came in?

BEARD: I don't think so. I never felt that I was discriminated against, because I was in there when it was 20-20 with the lieutenant governor. So I was never in the position of feeling squeezed by a dominant opposition party. When we took over control in 1959, we didn't have the idea, "Well, we'll teach those so-and-sos." I don't think we thought along party lines. We thought about the Olympics that was coming up--the winter Olympics--and getting the highways built up there, and getting the Master Plan for Higher Education¹ and the mental health bills through. FEPC [Fair Employment Practices Commission], that became a fighting ground. But the Republicans capitulated; they didn't put up

1. The Donahoe Higher Education Act of 1960, Calif. Stats. 1961, ch. 49.

anything but a token opposition. I look back on people like Nixon whom I thought were real reactionaries and tools of the conservatives. And when I look at some of the things that they introduced, they were liberal next to some of [James E.] Jimmy Carter's ideas and some of [Walter F.] Mondale's positions. You know, when [Senator Barry M.] Goldwater was so ignominiously beaten, we didn't think of the Right as being able to control our lives, except for Joe McCarthy. I had feared Nixon because I had asked him questions at a forum when he was introducing the [Karl] Mundt-Nixon bill, driving Communists underground. And he was a real shrewd, tough, dirty politician. I never could respect him because of the positions that he took. We didn't have the real people like [H. L.] Richardson, "the Cavemen," as they're called today, up in the legislature.

Beard Bills and Legislative Process

de GRAAF: Let's get into some of the legislation. I'm struck by a comment you made a moment ago. In looking over the legislation that actually got passed in 1957, it does not seem, to use your phrase, terribly earthshaking. Nonetheless, I'd like to ask you a few things about some of the bills that came up, why they were introduced, and what tended to make or break them. I notice, for instance, you put in two: one on marketing agricultural products and one

on cantaloupe.¹ I imagine these were at the bequest of some local forces from your home district?

BEARD: Well, that's funny. The campaign manager for Ward Casey had the cantaloupe bill. He had what is called the Batley crate. The shipping industry wanted crates standardized. And crates were made out of shook. Shook is a raw material that's just prefabricated, pre-cut wood that they make these cantaloupe crates out of. So Batley had a marketing gimmick with his crate that was a little smaller than the standardized crates, and he had some \$60,000 worth of unused shook. He was backing me on the standardization bill, which I carried for my local farmers, until he found out that there wasn't an exception in the bill for his crates, and he was going to be caught with \$60,000 worth of material he could not use. So he called me up and said, "Senator, you know I was Ward's campaign manager, but I've got this problem." And he explained it to me. This was about the fifteenth of June. Cantaloupes were being shipped then, and there was only about fifteen to seventeen days of shipping yet for it to hit the market. So he said, "What should I do?" And I said, "Well, you didn't vote for me, but I was elected your senator. I don't know where else you would go if you wanted

1. S.B. 11 and 2671, respectively. They were enacted in Calif. Stats. 1957, ch. 1492 and 509, respectively.

relief than to ask me. I think you've got a legitimate bill. I wish we had known, and you had contacted me. We could have written a waiver in for you. But you know we have to have three readings unless I get unanimous consent, and that takes three days. The bill has to go to committee. That takes another day. It has to be reported back for a second hearing on the senate floor. Then we have to vote on it. It has to go to print. You want this thing done so that you can ship in the next fifteen days, and there's no way I can get this through the legislature in time for you to ship. But I will." So I went down to the legislative counsel's office and had the bill drafted. I put it on that very day and asked unanimous consent to have it heard. I got it. I explained to them what the problem was and I got that bill through, I think, in five or six days.

de GRAAF: Is that what it means when it says in the [Legislative Calendar, "urgent"?

BEARD: Oh yes, "urgent." If there's one dissenting vote, you cannot get that. But I was a freshman senator, and it was no big deal; it involved \$60,000. But then that was a lot of money to one farmer.

de GRAAF: Sure.

BEARD: No one was being hurt by it, and I knew I had a very innocuous bill. The irony was that it was my opponent's campaign manager who asked me for the favor, and he was

surprised as the dickens that I treated him just as fairly as though he had been my major contributor.

de GRAAF: Incidentally, what you have done is to give posterity a very good capsule idea of how legislation moves through: readings and so forth. That's very interesting. I also notice you had three different bills on county clerk fees.¹ Was that some particular problem of the day?

BEARD: The county clerk had to charge various fees for filing of civil actions, and I believe that those bills all permitted the raising of these litigation costs, with the approval of the board of supervisors.

de GRAAF: Was that a committee item or something the bar association put forth?

BEARD: Oh, my county clerk probably called me, or somebody else's county clerk did.

de GRAAF: Then, finally, you had one that was passed and one that was defeated, both on something that I don't think the average reader would relate to. They referred to public services for counties of a twenty-seventh class.² What exactly was that?

BEARD: Well, that was the fiat that was used to pass special legislation for the pork barrel. A county of a twenty-seventh class was a county of a population between

1. S.B. 573, 603, 604. These were enacted in Calif. Stats. 1957, ch. 1579, 1891, 1892, respectively.

2. S.B. 391 was enacted in Calif. Stats. 1957, ch. 1554. S.B. 390 died in committee.

60,000 and 100,000. That happened to be my county. Each county was classified in accordance with its population.

de GRAAF: I see.

BEARD: Those are no longer as viable since one man-one vote came along. But those classifications still do exist, because we have charter cities and noncharter cities. There are all kinds of variations of your political subdivisions. You're categorized according to charter cities and noncharter cities, counties of the twenty-seventh class, or the fifth class, and so forth. It is a real population breakdown, in one instance, of the charter city, whereby certain cities adopt their own rules and regulations and can pass their own ordinances. It was a way of getting a bill in for Imperial County.

Judicial Retirement, State Colleges, State Parks

de GRAAF: Now, some of the bills you authored that did not pass seem, in some respects, to be more significant. One item that I see you raised in 1957, you were to come back and author legislation on again in 1959, concerned retirement systems.¹ Was that particularly an interest of yours?

BEARD: Yes. It is of interest to me because we put a seventy-year cap on judicial retirement. If you did not retire at age seventy, you would lose a great deal of your retirement

1. The 1957 judicial retirement bill was S.B. 572. The 1959 bills were S.B. 704 and 711.

benefit. We were trying to get at people like Marshall McComb and some of the older people who had outlived their usefulness. I don't think that Marshall McComb was necessarily the problem then; but several of the judges were hanging on, some of whom had lost their ability to be effective judges. We were going to give them an inducement to retire at an earlier age by increasing the size of their pension, should they retire at age seventy. I got pierced on my own petard on that because I'm five days short of full vesting, because I was appointed to the judiciary when I was sixty years plus sixty days. Now there's a thirty day grace period for vesting. So unless they change that legislation by doing away with the seventy year mandatory retirement, it'll mean the difference of 15 percent in my pension.

de GRAAF: Ironically, you might be affected by a piece of legislation that you tried to pass back in 1959 yourself.

BEARD: Yes.

de GRAAF: Then there was a bill you authored that would have changed the educational code with respect to state colleges.¹ I couldn't find any details. Do you know . . .

BEARD: Yes. I tried to get a campus of the University of California in Imperial County. We had a very weak junior college system, and so I was working with Dr. Malcolm Love then, who

1. S.B. 1040.

was president here at San Diego State College. We didn't have UC [University of California] San Diego yet. It was in the works. We were cooking it up. But Dr. Malcolm Love and I finally agreed that we better put an off-campus facility there to assist teachers who wanted to get some credit toward their masters. I started out with a full-blown college bill for a county of 100,000, you know, but it just was not realistic or feasible.

de GRAAF: Of course, Stanislaus County was to do that a few years later.

BEARD: Well, they had more seniority. They didn't have a freshman senator doing that.

de GRAAF: I see. So this was the embryo of the San Diego State University Extension Campus in Imperial County?

BEARD: Right.

de GRAAF: Which is still one of the only satellite campuses in the state college system.

BEARD: Right.

de GRAAF: And then you also tried to get a state park in Imperial County, didn't you?¹

BEARD: I ultimately did: Picacho State Recreation Area. It was ultimately [1960] passed. There was a lot of difficulty. You know, we had an appropriation of \$200,000. At the committee hearings on my bill, we had about fifteen

1. In 1957, S.B. 2302, which was reported from committee without action.

bureaucrats from Washington come out: Bureau of Land Reclamation, Bureau of Indian Affairs, Fish and Wildlife, Department of the Interior, somebody from the Commerce Department. All of these people had a vested interest. Then, at the state level, we had people from State Parks and Recreation, and people from Fish and Game. There was to be no hunting in park areas. I had to really work a miracle to ultimately get that bill passed because there were so many conflicting interests. The Corps of Engineers didn't want anything to impede their ability to reroute that channel they wanted. It was right on the Arizona border, so the Interstate Boundary Commission had a representative there. It was part of the Colorado [River] coming down. So I started out with a \$200,000 bill and I finally said, "Gentlemen, we have a quarter-of-a-million-dollar talent here testifying. You know, by the time we get through hearing this \$200,000 bill, it's going to cost us a quarter of a million dollars to process it just because you all have a vested interest. Can't you get together and work something out so that we don't tread on each others' toes, if we respect each others' rights?" The Native Americans, through the Department of Interior, were jealous of some treaty of 1850 or 1860 that might interfere with fishing rights. You know, you had all kinds of problems with just one little measly state park where some people can enjoy a little fishing and camping and overnighting.

de GRAAF: I guess that's testimony to the complexity of getting legislation passed. Was this ultimately passed while you were in the senate?

BEARD: Yes.

Water and Fair Employment Practices, 1957

de GRAAF: The final thing on the 1957 session before we move on are some of the fascinating, broader issues that seem to get bogged down. Perhaps the preeminent one was water development. Was that still very much a north versus south issue?

BEARD: Oh, definitely. You've got to remember, we had seven state senators from southern California and thirty-three from northern California. Until the Olympics came about, where the northern California senators needed highways up to Squaw Valley and needed some assistance of the developers there so that they could attract tourists in for the Winter Games, we didn't have too many bargaining chips. We had problems with the allocation of state highway monies. It was on a 55-45 percent [basis], 55 percent for southern California, 45 percent for northern California. At about that time, southern California comprised 63 percent of the population, and we didn't have the votes on the senate side to right that formula. We were contributing heavily in southern California to the building of roads in these little northern California counties of the thirty-fifth and thirty-seventh class, so we

had some bargaining chips there by agreeing to hold off on allocation money. We had to figure out how we can compromise, where we can give, what we can do to get a vote.

de GRAAF: I notice in the 1957 session bills to fund Oroville Dam. For example, different versions would come out of each house, and the conference committee didn't seem to be able to reconcile them.

BEARD: No, we couldn't do anything until the 1959 session. I can give you my impressions of that after we finish with 1957.

de GRAAF: OK, we have gone through the 1957 session pretty much with just one other interesting bill I'd like to bring up. You've already made reference to the effort to get an FEPC bill put through. I note that there was a Senate Concurrent Amendment offered in 1957, S.C.A. 41. And I was immediately struck because I know of one of the sponsors, John Murdy of Orange County, not a person we usually associate with things like FEPC. I looked carefully at the print, and this was a proposal for a constitutional amendment to create an FEPC. Now, was that a conservative or anti-FEPC ploy, thinking that that would never be adopted by the voters of California?

BEARD: No, I don't think so, because I have the utmost respect for John Murdy. I don't know whether he's still alive.

de GRAAF: He has Parkinson's disease, unfortunately.

BEARD: Well, that's unfortunate. John Murdy went up as an extreme conservative. He was a very wealthy farmer, and he kept

screaming about welfare and the money that was being squandered on these ne'er-do-wells who were on welfare and the cheats who were cheating on welfare. So the senate leadership assigned him an interim committee to study the problem of abuses in the social welfare benefit, particularly aid to needy children. He studied that for two years, and he made a 180 degree circle philosophically. He was the real guiding light in welfare reforms, saying that these people did not have a decent living standard to feed the children, that it was the abandoned mother who was getting the bulk of these benefits, and the children were so young that she could not work while they were at their formative age.

de GRAAF: That's interesting of John.

BEARD: Here was a man who went in there screaming about the abuses and turned around as the champion. So I know that Murdy was on that, but there was an attempt to push it off to the voters. This was to avoid the responsibility of having to be counted.

de GRAAF: In other words, some people might have been for FEPC on the floor, but didn't want their constituents to know it.

BEARD: That's right. They said, "Well, we want to give you a chance to vote on it." This was before computer tallying that is done by the legislators now who send you out a "How do you feel on this?" Those are usually so mislabeled that you have only one answer, but it seems to motivate them.

de GRAAF: Let's go on to the 1958 budget session. Here I begin with the basic question: by the time you got to the senate, hadn't that title become a bit of a farce? I mean, you didn't restrict yourself to the budget in the budget session, did you?

BEARD: Oh, no. It was a farce because we were full-time working legislators. Maybe we had one month less, but I found myself away from my family ten months of the year both sessions.

de GRAAF: Now, they also had in 1958 two extraordinary sessions. What exactly did that mean?

BEARD: Well, I don't know what particular pieces of legislation the governor had, but he can call an extraordinary session after your closing session in order to handle specific items that the governor wants you to consider. It's like a special session.

de GRAAF: So even before the Unruh reforms that put the legislature on an annual basis, in effect, you were drifting in that direction to budget and extraordinary sessions?

BEARD: Oh, yes. Yes.

de GRAAF: Several bills that you offered at that time, I'll just go over them and ask for your comment on them. Once again, retirement. This time you and Fred Farr of Monterey cosponsored a bill for state teachers retirement.¹

[End Tape 2, Side A]

1. S.B. 13, which died in committee.

[Begin Tape 2, Side B]

de GRAAF: Did you see a real need for change in the state teachers retirement?

BEARD: No, I think the genesis was Malcolm Love or somebody like that probably brought it to me and asked if I would "pack the bill," as we call it. We would carry the bill, pack it. I don't know much about it. Sometimes I was just the messenger boy on them. I didn't have any specific interest in it.

de GRAAF: You also authored Senate Concurrent Resolution 21, concerning the effect of highway construction on agriculture. Do you recall what that was all about?

BEARD: Yes. There were a great many farmers who, when the freeway system went in, had their farms dissected. The overpasses were set every two and one half or three miles—very expensive to put an overpass over an interstate freeway. Well, you had to put in some type of remedy because there was an eminent domain [problem]. You've got to consider that he's got two sides of the road to farm. It concerned compensation for splitting up or trying to get underpasses put together closer. I can't remember the specifics that we billed thirty years ago. But I can see the problems that were caused to the farm communities in cutting up acreage and making it unprofitable to farm. [It addressed the need to] get that heavy equipment from one side of the road to the other.

de GRAAF: Then you and Senator Murdy were among the sponsors of Senate Joint Resolution 16, concerning the extension of Public Law 78. Now that was our food export program, wasn't it?

BEARD: As I remember, it was. I carried that at the request of the farm bureau, and asked Murdy's help, I'm sure, because he was a farmer himself, and he could help me--a novice, a drugstore cowboy type who knew very little about farming--to get the bill through, or get the piece of legislation through.

de GRAAF: You don't recall there was any major issue or anything connected with it?

BEARD: I can't think of anything other than maybe the development of a public relations idea to sell our rice and other staple products abroad. I don't remember what the terms of the bill were.

Anglo and Indian Schools

de GRAAF: Just a couple of others that might bring forth some broader significance. There were two in the first extraordinary session that you authored that were to validate the organization of various local districts: in one case, unified school districts and in another case, local fire districts.¹ What exactly does that mean, "validate the organization"? Were there a lot of districts that had no statutory basis?

1. S.B. 26 and 52, enacted, respectively, in Calif. Stats. 1958, ch. 6, 97.

BEARD: As I remember now, we were attempting to consolidate some of the fifty-two school districts in Imperial County. When you have fifty-two districts for 90,000 people, you have expensive costs of administration. I think that the main fight was in the Bard-Winterhaven area, where you had the Native American Yuma Indians. The Anglos did not want to go to school in Winterhaven with the Native Americans. You have the Bard and the Winterhaven School Districts. They were about a mile apart, and you had two governing boards; both of them were understaffed. They were not efficient, and I wanted to consolidate them and reorganize some of the districts. I had a real political fight on my hands because you had one school district with 16 students and 5 school board members, another that got down to 6 students with 5 school board members. So this is the type of problem you run into in local rule. This was an attempt on my part to try to talk some sense into them and say you can have a much better facility, attract better teachers, if you can consolidate and forget your differences here and treat one another as brothers.

de GRAAF: The last thing I wanted to ask you about on the 1958 session was a senate joint resolution that you made with Senator [Stephen P.] Teale, a Democrat from Calaveras County, concerning a 1956 Social Security Act amendment, which, I believe, was the one which brought in disability insurance.

Now was this some extension of it to California? Do you recall what the particulars of that one were?

BEARD: I'm sorry that I do not recall. But Senator Teale was a physician. He was the only physician in the senate. I don't recall what it was and why I was the lead author, if I were the lead author. But that's another one of those bills I carried, and I know that that's one with social impact and I had a strong position on it. But I can't remember what it was or why it was needed.

California Election, 1958

de GRAAF: Let's move on, then, to the 1958 election, the one that brought the Democratic majority into the legislature and put Brown in as governor, along with all the state offices being Democrats except Frank Jordan hanging onto the secretary of stateship. Can you recall your thoughts at the time why Democrats were as successful after years of not being nearly so successful?

BEARD: Oh, times were good. People were able to buy homes. I don't know what it was. There was just a feeling that it was time to go forward with a lot of projects. Southern Californians were thinking about water, and they hadn't been getting it. And we were imbued with a lot of fine, idealistic principles and seemed to project them some way and the Republicans didn't. I don't know, I can't even go back to national administration. We were getting close to the end of the Eisenhower administration.

- de GRAAF: Yes, the second Eisenhower administration. Of course, that year was the tail end of a recession, a rather serious recession. Do you recall if that had much of an impact?
- BEARD: That must have had something because . . . Let's see, the Vietnam War was over.
- de GRAAF: No, we hadn't really gotten into it. We were laying seeds of Vietnam. It would be the Korean War.
- BEARD: The Korean War, yes. That's what I meant. "I shall go to Korea." He [Eisenhower] really won the election with that one statement.
- de GRAAF: Do you recall that the Proposition 18, the Right-to-Work Initiative that [William] Bill Knowland embraced, had a particularly big impact?
- BEARD: Oh, well, that was the whole thing. I was sitting in Fresno with Governor [Pat] Brown, who was then attorney general. And he said, "Bill, I think I'm going to get a break. I think Bill Knowland's going to force Goodie [Knight] to run for the senate." He says, "Now, if Goodie does not buy this--and I am told that he was told he either takes the senate seat or he will be drummed out of the party--if he takes it, I cannot get organized labor's support, because Knight has been good to labor and I won't be able to win without labor's support." So he was very concerned. This was the mistake the Republicans made. This was again the conservatives who would not permit a good governor like

Knight to remain in power. They wanted to make their power move. The people were so upset at the underhanded way that the Knowland machine. . . . They were very suspicious of the right wing, and this was about the time when McCarthy was going out, I would think.

de GRAAF: He died in 1957.

BEARD: They had been tired of McCarthy. I think the whole picture started to change about that time. I never thought of it until you asked me. So this is not deep thinking on my part, but these are the things that must have influenced it, because Prop. 18 got out organized labor, the only time labor was ever effective in a statewide election. They got everybody out, the wives and the uncles and the brothers. They were out to beat Knowland, and Pat Brown got the benefit of that. Knight got beaten in the process. Clair Engle, I think, was the one who ran against him then.

Freshman Senators, 1958

de GRAAF: Yes, it was a very substantial victory for Brown over Knowland, and a somewhat narrower one for Engle over Knight. It also brought a whole crop of new faces into the senate. For one thing, you got a new senator from San Diego, Hugo Fisher, in place of [Fred] Kraft, the Republican. You only had two years to serve with Fisher. Do you recall much of him?

BEARD: Well, Hugo says to this day that I started him in politics.

I invited him over to Imperial County when I was active in running the party over there, and he spoke to a very large rally at the fairground. He liked the feedback that he got. There were a few of us who went over there. This was against my ethics as a senator to go into someone else's district. But Fred Kraft, God rest his soul, was a pharmacist who was a nothing. He was an absolutely ineffective man. I said that I respected all of my fellow senators, but by this time Kraft was using pills quite a bit and he was drinking very heavily, and he didn't have any progressive ideas. He would let the political editor of the newspaper here in town, Copley Press, call the shots. In fact, the whole San Diego delegation went along with them. I took the leading role, and Senator [John] Hollister gave me a lot of money to distribute to these young, new faces who were running against incumbents, in some cases. He told me that he did not want them to know where the money came from: "I got it from a rich friend in Arizona who is interested in good government." He wanted no votes for it. It was a considerable amount of money, and I took that money in big stacks of hundred dollar bills and distributed it to various of my colleagues, including Hugo Fisher, who later turned out to be my seatmate. I gave him a bundle and. . . . I won't name the other senators. But Hugo always says that it was I who got him started in politics. He was probably the most effective legislator I've ever

known. He, more than any one man, brought water to southern California. Without him, we wouldn't have water. He was the architect of getting a coalition together to trade our seven votes in the south for enough votes to get the bill out of the senate.

de GRAAF: This was the Burns-Porter Bill?¹

BEARD: The Burns-Porter Bill. Carley Porter, of course, was handling it on the assembly side, and Burns had the interest of several of the farmers in San Joaquin and some of the very people who fought the Peripheral Canal later on. But Hugo brought water to southern California. We thought that he was a traitor because he would not stick with the rest of us in the southern California delegation. He would have what we thought were secret meetings with [State Senator Edwin J.] Eddie Regan, George Miller, Jr., and some of the very effective water people in northern California. How he did it, I will never know to this day. It was a legislative miracle that he pulled [off].

de GRAAF: And he did it as a freshman.

BEARD: He did it as a freshman, and then went on to head the agency when he was defeated for election by [Jack] Schrade. In addition to that, he brought the University of California, San Diego campus, and so this was part of the problem. He

1. A.B. 1063, enacted as the California State Water Plan, Calif. Stats. 1959, ch. 2053.

was just a great legislator. He didn't have much of a personality, rather flat. He was kind of introverted in a way; at least he didn't communicate. He was not friendly. He didn't go to the senate "club" with us and get drunk. He was not a backslapper. He was a worker. The fact of the matter is, I had to monitor his bills because he was too busy out manipulating and looking for votes and working the floor. If I knew that there was a bill that he had to vote on or be killed in his district, I'd send a sergeant-at-arms for him and try to find him and say, "You've got to vote on this thing. It's a critical vote for you."

de GRAAF: Do you recall very well any of the other freshmen who came in then, [Albert] Rodda for instance?

BEARD: Yes, Al Rodda is a very quiet fellow. He happened to have one of my nieces in his classes; he had been a professor there in Sacramento Junior College or whatever. She was on her way to Stanford, and she was the daughter of my brother, the engineer. "You know," he said, "Pat's the brightest student I ever taught." So we had a line of communication. She was one of his pets. Al was a very conscientious and effective legislator, wouldn't hurt anybody. I cried when he was beaten.

de GRAAF: A lot of regrets on that. Any other fresh faces you can think of?

BEARD: Oh, [Joseph A.] Joe Rattigan. He was a brilliant man who

went on the District Court of Appeal afterward. Joe had been shot out of a PT boat, lost his larynx, and learned to talk diaphragmatically. He was in constant pain all the years he served, probably is today. He had the greatest flow of words, one of the most brilliant, incisive minds that I ever saw. He came in after I. Virgil O'Sullivan was a very effective legislator. He was a very rich farmer. He was later defeated, but Virgil was a most effective legislator. At that time, we started to get the crème de la crème. We got rid of some of the weaker links, Fred Kraft and Nathan Coombs, who was a jolly old guy, and Senator [Jess R.] Dorsey from Bakersfield. We had Walter Stiern, who was a veterinary doctor and another brilliant guy who was good for his district. Dorsey used to run to the back of the room so he wouldn't have to vote on a bill, but Stiern always took a position. So we had some good men; they were replaced by some rather brilliant people who are in there. Of course, I always loved Fred Farr. He was in before I by special election. There were one or two, John Begovich, who didn't contribute too much, and Paul Lunardi, who's now a lobbyist, who was not a super intellectual. He was a good backslapper. Both of them knew their craft in politics, but they were not George Miller, Jr. or Fred Farr, either brilliant tacticians or a deep thinkers.

[End Tape 2, Side B]

III. STATE SENATE, 1959-1960: MAJOR ISSUES

[Session 2, April 14, 1987]

[Begin Tape 3, Side A]

California Democratic Party Philosophy

de GRAAF: The last time we stopped at your legislative service at the 1959 session, and now what I'd like to go over is some of your recollections of that session, and particularly some of the issues that arose. First, though, I'd like to explore with you a broad question I think is bound to come up in the minds of younger people. You were saying last time that you felt it was that session that really began to pass a lot of legislation, and the obvious question is, where did you get the ideas to pass? Was there some sort of an agenda that had been set forth by CDC or by Pat Brown, or were these the culminations of things that some of you had been thinking about for a long time?

BEARD: Well, it was a combination of all of those factors. Primarily, the CDC and the California Democratic State Central Committee set forth its agenda of legislation and other goals, and we were trying to implement those

resolutions as much as possible. Primarily, fair employment practices, equal rights type of legislation from the CDC; and the great California Aqueduct, from the governor; and from southern California business interests and others, as well as the highway system, which was needed. We saw after World War II that there was a need for a ground transportation system, and we had the wherewithal to do it. So these are some of the reasons that the progress was being made. We were growing at an alarming rate, and we needed to provide for the incoming population explosion. So we had enough foresight, I think, to see that you don't get these things without planning and starting to build.

de GRAAF: Had you personally long held particular desires in any of these fields?

BEARD: I think my desire was to better the lot of the fellow man, however that was to be accomplished; that was my primary goal. I think that was my motivation for getting into the legislature.

de GRAAF: There was no particular issue area, though, that you related with that broad goal?

BEARD: Most of the issues were human rights issues I was relating to, equality of opportunity, which was real and not just promised, as first imagined.

de GRAAF: The question is bound to arise, were you reacting to what by that time was a quite visible civil rights movement, or had your interests in human rights come before 1954?

BEARD: I think it came before, because I was raised in a barrio in San Gabriel, California, right out of Los Angeles. I saw the lack of motivation of the Mexican-American people, and I always wondered why they did not take the advantage of the situations that arose. They always responded to me, "Why should I get an education? I'm going to work for Southern Pacific or Standard Felt," which was the big manufacturer in the San Gabriel Valley area. So they were rather dejected about the future. I saw opportunities for them, as well as everyone else, through expansion of education and some of the social programs that were being discussed at the time.

de GRAAF: Do you recall if there was any other major philosophical basis for what some of your fellow senators, that is, liberal or Democratic senators, were interested in at that time?

BEARD: No, I think that it was mainly--to be trite--we were interested in good government and we just wanted to provide for the facilities needed to make a better state. I don't think that there was any one event or idea that moved us. I think all of us who were elected in 1957 and 1959 were what would be considered fairly liberal thinkers, not too many conservatives. I would say maybe Walter Stiern tempered his liberalism with his district. At times, Senator Richards had to represent the district as a whole, rather than some of his ideals. But we all had limitations on how far we could go.

Fair Employment Practices Act

de GRAAF: Let's then look at some of the particular issues. I'd be interested particularly in your recollections of the debate, how heavily or not heavily these were debated, what some of the sources of opposition were, and the final resolution of them. One you've mentioned several times, so we might as well begin with that, is the Fair Employment Practices Commission, FEPC. Now this, of course, is something that had passed in other states, like New York, as far back as 1945. What was the hang-up in California? Why did it take until 1959 for California to pass an FEPC law?

BEARD: Well, I just don't think that the minority groups had enough political muscle. I think that's just about the answer. They were starting to flex, and some of us who could read those signs saw that we'd better act or there would be reaction.

de GRAAF: Now, when this act was passed, or actually introduced, Assembly Bill 477, as I read the calendar, it had a rather tortured route. It was issued out by the Rules Committee with some amendments, and then I'm a little bit perplexed. According to the calendar, it went to the Finance Committee. Why would an FEPC bill go to the Finance Committee of the senate?

BEARD: Well, of course, the bill had to have teeth. There had to be an enforcement power, and that meant that money would have to be appropriated to enforce it. Are you talking about why it goes on the assembly side?

de GRAAF: No, this is the senate side.

BEARD: On the senate side. Well, it still must be enforced. There's no sense in passing a law unless you can have some enforcement powers; and I think that was primarily to determine what the cost factors would be.

de GRAAF: I see. At any rate, according to the calendar, the result was the Finance Committee reported without action. And as far as a senate bill for FEPC was concerned, that apparently was the end of it, which leads me to the conclusion that the bill you finally enacted must have been the one that originated in the assembly.¹

BEARD: That was often the case. Sometimes a deal had been struck to go forward with the assembly bill out of deference to the author, whether it was Byron Rumford or whoever wanted their name on that particular bill. At some point, when bills were introduced, the same bill on both sides, you would have to determine who would be the lead author, who would get the credit, who would benefit most by it.

de GRAAF: Do you recall if there were any substantive differences between the senate and assembly FEPC bills?

BEARD: No, I don't think there were. I think that there may have been some amendments. I don't have the legislative history, but generally these bills were pretty much the same as they initiated in each house, the senate or the assembly. And when

1. A.B. 91, enacted as the California Fair Employment Practices Act, Calif. Stats. 1959, ch. 121.

they went through committees, everyone had a chance to tack his or her amendment on. And then the cleanest bill might be the one that would be pushed. So it's difficult to say. I didn't follow that, and it's been almost thirty years ago, twenty-eight years ago. So I can't remember the nuances of the thing going through.

de GRAAF: Do you recall at all whether there was particularly vehement opposition to it in the senate?

BEARD: It was undercover. It was not vocalized. I'm sure that there was extreme resistance on the part of some of us. I say "us" because I don't want to name anyone in particular. They're not on trial, but some of us had certain prejudices. Our districts had reservations about the bill. I'm sure that my voting constituents in Imperial County, had it been put to a vote there, would have defeated it 8 to 1.

de GRAAF: But you were a coauthor of the senate bill, weren't you?

BEARD: Yes, I was. I received no instruction from my district. No one in a position of power told me not to take my position. I was very young and idealistic, but I knew it wasn't the most popular thing for a conservative district to have a liberal, young, first-term state senator carrying and coauthoring a bill which would not be approved by a lot of the voters in the community, the majority of the voters in the community.

de GRAAF: Finally, I have to repeat an analysis that a historian has

made in a work on California political history. He claims that Governor Brown had to browbeat a legislature into passing FEPC.¹ Do you recall particular pressure from the governor's office on this issue?

BEARD: Well, since I was one of the coauthors, he didn't browbeat me, and no one at the senate "club" after a session ever complained to me that he had his arm twisted by the governor. I am sure that there were two or three senators who had constituencies very much like mine, and they knew that it was a bad vote for them if they wanted to be retained. I cared less about retention, or I probably wouldn't have been out so far in front on this. I just thought it was morally the right thing to do. And I'm glad I was so naive, because I think it was one of the bills that put a label on me which precipitated my defeat in the primary the next time I ran.

Fair Housing Act

de GRAAF: While we're on the issue of civil rights types of legislation, there are a couple of things that are of interest. I notice in the same session you proposed a bill, I believe you were the sole author of it, on judges' qualifications relating to grounds of prejudice. I'm not sure if that's pretty much the way the Calendar has it. It sounds as though a judge might be disqualified for. . . .

1. Jackson K. Putnam, Modern California Politics, 2d ed. (San Francisco: Boyd & Fraser, 1984), 49.

BEARD: Well, it's called the preemptory challenge bill. It's [Code of Civil Procedure, Sec.] 170.6 and I was stuck on my own petard this week when it was used against me. So you never know when you introduce a bill what the end result will be. That's the interesting part of having been in all three branches of the government, the executive, legislative, and judicial. Sometimes you have to eat or at least bear the brunt of having introduced a bill. I was just told today that I was challenged, received the challenge, on the Imperial County case I was going to hear. We had cleared with the attorneys, prior to my being assigned there, whether they had any objection to me, and they said no. And since the matter's set for trial on Monday, obviously one of them wanted a continuance. And since all of the judges had prejudiced themselves in Imperial County and I was sent in from the outside, I think that the defense used it as a delaying tactic in order to get a continuance, because they had already approved me. So it was not introduced for that purpose. It was introduced to give to either litigant, the prosecutor or the defense counsel, or the plaintiff, or the defendant, the right to challenge a judge without cause if he or she thought that the judge was not the one to hear the case.

de GRAAF: So this was prejudice in a broad sense?

BEARD: It's a broad challenge; it's a onetime challenge. It must be exercised in accordance with the law 170.6 of the Code of Civil Procedure.

de GRAAF: Then the other thing that came up, not in the 1959 session but in the 1960 session, I frankly should think would have been even less welcome in your hometown, and that was the Unruh Fair Housing Act, which was passed that year,¹ which I imagine you voted for?

BEARD: Oh, yes. I voted very enthusiastically for them. We had segregated schools when I moved into Imperial County in 1952. That year Central Union High School opened for the first time to blacks and Mexican-Americans.

de GRAAF: Oh, blacks had been kept out as well?

BEARD: Oh, yes. They were over at the Washington Grammar School, and they called that an equal type facility. It was on the east side of town where most of the minorities lived, and it was a very small facility. There were almost student riots. It took the intervention of the police to quell these disturbances that were caused because there were fears on both sides of what would happen if you had a seatmate who was of a different color or spoke a different language. I'm

1. A.B. 890, cosponsored by Jesse M. Unruh and several other assemblymen, added a section on "discrimination in publicly assisted housing" to the Health and Safety Code. (Calif. Stats. 1959, ch. 1681). Also interpreted as extending to housing discrimination were the public accommodations provisions of the Unruh Civil Rights Act of 1959. (A.B. 594, Calif. Stats 1959, ch. 1866).

talking about five years later, six years later, we're in the legislature introducing bills to do away with discrimination in housing. I was told by my real estate agent when I built my first home in Imperial County, "You have a beautiful lot there, but did you know that a Chinaman was going to move next door to you?" I said, "Is that Harry Mah?" He said, "Yes." I said, "Harry Mah's commander of the American Legion. I think that is fine. He owns a grocery store and he gave me credit when I came into town. I like Harry. No, I like this lot." It was the smartest move I ever made because Harry was one of my greatest clients when I went into private practice and probably the biggest financial source in my political campaign. He was tong leader of all the Chinese in the community. I didn't move next door to him to get the largess of the Chinese community, but I represented them in my law office. These are the things I knew would happen. You can benefit from knowing and accepting people.

de GRAAF: That's interesting. Again, do you recall a great deal of debate on the Fair Housing Act when it came to the senate?

BEARD: Most of the debate was done in committee. I don't think there was a great deal of argument on the floor. The real estate lobby, of course, thought it was going to interfere with their ability to sell homes, so there were certain interests who had contributed a lot of money to the campaigns of some of us who were in office there. I'm sure, as I

remember, there were some speeches in the house, but most of the work was done in committee. You find that on these emotional bills involving race relations or housing, civil rights, people don't really say what they feel. And they don't say that for publication.

de GRAAF: I recall myself--we're now getting to where our two experiences coincide--an objection to the Unruh Act when it came out was that it was a very complicated act. As I recall, it really gave only judicial access to people who felt they had been discriminated against without setting up a commission analagous to the FEPC that would carry the case for them. Do you feel that was a legitimate argument against it or that at the time it was passed the Unruh Act was the best that could have been put through?

BEARD: Well, even before the Unruh [Civil Rights] Act was put through, there was judicial access if there was discrimination. It was a misdemeanor to discriminate against a person in motel, hotel, and other accommodations. That was already on the books.

de GRAAF: I realize that, but did that carry over to the rental or sale of property?

BEARD: No, it did not. It was only the Public Accommodations Act, and there were several test cases in Imperial County when I was a deputy district attorney there, because the ACLU [American Civil Liberties Union] came in and wanted to file

criminal charges when they had a civil remedy. I tried to explain to them that if they file criminal charges, they would have to prove their case beyond a reasonable doubt and to a moral certainty. You can have the same civil damages, although at that time it was limited to \$500 plus costs and attorney fees, by bringing an action in the civil court. Then you would only have to have nine out of twelve jurors instead of twelve out of twelve, and you would not have to prove the case beyond a reasonable doubt and to a moral certainty. Some of the ACLU people did not understand the matter, or they insisted that we take a public position as far as the D.A.'s office was concerned. I had to respect my boss, who was the district attorney, and appreciate the fact that he had to run for public office. So I made a political decision to limit them to their civil remedy. If they had exhausted their civil remedy or if they had pleaded they had no money to file the case, I think that I would have listened to them further. But as an issuing deputy, I felt that it was no sense fighting windmills at this time. This was not the proper forum. It just was not a real problem in the area. It applied to one or two of the motel owners and not the Motel Owners Association.

de GRAAF: So your analogy is that the Unruh Act also used the more expedient route of civil courts?

BEARD: Yes. I think that that is one of the factors, but it was an

extension into the housing field rather than other hotel accommodations.

de GRAAF: So it really did not break such completely new ground in law as, for instance, the Rumford Act would do a few years later?

BEARD: That's right.

de GRAAF: Hence the Unruh Act didn't generate a Proposition 14, but the Rumford Act did.

BEARD: Right.

California Highway Legislation

de GRAAF: Now, onto another issue, and that is one that I'm going to need some enlightenment on. You've mentioned the freeway system. I've always been under the impression that Governor [Earl] Warren rather farsightedly began setting up a highway construction program via the gasoline tax and that California was ahead of many other states in the building of freeways. But you're saying by the late fifties our freeways were simply not keeping pace with the need?

BEARD: Oh, they weren't keeping pace. You've got to remember, too, that even though Warren was ahead in California, we needed subvention money in federal participation, which was, I think, 90 percent. We were in a particularly good position with Governor Brown being in there and a Democratic administration coming up in 1960 to get the federal grant money to go forward with the system.

de GRAAF: Are you saying that California, after the passage of the

Federal Highway Act in 1956, had not made the move to get federal funds?

BEARD: Well, they were making the moves, yes. But there were a lot of other political considerations that had to be met in order to qualify.

de GRAAF: Such as what?

BEARD: Well, we had the city of Santa Barbara, which wanted no freeways through its beautiful city. San Francisco still has some very artistic, modern freeways standing up in the air at a dead end. There was resistance from farmers who didn't want their farms torn up. There were a lot of political problems that had to be worked out that Earl Warren foresaw. He could see them. But those things remained to be worked out, and that's what we were doing, was massaging and assuaging in order to get the opposition out of the way so that the bill could go through.

de GRAAF: And what was the essence of the legislation? Was it one grandiose bill, or was it a lot of little bills to clear up individual issues?

BEARD: No, it was a culmination of a series of public hearings that were held in various communities and at the state capital for special interests, the truckers. They wanted to know access and gross weight of vehicles that could be used. Those were probably spelled out in the Federal Highway Act, but there were logistics problems and there were labor union problems.

Labor was given priority, I think, under the federal act. So there were all kinds of problems, and I can't remember each one.

de GRAAF: That gives us a sense, then, of what the whole highway issue is about, because that is not as often articulated as a major issue in the Brown administration as some of these others are.

BEARD: Well, as you say, it had been started at the federal level, and Governor Warren was another farsighted governor. And he had the backing of organized labor, as did his successor, Goodie Knight. So we didn't have any great, great debates over it; we just had some manipulation to do.

de GRAAF: Didn't the Brown administration or the legislature that year also increase the gasoline tax?

BEARD: I'm sure we did. I can't remember whether it was a two-cent increase or what it was.

de GRAAF: There were some economic moves to increase the freeway fund, too, and then there was also the matter of highway users' fees. I believe that was a piece of legislation that came up that year. Do you recall that?

BEARD: I recall it, but the specifics I do not recall.

Mental Health

de GRAAF: All right, on to something that I recall you seem to have taken some interest in from the start, and that is mental health. You were on the committee that dealt with mental health bills, weren't you?

BEARD: Yes, I was.

de GRAAF: Now, in exactly what ways was that an issue at the time? Was it the matter of clinical treatment versus release into the community?

BEARD: That was proposed. Senator Alan Short was the father of the mental health bills. He was the Democratic senator from Stockton. We have the Lanterman-Petris-Short bill, which is now established.¹ We had a problem of a great many people in our state hospitals being warehoused. And there was great progress in drugs at that time. Miltown and other tranquilizers and mood levelers were being introduced so that you could control your patients outside of a hospital community where they were no longer violent, nor were they a danger to themselves or others. And I thought, along with Alan Short and the other leadership, that this would be great to get these sick people back to their families where they could be nurtured and loved. I didn't realize that their families really didn't want them. Their families were ashamed of them. So there was never any enthusiasm to build the county health facilities to house the people we were turning back to the counties when we enacted some of Senator Short's mental health legislation and the follow-up bills that came later.² So there's never been sufficient funding

1. S.B. 677, enacted in Calif. Stats. 1967, ch. 1667.

2. S.B. 1434, enacted in Calif. Stats. 1959, ch. 1651.

and this is why we have some 70,000 walking wounded on our city streets now with no shelter in the evening.

de GRAAF: But the hope at that time was that by releasing more people from the state mental hospitals that the families would fill the void and they would be better cared for.

BEARD: Yes, and we had even talked of giving subvention money to the counties so that they would erect facilities. In fact, it was available, but a lot of them opted not to go ahead and take matching funds.

de GRAAF: Now, you had introduced some bills in respect to mental facilities. I recall that one thing you were the coauthor of was some moves to try to get the state to take over Corona Naval Hospital in Norco. Was this in any way related to mental health?

BEARD: Well, it was a drug center. It was the forerunner of the present Narco, which is a drug rehabilitation center under Section 3051 of the Welfare and Institutions Code. We can, after sentencing a person to state prison or even to county jail, invoke either section 3050 or 3051 of the Welfare and Institutions Code, suspend proceedings, and have them sent in for an evaluation to determine whether they are in imminent danger of becoming a narcotic addict or addicted to opiates. Now, originally, we were dealing with opiates. We were in the heroin scare then, and only recently has Narco opened up to other than opium derivatives. It was my hope that we

could have a humane treatment center for these addicts, because, then as now, about two-thirds of our prison population was chemically addicted, either alcohol or opium or some other forms of drugs or medication, mind-altering substances.

de GRAAF: Then, as much as now?

BEARD: Oh, yes. It's always been that way. And I thought, "Well, maybe this is a way we might be able to treat them." We were doing so much, or we thought we were doing so much in the field of mental health. Why not divert some of these people who are committing burglary to sustain their habit and put them in a place where they can get rehabilitated? Then they won't burgle the homes. So we set up a test project at California Institution for Men at Chino, which ultimately went into Narco. We were treating prisoners who would be paroled early and would have to come back for [a] naline test. Naline was a chemical given to determine whether the person had any morphine derivatives in his or her body.

de GRAAF: [Referring to the test project, do you recall that placing such a facility in a prison and placing the drug rehabilitation program under the Department of Corrections were sharply debated issues while you were in the senate?

BEARD: No. In fact, the [California] Adult Authority asked me to carry the bill.

de GRAAF: California's basic drug rehabilitation law¹ was passed in 1961, after you left the senate. Had such a law been an important goal of Democrats or of Pat Brown before 1961?

BEARD: This had not been an issue as it is misused today. Drugs are an excuse today to avoid solving social problems. We faced tough decisions when I was a legislator and didn't try to hide behind that smoke screen.

de GRAAF: During the 1960s, the association of narcotics addiction with criminal status became something of a legal issue.² In the discussion of drug rehabilitation during your years in the senate, were those issues raised? Or was the 1961 decision to put the drug rehabilitation program under Corrections a political compromise?

BEARD: The 1961 law was a compromise.]*

de GRAAF: It's interesting to tie in narcotics with mental health. I've never seen that link before. You were also fairly active in legislation to deal with alcoholic beverage

1. Calif. Stats. 1961, ch. 850.

2. Robinson v. State of California, 82 S. Ct., 1417, 370 U.S. 660, 8 L. Ed. 2d 758, rehearing denied 83 S. Ct. 202, 371 U.S. 905, 9 L. Ed. 2d 166 (1962), ruled that regarding narcotics possession as a felony was cruel and unusual punishment. A follow-up case, in re De La O (59 Cal. 2d 128, 378 P. 2d 793, 28 Cal. Rptr. 489, cert. denied 374 U.S.) led the legislature to amend the 1961 act to assure that addicts were not involuntarily incarcerated for long periods and had a noncriminal review body.

*Judge Beard and Dr. de Graaf added the preceding bracketed material during a review of the draft transcript.

with mental health. I've never seen that link before. You were also fairly active in legislation to deal with alcoholic beverage control. Did you see that, too, as part of this whole problem area?

BEARD: Well, yes. Alcohol has always been part of the problem. At this time I had been chairman of the Senate Interim Committee on Narcotics and Drugs, which encompassed alcohol. And we had conducted extensive hearings up and down the state on the problems, so we had input from law enforcement, mainly, a little bit from the medical community. But the medical community wasn't at that time interested in the problem; it was a crime problem. So we conducted hearings, and that influenced me, some of the things I learned from the addicts and alcoholics and others who testified before us.

Other Legislation in 1959 Session

de GRAAF: On, then, to another issue, and that is found in a bill you coauthored, Assembly Bill 703, related to community development and urban renewal. Do you recall if that was a big issue before the legislature in 1959?

BEARD: No, I don't think it was.

de GRAAF: I was surprised. I didn't think it was either. I've got a brief calendar description of the bill here, simply: "related to community development, urban renewal, many code changes." It was listed as "urgent."¹ Senator Short was the main author, and it passed and the governor signed it.

1. S.B. 703, enacted in Calif. Stats. 1959, ch. 1102.

BEARD: I don't think it was a real social mover. I think it was just a clean-up bill. I don't remember anything earthshaking about it.

de GRAAF: I ask you because this would be remarkably prophetic if it were, that you were foreseeing some of the things which the Watts riot would bring out six years before it occurred. But you say you weren't quite that prophetic.

BEARD: No, I don't think that we were. Having been vice chairman of the Institutions Committee and seeing the prisons, I've always believed that prison was full of poor people, and that the only way you were going to do anything in the crime prevention field was to educate and bring up the economic level of those depressed areas. That was part of my philosophical approach to legislation and to life. I still believe it. We are doing very little at the base root of the problem today. We're using Band-Aids in trying to get prisons built, and we can't even do that. We've got a stalemate on prisons right now. It's just stupid. It's costing us hundreds of thousands of dollars a month. We cannot use two facilities that are ready for an explosive population, with AIDS [acquired immune deficiency syndrome] rampant in the prisons. It's just horrible that the governor and the legislature cannot get together and work out a solution for the placement of a jail in Los Angeles County.

de GRAAF: Yes, I agree. Now, another thing. Maybe I'm misreading the

calendar, but I noted a bill¹ that provided for the withholding of I believe it was income taxes. Now, I was always under the impression that didn't come until the [Governor Ronald W.] Reagan administration. Do you recall any legislation in 1959 for withholding income taxes?

BEARD: I recall we were discussing it. The Reagan administration itself opposed withholding vehemently. It was only the sheer strength of the legislature that permitted it. But we were discussing it, and the time was not quite right for it. This turned out to be a boon for Reagan because it helped him balance that budget to get the money in front. The use of money is money.

de GRAAF: Now, I know that Brown did manage to raise taxes in other ways. His philosophy, I believe, was to reduce the consumer end and increase other taxes?

BEARD: Yes. Two-thirds of the tax base was from consumer use taxes, sales taxes, gasoline taxes, when Brown went into office, and it was his pledge to reverse that. Any new revenues would be raised at the corporate utility and income tax level on more of an ability to pay, a more equitable basis than across the board sales tax and use taxes, which apply almost exclusively to the net spendable income of a moderate middle-class person and only to maybe 20 percent of the net spendable income of the affluent.

1. S.B. 1476, enacted in Calif. Stats. 1959, ch. 1661.

- de GRAAF: And at that time you didn't generate any taxpayers revolt by increasing taxes on the incomes of the wealthier.
- BEARD: No, we didn't have Howard Jarvis around.
- de GRAAF: Well, he was around, but somehow he just didn't have the same appeal.
- BEARD: No, it was no big deal at that time. The people were making money and not afraid to pay their share of keeping government vibrant. They were getting something for their money. They could see the tangible results of it: a new university springing up here, a new hospital, teaching center there, you know. These things were very easy to see and appreciate.
- de GRAAF: One final act I would like to mention in the 1959 session also somewhat surprised me. There was a minimum wage bill for farm workers.¹ Do you recall that issue?
- BEARD: Yes.
- de GRAAF: You were a coauthor of the bill?
- BEARD: I can't remember. I probably was.
- de GRAAF: I think you were. It struck me as a particularly audacious act for somebody from Imperial County.
- BEARD: Well, when I went to the Valley, the wage being paid to the Mexican field hands--and they were basically Mexican field hands--was forty-five cents an hour. In my last year in the senate, they got it up to fifty cents an hour. So in about

1. S.J.R. 19 memorialized the president and Congress to enact a national minimum wage for farm workers.

nine years they managed to compensate these people by an extra forty cents a day. So I felt that it [minimum wage] was only fair. People in opposition to the bill said, "Let it be done at the federal level so we can compete with Texas and Arizona," and the people in Washington said that this is a state issue. So the same people argued different ways in different locations. They didn't say, "Well, if you do not vote for it, we will support a federal minimum wage in agriculture."

de GRAAF: Did the AFL-CIO [American Federation of Labor-Congress of Industrial Organizations] put up much pressure for this bill?

BEARD: At that time, there was not a great deal of pressure. Cesar Chavez was not that active yet. The CIO at one time went into Imperial County and they ran [Abraham Lincoln] Al Wirin and Slim Connolly out on a flatcar, tarred and feathered, when they tried to organize. So I knew about that and I knew it was a very volatile bill for me to be coauthoring. But I just felt that it was a fair bill.

Budget Session and Donahoe Act, 1960

de GRAAF: The next big issues I can think of are various educational issues that all seemed to come to fruition about 1959, and especially in the budget session in 1960. You probably recall the Donahoe Act or the Master Plan for Higher Education. Did you have a role in that?

BEARD: Well, I was interested in it. The only role I had was

supporting it. I was not carrying the bill. Assemblywoman Donahoe was the prime mover. Steve Teale and George Miller were very active on the senate side. Al Rodda was extremely active. I was working with Dr. Malcolm Love and the people in this southern California area trying to see that the bill got through.

de GRAAF: Do you recall any of the arguments for it, or why it passed at this time? Because I know the University of California resisted it pretty much to the end.

BEARD: Well, they resisted it because they wanted to maintain the teacher college versus the university concept, and it was a question of how many different degrees and disciplines that the state colleges could . . .

[End Tape 3, Side A]

[Begin Tape 3, Side B]

BEARD: See, in southern California at that time, we only had UCLA [University of California, Los Angeles], and I don't think we had UC Santa Barbara and Riverside then.

de GRAAF: Yes, UC Santa Barbara had just been set up in 1958, and Riverside a year or two before that.

BEARD: We had very few of the universities here and we had the state colleges, like San Diego State. We just saw that the university system could not handle the whole problem, and we wanted to give some stature to our state colleges. As a result, San Diego State here in my little hometown is one of

the five finest undergraduate universities in the United States. It's listed [as such], not their graduate school, but the undergraduate. And they have good graduate schools in business administration, engineering, and some of the other fields.

de GRAAF: Now, do you also recall there was a lot of interest in teacher education in general because of a booming population and a shortage of teachers?

BEARD: Yes. I can remember one of the cleverest statements that I ever heard was from then State Senator [John G.] Schmitz, who was later a congressman from Orange County. John and I were riding on a bus to Hugh Burns's retirement party, and John said, "Well, you were one of the most liberal members of the state senate that I ever knew, and I was probably the most conservative." He said, "The irony is that I was elected by supporting higher education and the teachers, and I was supported by the teachers. I am remaining in office, and I went to the Congress by tearing them down and fighting the teachers in education." He says, "But that's the way politics turns." So here Schmitz was a college professor; he had the backing of the education community when he went in and then fought it the rest of his life.

de GRAAF: Yes, I was going to say he had their support only briefly when he first went in. Now, he didn't go in until after you had left the senate, did he?

BEARD: That's right. When we went back for the retirement of Hugh Burns and a couple of the others, I sat with him. We're a club, you know. I sat with him. I was not drinking then, but we had a nice conversation. He's a very affable man. I loathe his political thinking and some of the statements that he made, but I like him. He's a very articulate man.

de GRAAF: Yes, that he was, and probably still is. I guess those are the main things, except for one other that maybe is a perennial issue. I notice that Senate Constitutional Amendment 31 called for legislative salary increases. Was that a strongly felt issue, that you recall?

BEARD: Well, it was a strongly felt issue when you're earning \$500 a month. This is a ridiculous salary to pay people who are running a billion dollar budget or a three billion dollar budget. Forty people running a state of then 16 million people, it just was ridiculous that we should get that kind of pay.

de GRAAF: Now, can you think of any other issues that come back to you from that session that I haven't touched on?

BEARD: No. The water issue was probably the most important issue that was started, but it was not finished until later sessions. There was nothing other than the winter Olympics, which were being held in the north. But there was nothing socially significant about that.

de GRAAF: Was it a matter of great pride?

BEARD: I think it was pride to have it in Squaw Valley. And it was wonderful that the northern Californians wanted it because it gave us some more bargaining chips to work out our compromises on water and other things.

IV. STATE SENATE, 1959-1960: INTERNAL POLITICS

Federal Plan and Regional Divisions

de GRAAF: Then let's conclude your legislative experience with a few general comments on the way the legislature functioned. The first thing I'd be interested in is something we've been over before, but I'd like to question you on it once again. That is the federal plan, the fact that the senate at this time prior to reapportionment represented counties, really, not people. For example, you had approximately two-thirds of the population in the four most populous counties, with only 10 percent of the senators. You've indicated before you didn't feel that this in any way hampered the senate from coming through with some progressive legislation.

BEARD: Well, it obviously didn't. Those were the years when we probably passed the most significant legislation. I don't know of any real significant legislation that's been passed since the federal plan was abolished. You go back to the days of Hiram Johnson when he put his great social programs, worker's compensation and some of the other programs through. We had the federal type system.

de GRAAF: I thought it wasn't enacted until 1926.

BEARD: I thought we had a federal type legislature then, but I don't know. In any event, the Master Plan for Education was done while we had cow county senators, as I call them. The state highway system was integrated with the federal highway system during that time, monies appropriated. The FEP bill got through during that time when you had cow county legislators, senators. I think that the people had more of an opportunity to see the quality of the person they were sending up there. You take a person in Los Angeles today. You evaluate him on whether he is going to be a good TV star. You don't have a chance to go into all of his qualities. I think that we knew people in our own smaller communities, and we chose some of the leaders there and probably came up on the average with a better quality of a legislator than you do under today's process of having some PR [public relations] firm build up a person.

de GRAAF: Could be. Another aspect of this, though, that I know was a complaint against the federal plan: were there issues that urban areas might have liked to put through that simply didn't get acted upon or even considered because the powers that be realized they would never be able to pass the rural dominated senate? I go back to your comment that urban renewal wasn't in your reflection a serious issue, yet, it was becoming a major national issue.

BEARD: I think your issues were more parochial than social. There was a jealousy. You've got to remember the rape of the water

in Mono County and that area by Los Angeles. Those are the things we had to fight. That was not a social issue as such. They just had a good, strong memory of the treachery and the way that their underwater resources were depleted. They were afraid that that was going to happen again, and they had a justifiable reason for fear. I don't think that the cow county senate, as I call it for lack of a better word, really held back any great social issues. They just weren't ready to be pushed. Those issues weren't ripe yet for the picking. I don't think your movements generate in the legislative house; they generate because the public is demanding it. Whether you have a legislator from a small community or one representing a large county, that's not the genesis of a movement. You get pressure groups and then they start getting someone to put in the bill and they get somebody to back it, and it moves along. There is no doubt in my mind that there were 39 senators suspicious of Richard Richards when he was representing 6.5 million people out of 13 million when he was first elected. He was representing half of the people in the state of California, so it was pretty difficult not to be fearful. He had a legislative staff; he had to carry bills for more than half of the assembly. He himself had to carry those bills because he was the only senator in the upper house to carry the bills for all of the Los Angeles County assembly people.

de GRAAF: Was that a tradition more or less that an assemblyman from one county would ask a senator from that county to . . .

BEARD: That was the tradition. Once in awhile they would deviate from it. He had a tremendous workload, a very hardworking man. He was a great state senator.

de GRAAF: When you came back to Imperial County, did you find that this fear of Los Angeles was a widespread fear down here too, even though Imperial County itself had never been raped in quite the way that Inyo and Mono counties were?

BEARD: Oh, yes. It was because of the fact that the Imperial Irrigation District had a lock on water and they were excluded from the 160-acre limitation. Because of that they were fearful that the Metropolitan Water District was going to take their water away. Under the constitution, the urban areas had priority for drinking purposes over agricultural uses. And with the burgeoning cities and megalopolises just expanding, the farmer's fearful that he's no longer going to get water for \$2 an acre-foot. He might have to pay somewhere near its actual cost of \$100 an acre-foot. So they were very afraid of the Metropolitan Water District. They didn't think of Los Angeles as a governmental agency. It was Imperial County versus the water district in Los Angeles. So there were real fears.

Senate Leadership and Revolt of Winchester Canyon

de GRAAF: Another area I'd like to talk about is partisanship. You've

mentioned already that you don't think the senate at that time was particularly partisan, that it had a "clubby" atmosphere. I'd like to zero in on some particular individuals. Let's start with the president pro tem, Hugh Burns. Was he particularly a leader of the Democrats, or was he very definitely above or beyond that?

BEARD: Oh, I think if there were two planks in the entire Democratic platform that he endorsed, I would be surprised.

de GRAAF: That was my impression.

BEARD: And I don't know what those two would be. He was a great leader. He could compromise; he was well liked; he was a conservative. He satisfied the conservatives in his district by taking over the house Un-American Activities Committee that [Assemblyman] Jack Tenney had made famous. And he kept getting stories out because those were always popular in his district. But you didn't believe in it. It was just a political tool for him. He was good to the leadership on both sides. He had a good working relationship with other legislators.

de GRAAF: Do you think that Burns, being the president pro tem, tended to surpress Democratic leadership, or that more might have been put forth if Burns hadn't been the president pro tem?

BEARD: Oh, I don't know. You can't second-guess, because if there had been a real fight going on, that tends to stymie everything, whereas if you have a good, sincere man with

vision who says, "Well, we'll go a little slower. . . ." I think that was his approach. He went slowly, and we accomplished those things under his leadership. So I can't fault the man. He didn't interfere; he didn't like a lot of the things that went through, but he respected those of us who wanted to get that legislation passed. And he didn't send it to the graveyard committee.

de GRAAF: During your time in the senate, do you recall any one particular person emerging as a leader of the liberal element of the Democratic legislators?

BEARD: Sure. George Miller, Jr. was beyond any question the leader. If Richard Richards at one time had come from anyplace other than Los Angeles, he could have been fairly high on the legislative liberal leadership, even though he was not as liberal, I don't think, as George Miller. He was philosophically; he liked people and wanted to better their lot.

de GRAAF: Did any sort of a caucus among the younger or more liberal Democrats emerge while you were in the senate?

BEARD: Yes. We had the famous Winchester Canyon Revolt. In 1959 we had seventeen new Democratic senators, and they were of the liberal bent. Senator [John J.] Jack Hollister, [Jr.] from Santa Barbara, who preceded me in a special election, wanted to get one of our group on the Governmental Efficiency Committee and on the Finance Committee because the new

liberal group was not being represented at all. The GE Committee was the graveyard [of liberal bills]; if the Rules Committee sent the bill to GE, we knew our bill was doomed. And there was no one there to protect the interest of those new liberals who had just been elected. So he invited us to his ranch home in Goleta, right out of Santa Barbara, and we all showed up. We made a solemn oath--since we could block any money bill, because it took twenty-seven votes to pass a money bill--we would just hold tight. There may have been fourteen of us, rather than seventeen. I believe it was fourteen.

de GRAAF: By "new," are you counting those elected in 1956 and 1958?

BEARD: [In] 1956 and 1958, and one of them was early in 1956 at a special election--one or two of them. People like Fred Farr, [Stanley] Stan Arnold, myself, Waverly Jack Slattery, and people like Walter Stiern, Hugo Fisher, Richard Richards.

de GRAAF: Virgil O'Sullivan?

BEARD: Virgil O'Sullivan was there, and Joe Rattigan. But there were about fourteen of us. We were going to hold fast so that we could flex our muscles and get a seat on the powerful GE and Senate Finance Committees. And one of the senators, Stan Arnold, who was very close to Hugh Burns and Randy Collier, got back there, and we hadn't hit town before the establishment--Hugh Burns and the Rules Committee--knew every aspect of our meeting. And we got a rather cold reception when we came back to town. We were put in our place.

de GRAAF: And not on the Governmental Efficiency Committee?

BEARD: And we got no one on the Governmental Efficiency Committee. The person who happened to carry the news to the Rules Committee got the assignment, but he went along with them rather than with us. There wasn't a traitor in the midst. We just didn't really know each other well enough. We were very, very liberal compared to today's standard. On the average, we were much more liberal than today's representative or senator. So we didn't get very far in our revolt. Our attempt to reorganize the senate failed. This was an attempt on our part to try to get some recognition. I would call it the liberal side attempting to be heard.

de GRAAF: At least it shows there was some discontent with Burns and the leadership in the senate.

BEARD: It wasn't so much discontent. We just wanted to put our agenda ahead of somebody else's agenda. And, as I said earlier, Hugh had his longer range plan, and ultimately we got our agenda. But we didn't do it on our terms, and we did not have the maturity to know that this is a very disparate group of people up there. And you have to proceed cautiously. If you went in as a liberal bloc, you would start a counterbloc of conservatives, and then you'd be playing the games that are being played right now between [State Senator David] Roberti and the governor on the prison site in Los Angeles. Hugh Burns didn't want to play that

type of a game. We were young, enthusiastic, and raring to go. I wish that I had been more mature when I went into the legislature, and I wish I had had a little more experience. I don't think I would have had any more fun. I don't think I would have been much more effective, but I would have stayed in there a little longer and maybe contributed a little more.

de GRAAF: By the way, this happened before the actual session in 1959 started, January or early February?

BEARD: It probably was after the election and before some of these people were sworn in.

Senate Committee Work

de GRAAF: All right. Another area to talk about is the committee structure. I was struck with the load, at least if all of these committee assignments were taken seriously, that you and your colleagues had to bear. In 1957 I count you being on six standing committees, five interim committees, two joint committees, and the Wildlife Board. Were you really able to attend all those committees, or did you find that some of these became sort of pro forma?

BEARD: I attended every one that I can think of, unless I was sick or unless there was a conflict and I got an excuse.

de GRAAF: Do you feel that the system was somewhat overburdening, or did the work go fairly quickly on some of these committees?

BEARD: Well, you have forty senators and you have so many responsibilities and you're going to have to cut up the pie.

You're going to have to carry your share of the load. The heavy working committees like Finance and Ways and Means on the assembly side, Revenue and Recovery, some of the other harder working committees, if you were on that, you shouldn't take so many assignments on the lesser committees. But I didn't see anything onerous there. It was part of the workload.

de GRAAF: Did standing and interim committees tend to meet at different times of the session?

BEARD: The interim committees met only during the recesses of the senate. The standing committees met during the session and special session.

de GRAAF: Were the interim more study committees and the standing committees more legislation committees?

BEARD: Yes. When you had a pretty good bill and didn't have the votes for it and you could get a little political movement out of it, you would petition the Rules Committee for an allocation of funds to run it. And you would study these various bills. That's why I introduced the narco[tics] bill. It was a result of the interim committee on narcotics and drugs that I headed. They are study committees so that you can get public hearings up and down the state, get some backing from prominent sources so that your bill will be acceptable, and get ideas on what the interested parties want in the bill.

de GRAAF: Is that system still the way the committee structure works today?

BEARD: Yes. It still works today.

de GRAAF: Because it does differ somewhat from the national legislature, where your standing committees function as both study committees and legislation producing committees.

BEARD: Right.

Lobbying

de GRAAF: The last thing I would like to talk about before we leave your legislative experience is something we've touched on before, but I'd like your thoughts once again, and that is the power and the functions of the so-called Third House, the lobbyists. You were saying that you yourself tried to stay clear of them, but were they quite influential on other senators?

BEARD: They were very influential. When I went in, Collier magazine a few years previously had printed the [Arthur H.] Artie Samish story. He was playing the part of a puppeteer on the cover of the magazine, or inside it, prominently, and he openly bragged how he ran the California legislature. So when I went up there, I didn't want any part of it. The first thing I knew was there was a case of whiskey in my office. I asked my secretary, "How did that get there?" "Oh, don't worry about it. I have a case of scotch at my apartment. That came over from XYZ." I said, "Who

authorized you to have them bring that into my office?" "Oh, we all do it. That's part of it. You're new here. This is what goes on in Sacramento." I said, "Well, you get on the phone and call XYZ, tell him to come in here and pick up his whiskey. And if you need money, I'll buy you a case of whiskey. We're not going to take it from the Third House." Well, that didn't endear me too much to the Third House when I first went in there to rebuff them. First of all, had they approached me, that would have been something different. But for my secretary to have the effrontery to accept a gift from the Third House without consulting her boss, who was responsible to the people who elected me. . . . I should have dismissed her, but I went in and talked to the leadership and they told me to just relax, which I did. The Third House had control of the GE Committee, and Jeff Peyser, who represented the wine industry, every Tuesday night had a dinner for the members of that committee. The bills that were to come in would be discussed. If the Third House didn't like those bills, the Rules Committee seemed to send them to GE, which was a graveyard.

de GRAAF: Now was Peyser speaking for a particular interest group, or was he sort of coordinating a lot of lobbyists?

BEARD: He was the coordinator for all of the lobbyists. You found that when there was a bill that interested one of the lobbyists, he could call on several of his friends and they

would all work with one another. They were a club very much like the senate.

de GRAAF: Did this even include such ordinarily antagonistic interests as labor unions on one side and the merchants and manufacturers on the other?

BEARD: Yes. They wouldn't necessarily come together, but they had mutual interest in a great many areas. And where their interests coincided, they would work together, particularly the Teamsters Union. They were the most effective labor lobby group up there.

de GRAAF: More so than the AFL-CIO?

BEARD: Oh, yes, always.

de GRAAF: Mostly on behalf of trucking interests?

BEARD: Not necessarily. There were a lot of other interests, because they had gone shortly thereafter into organizing farm laborers with "sweetheart contracts" for the growers. It wasn't long afterward. They had an agenda that was not announced to me at the time, but they were in bed with very many of the conservatives. And they had one of the biggest pension funds. They are one of the biggest investors and entrepreneurs in the business world. Who else has millions of dollars in their pension fund to invest?

de GRAAF: Yes. Do you recall anything that would be analagous to what we would today call public interest lobbying groups?

BEARD: Yes. [Coleman] Cole Blease, who is now on the Third District

Court of Appeal, represented the Quakers, Friends' Committee [on Legislation], and the ACLU types. He was always present. He was a very eloquent speaker, had a brilliant mind. And Cole Blease was probably the most effective lobbyist in that area. In the 1959 session, of course, [W. Byron] Rumford was very effective, not as a Third House man, but as a legislator. And even more effective was [Augustus F.] Gus Hawkins on the assembly side. So we had the California Democratic Council, Cole Blease--they were about the most effective liberal type groups.

de GRAAF: Besides depositing liquor cases, do you recall any interesting techniques that the lobbyists used, not necessarily against you or with you, but with other senators?

BEARD: Well, as Jesse Unruh said, "Money is the mother's milk of politics." They utilized their finances to endear themselves to us. At least they got a hearing. I never turned anyone down whether they contributed or not. But I'm sure that I might have given a little special consideration to hearing someone. I'd give them an extra half an hour. If I disagreed with a lobbyist I might give him another chance to try to convince me.

Democratic Primary Election, 1960

de GRAAF: Well, that covers most of the things I have to ask you about the legislature, and brings us to a conclusion. That would be the 1960 primary election in which you lost to Aaron Quick

in the Democratic primary in the Thirty-ninth District. Was that quite a close election?

BEARD: Very close. When the votes were counted, I won by three votes, and he demanded a recount. So the state Democratic Central Committee came down to arbitrate the matter, and we adopted certain rules, which were stupid. If a ballot were defaced in any way, whether it was a vote for a senate seat or some other, it was to be thrown out. It was amazing that in his home district he picked up fifty-one votes which he didn't have at the original election. It also was amazing that his niece was one of the tellers. Those are facts, but there's no recourse for it. That just happened to be a coincidence. When I lost, it was by fifty-two votes. So I was completely stunned, because ten days prior we got the returns on a sampling of 10 percent of the Democratic voters there. We polled 10 percent, and I was leading 3 to 1. What I did not know was that more than 1,000 Republicans changed their registration to Democrat in order to vote. It was the Republican vote that put him over. I am sure that I would have had difficulty in the November election because of my liberal stand, but I was still vibrant enough then to have made up the deficit. If I had known that there was a fight, I would have worked harder. But I was too liberal for the district.

de GRAAF: Was that the main issue he used against you in the primary campaign?

BEARD: Oh, yes. He had never voted before in his life, never registered to vote.

de GRAAF: What was his background?

BEARD: He was the retired head of the border patrol. He had the district attorney and a lot of law enforcement on his side, because I took a strong position on the death penalty, which was a popular position then, but not in a conservative area like El Centro and Calexico, Brawley, Imperial County. Statewide, probably 62 percent of the people were against the death penalty.

de GRAAF: This was in the aftermath of the [Caryl] Chessman case.

BEARD: Yes, after the Chessman case. Chessman had never killed anyone, and he was put to death. So there was a lot of emotionalism about that time.

de GRAAF: That is interesting the way that election turned out. What happened to you immediately after that? You were out of politics. How long was it before you received an appointment to the Industrial Accident Commission?

BEARD: The governor called me the next day expressing his regrets and said, "Don't worry. I told you to get into this, and I would like you to go on the Public Utilities Commission." And I said, "Pat, I don't know anything about utilities, but I would like it." He said, "Well, that's one job where you can have a law practice and continue to do your work." So I had a group from all the utilities; people flew down and

threw a great big party for me in El Centro. I guess organized labor found out about it and went to the governor and said, "Well, they're working on him already, and we think that you better not appoint him." I imagine that that was the case. It was very foolish for me to even accept an invitation prior to being sworn in. This was probably a time when I wasn't thinking too well after the emotional trauma of losing an election. And so he [Governor Brown] said nothing about it, other than he called up and said, "Hey, I've got a better job. I want you to chair up the Industrial Accident Commission, instead of just being a commissioner. You will have private practice. You'll be able to earn a good living. It's somewhat of a full-time job, but you can get in with any number of people in San Francisco that I know, and you can get maybe a partnership in a firm, if you want." So it sounded pretty good to me. I wanted to get away from Imperial County. I was rather embarrassed at having been defeated. I was madder at myself because I saw no problem. Aaron Quick was a nonentity and he had no political experience and had no agenda, no platform. He wasn't going to do anything; he just ran against me. I was desirous of getting out of there, so I went up and accepted the job on the Industrial Accident Commission. Elton C. Lawless, who was the chair, was waiting for an appointment to the bench. So for about a year and a half he was chair, and then when he was appointed to the bench, I was elevated to chair.

de GRAAF: So you joined the commission in 1960 and became chair about 1962?

BEARD: Right.

de GRAAF: Well, why don't we stop the tape here?

[End Tape 3, Side B]

V. CALIFORNIA INDUSTRIAL ACCIDENT COMMISSION

[Begin Tape 4, Side A]

Organization and Operations

de GRAAF: We are about to enter a new area of our interview, and that is your career with the Industrial Accident Commission, dealing with the area of workmen's compensation. You were saying that you were appointed by Governor Pat Brown to this commission in 1960. Did you have any particular interest in this area or strong feelings about the sort of things that the commission would deal with before this offer came up?

BEARD: Yes. I handled a considerable amount of worker's compensation business as an attorney, mostly for the applicant; that would be the plaintiff. I had worked closely with the labor unions in my campaign, and I had a lot of the labor union people come to me with injured members of the union. So I had a very successful practice, and I would imagine 20 percent of it was worker's compensation cases. So I had an interest in the field, and a little knowledge of the labor code, much more so than the PUC [Public Utility Commission] law.

de GRAAF: Yes. Now, you started out as a commissioner, and then in 1962 you became chairman. How long did you serve on the commission?

BEARD: I served for the full four year term, and then for about four months thereafter. I resigned after my reappointment.

de GRAAF: So you would have been off around 1964 or early 1965?

BEARD: Early 1965.

de GRAAF: Now the Industrial Accident Commission is not exactly a household name, so I'd like to clarify for the record its administrative structure and its functions as of 1960 when you first went on the commission. Was it part of the Department of Industrial Relations?

BEARD: It was only a part of the Department of Industrial Relations for fiscal purposes. It had full department status, just the same as the Department of Industrial Relations. It was not a division of it. The Department of Industrial Relations at that time was headed by [John F.] Jack Henning, who is now statewide secretary-treasurer of the AFL-CIO.

de GRAAF: He was the director of Industrial Relations?

BEARD: Director. I had full authority; I had department status. But it was handling the worker's comp claims, the industrial accidents in the state.

de GRAAF: Now we have the Industrial Accident Commission. We also have at that time, and still do, a Division of Industrial Accidents. What was the difference in the function of each of these?

BEARD: At that time they were consolidated. I, as chair of the Industrial Accident Commission, which is now the Worker's Compensation Appeals Board, was presiding commissioner. There were seven of us. I had the administrative function of running the office. We had twenty offices up and down the state at that time, and over 100 authorized administrative law judges. We called them referees at that time. We had a staff of about eighteen M.D.'s [medical doctors] who worked to evaluate the medical reports that we received. They would examine some of the applicants to determine the extent of the disability, but they were mostly advisory to us.

de GRAAF: When you became the chairman, you, in effect, were the administrator over all of these?

BEARD: I was the administrator and I was also the judicial chief, very much like a chief justice would be, the presiding judge. I was a presiding commissioner.

de GRAAF: I see, yes.

BEARD: And we would hold en banc meetings on certain types of cases where new ground was being plowed.

de GRAAF: That would be a meeting of the whole commission?

BEARD: Yes. Ordinarily, three of the commissioners were in Los Angeles, three in San Francisco; then we would meet [en banc] to set rates. We met with the medical society and had public hearings on appropriate fees that the doctors would charge and the insurance companies would allow for certain

procedures. We didn't set the rates for the carriers who were selling and processing the insurance claims. That was done by the insurance commissioner.

de GRAAF: Now, incidentally, these three in San Francisco, these three in Los Angeles, were they referred to as panels?

BEARD: Yes.

de GRAAF: And were the bulk of the meetings the commissioners had in one of these two panels? Was that more common than the whole commission meeting?

BEARD: Yes. Most of the matters were handled in Los Angeles; they had a higher percentage of the industrial accidents. We had an office in Sacramento, which was another big office, and in San Diego, which was another big office. But Los Angeles handled the southern California area. Since we had 62 percent of the population in southern California, they had a bigger staff than we in San Francisco.

de GRAAF: You said there were twenty offices. Those outside of Los Angeles and San Francisco, they were predominantly offices that had referees and certain staff?

BEARD: That's correct.

de GRAAF: And it was the referees that actually did the vast majority of the original hearings.

BEARD: They were the initiating trial fact finders. And from their decisions a petition for reconsideration could be filed. That would be heard by the panel.

de GRAAF: How common was that, that a petition for reconsideration be filed? Did it occur in only 1 [percent] or 2 percent of the cases?

BEARD: Oh, no. It depends on the political mood at the time. When the new commission comes on, you get tested, just like a new judge. They throw everything at you to see how you're going to react. During a Democratic administration where you have liberals, you find that the intendment of the law is usually carried out. The worker's compensation laws were written with almost a presumption in favor of an award, and this was different from any other type of law. This is the way it was. The laws were to be liberally construed, and that's written right into the constitution. That was done by Hiram Johnson. The reason for it was that this was liability without fault. The only fault issues that could interfere with the award were alcoholism or willfulness. Then your award could be diminished. If there was a serious and willful violation on the part of the employer, you could increase the benefit by 50 percent. So there were those mitigating and enhancement factors.

Workmen's Compensation Policies

de GRAAF: But, basically, the Industrial Accident Commission and its referees were to determine essentially first whether the claimant was injured in the course of employment, and then, secondly, to determine what the compensation would be?

BEARD: Yes, and it was based on a formula that was arrived at dependent on occupation, the danger of that particular occupation on a scale. The crop dusters were probably the highest rated risk, then elevator installers, high steel men, firemen. It depended on the danger of the occupation and the risk involved.

de GRAAF: Was compensation generally based on whether a person was permanently precluded from returning to that specific occupation, or did you consider the possibility that he or she was still capable of alternative occupation?

BEARD: In the beginning, we did not give as much emphasis to rehabilitation as was done at the end of my term. One thing, if the injury resulted in a change of occupation, that was generally rated at a 13 percent standard. Thirteen percent was at the time \$52.50, four times thirteen, and that's how you arrived at the ultimate award. Fifty-two dollars times four--and four was just the arbitrary figure. That was four weeks; I imagine that's why they use that. And then your disability. In any event, the principle was the extent of the injury, whether you could return to work. The older you were, the higher the award. I think that the base age, the mean age, was thirty-nine. If you were over thirty-nine, your award was increased on the scale. It was part of the formula that was used. If you were under, it would diminish. So when I say 13 percent standard, that would have

been adjusted for age and occupation. Certain occupations had a little bit higher rating, so when you got that final adjustment, the difference between a crop duster and some sedentary job may have been 3 [percent] or 4 percent more. There were ratings for actual objective symptomology, and some for subjective symptomology, psychological damage. We've had cases on the commission where they were 100 percent disabled, due to emotional stress and trauma. So it was a very complex thing, but in the last year the insurance companies got together and got the legislature and the commission to adopt [authorization for a rating organization with respect to worker's compensation].¹ The rating bureau gave them a great deal of power, and this took away the arbitrariness of an administrative law judge. He was limited to those factors that the rating bureau found to be significant.

de GRAAF: Now, the rating bureau, was that part of your division?

BEARD: Yes, they were under us. It turned out to be the most important part because the insurance companies, when there was a liberal administration in there, did not like the liberal awards that were given, and there was no consistency. In San Diego, the awards were very low. In San Francisco, a man with a back injury limiting him might get a

1. Calif. Stats. 1962-1963, ch. 226.

70 percent disability. In San Diego, the same injury with the same occupation and at the same age, would probably be a 35 percent. So the rating bureau was sold to the legislature on the grounds that it would at least give you something better, a standard to equalize. We found out in San Diego the reason why the benefits were not paid as much was that there were a lot of industries that carried their own insurance, they were self-insured. Instead of going against the Worker's Compensation Fund on minor injuries, they'd go against the State Disability Fund. They weren't upgraded on their insurance there because the employer paid the entire premium for worker's compensation, while the state disability was shared by a contribution from the employee matched by a contribution from the employer. We made an extensive study in San Diego. We wondered why the benefits were so much less than anyplace else, and we found that it was because they were smart enough to write it off against the disability fund.

de GRAAF: Now, a case of such a discrepancy as the one you just mentioned, did not the commission itself have the power to move reconsideration for the sake of uniformity of awards?

BEARD: Oh, we always did. But again, the power of review in an administrative agency is different from that in a judicial system, because we can call for independent medical examiners. We can enhance the record.

de GRAAF: Where a trial judge couldn't.

BEARD: Where an appellate judge cannot enhance the record. He's bound by the record that is before him. It was, in effect, a trial de novo if we wanted it to be. But we found if we granted every writ or petition for reconsideration, we would be so busy all the time that we would never have anything else to do. So we tried to get standardization wherever we could.

Commission Staff

de GRAAF: Now another little technicality, and then we'll get into some of the actual cases you dealt with. Was it in 1965, about the time you left, that the name Industrial Accident Commission was changed to Workmen's Compensation Appeals Board?

BEARD: Yes. It was just at that time when [Thomas N.] Tom Saunders took over after I left. When it was changed they divided the authority into an administrative branch and a judicial branch. They had an administrator plus a presiding board member.

de GRAAF: I see. Is that when they got the Division of Industrial Accidents, as opposed to the Workmen's Compensation Appeals Board?

BEARD: Right.

de GRAAF: All right. Now the commissioners: there were seven, as you say, serving four year terms. Were these, I imagine, staggered terms?

BEARD: Staggered terms.

de GRAAF: Was there a tendency once you got on, you were reappointed, or was this strictly a political decision?

BEARD: It was very political; however, the labor members were often kept on. Frank Lawrence was originally appointed by Earl Warren; he was reappointed by Goodie Knight and he was reappointed by Pat Brown. He was with the operating engineers. There was always an attempt to get labor members and insurance members on there so that there would be some kind of a balance. The only problem is that the Democrats tried to follow that, but when Ronald Reagan took over, he put all conservative insurance executives on the board and told organized labor to go fly a kite. All of a sudden, I got a 100 percent award. I had an applicant fall off of a forty-foot building onto concrete and break practically every bone in his body. Every doctor said he was 100 percent disabled. The matter was petitioned to the Workmen's Comp. Appeals Board. A new doctor's report was placed in evidence--that man never saw my client. The board disregarded all the medical testimony, accepted the new doctor's, and cut him from 100 percent to 3 percent. I had to get a writ of error to the appellate court, and I got it reinstated. But this was the flagrant way of the Reagan staff. Out of the first twenty-six cases that the appellate courts handled on a writ of error, they reversed the Reagan

board twenty-six times. So they were not following the intendment of the law; and it was just the way he's handled all of the social agencies he's had. He's either tried to do away with them or turn them inside out.

de GRAAF: Yes, well, that's a very interesting example. That certainly settles my second question. There was considerable partisanship and political flavor then to the appointments, from time to time.

BEARD: Oh, absolutely, at each change of administration. And it was strange how the administrative law judges would follow; they do not want to be reversed. When you would get a liberal administration, your judges were more liberal. When they saw a conservative administration taking over, their decisions would get more conservative.

de GRAAF: That was in spite of the fact that these were career civil service people.

BEARD: These were good career people, but they're influenced by the political appointees. I don't know why it is, but as I've followed it throughout all the years that I've known the Industrial Accident and the Workmen's Compensation Board, that seems to be a pattern.

de GRAAF: Another thing, in the 1950s there was a complaint made that less than half of the commissioners were lawyers. And I gather that at least as late as the Reagan administration, there was no regulation that any certain number of the commissioners had to be lawyers?

BEARD: No, there was no regulation that they had to be lawyers. In fact, Frank Lawrence was not a lawyer; Dan Del Carlo was not a lawyer; Russell Mather was not a lawyer; Middler was not a lawyer. There's four. Ben Narvid and I and Assemblyman John O'Connell were the three lawyers. At one time, [John] Bohn was on there. He had been secretary and legal counsel to the Senate Judiciary Committee. I got him appointed by calling Pat Brown. So at one time we had as many as four lawyers on there, but usually just three out of the seven.

Industrial Accidents in California

de GRAAF: Now, on some of the types of accidents that you most recall, what would you say during your years on it were some of the most common causes of industrial accidents?

BEARD: Low back injuries were the bulk of them--strain, lifting. California didn't have a great mining industry. We had some residuals from the gold mines, the borax mines, and a lot of silicosis, black lung cases. But those were continuing trauma cases, where there were many defendants. Every employee from the word go was joined, and they were very complex cases. You might have twenty different insurance companies and twenty-five different employers during the history. Every time a corporation changed and they sold the mine to another corporation, they might get a new insurance carrier. These were each separate entities. They would have to be named, and they would all participate in paying off the award.

de GRAAF: Did you have a great many cases from other toxics besides mine related?

BEARD: We had a few crop dusting complaints and applications. This was before Silicon Valley and today's modern technology, where you have all of these toxic substances. We didn't get into radiation cases.

de GRAAF: I was going to ask you about that. Why no radiation? Was that preempted by federal health law?

BEARD: Well, we just didn't have uranium mining in California that I knew of. They just were not a significant part. It may be that the cases were preempted, but we never saw them at that time.

de GRAAF: Did you have any related to asbestos, as we've seen in more recent years with Johns-Manville?

BEARD: Yes, asbestosis was another one of the lung diseases. We had a considerable number of those. The most interesting case, I think, that we had was where a secretary who had a three hour lunch with her boss contracted a venereal disease and wanted to have that denominated an industrial injury. The case was quickly settled by the insurance carrier and the employer. In another one, the son of a very prominent lawyer in San Francisco was an alcoholic, and he claimed the stress of his job caused his alcoholism and that he was 100 percent disabled. I wrote the opinion at that time that they could not establish causation. I think I was the swing vote on

it. We denied him liability. It was ironic because I was alcoholic at the time, and I think this was a reaction on my part to my own problem. I didn't want to admit it. It was one example of my denial.

de GRAAF: Did you have very many cases brought to your attention of employers trying to prevent claims from going through the workmen's compensation process?

BEARD: Oh, yes. It is a misdemeanor to interfere with an applicant's going through it, but we found that a great many employers were trying to encourage the employees to file for disability benefits rather than worker's compensation benefits. We would refer those matters over for prosecution to the appropriate authorities.

de GRAAF: Now besides the fact that, as you said earlier, the employer did not pay the entire settlement in a disability, what was the legal distinction between disability and worker's compensation?

BEARD: Disability was not job related. Worker's compensation was job related. Now, you have the situation where you may have had a preexisting injury which was covered by disability, and when you went back to work too early there was an exacerbation of that, or a new and further disability added onto that. Then there could sometimes be an apportionment, attributing a portion of the responsibility to the worker's comp carrier and the other to the disability carrier or to the preexisting injury.

de GRAAF: Did you have many cases of petitioners making outright fraudulent claims?

BEARD: We heard about them but we didn't see very many. Cases of malingering were probably less than 2 percent of the total claims filed. Now, we had a very sophisticated system before real computers came into effect, where we had the record of all the claims they had filed. So it was pretty difficult for them to file twice for the same injury. I think the insurance industry kept those, so the insurance industry policed this pretty well. They would notify us when there was a prior claim made, and we saw that they would get prosecuted as well as get no award. They were trying to defraud. There just weren't that many fraudulent claims. There were some, of course, as always.

[End Tape 4, Side A]

[Begin Tape 4, Side B]

Claims Appeal Process and Issues

de GRAAF: Did most claimants, by the time you served, hire lawyers to handle their cases before the referees?

BEARD: I would say yes, because the first thing that happened when they were injured, they would go to the business agent in the union. The union would generally refer the injured employee to one of their attorneys or an attorney that did work for them. In certain industries, nonunion industries, white collar industries, where the claims adjuster got there first,

probably there were less lawyers involved. Lawyers were most common in the building trades and the highly unionized areas. Take San Francisco, which was a more sophisticated town where they were strongly union, I would say that in 95 percent of the cases, applicants were represented by lawyers. In San Diego, where you had a very weak union town, maybe 60 percent were represented by attorneys.

de GRAAF: Did your commission at anytime become concerned that lawyers' fees were taking a substantial portion of the award?

BEARD: Never, because this was not like personal injury litigation. We limited lawyers, as a general rule, to 10 percent of the recovery of the permanent disability. A person could be getting temporary disability for a long time, and the rate for temporary disability was quite a bit higher than that for permanent weekly paycheck or disability check. The lawyer generally got nothing for getting him to the right doctors and seeing that he had the correct medical report. They didn't share in that; they didn't share in the drugs, the prosthesis, the temporary disability. They would only get about 10 percent of the permanent disability award, so no lawyers got rich on any one case.

de GRAAF: But there was by this time quite a specialized practice in compensation law, wasn't there?

BEARD: We figured about \$192 a case, so we dealt in volume. It wouldn't pay us to go in there and spend a half a day on one

case. We would go in there with five or six cases and handle them in one afternoon.

de GRAAF: What about medical costs? The fifties and sixties were both periods of modest general inflation but high medical inflation. Did you find at times that the awards you gave were not keeping up with medical costs, or did you regularly adjust your rates for medical inflation?

BEARD: We had no problems there, because the medical costs were the responsibility of the carrier at that time. The law was subsequently changed so that the applicants could determine the treating physician. But [in the early 1960s] the employer had control of the treating physician, and the applicant's attorney merely got forensic reports. The treating physician, usually a company doctor, wasn't apt to give a glowing report favoring a large award, so it was necessary for the applicant's attorney to find a board certified specialist in the field of neurology or orthopedic surgery or whatever and have a report. Then, if the reports were diametrically opposed, either the referee, administrative law judge, or the commission could have an independent medical examiner, or an agreed medical examiner, who would also report. And we gave great weight to the IME's [independent medical examiners] and the AME's [agreed medical examiners].

de GRAAF: They were independent and . . .

BEARD: Agreed.

de GRAAF: Well, this sounds like it could take quite a bit of time.
How quickly were claims processed?

BEARD: Well, you didn't have the desire to process them quickly because, if you were conscientious, you wanted the applicant to stay on temporary disability as long as he could because the rate was considerably higher. And the moment it was permanent--except in those injuries that involved 70 percent disability and more--it would pay off, and there were no lifetime benefits thereafter. If you had a 70 percent or greater disability, you had a lifetime medical bill and a lifetime award, subject to being reclassified later if you recovered.

de GRAAF: Did the person get temporary disability without going through the hearing process?

BEARD: Yes, the employer would recognize the injury, because you had to report to your employer that there was an injury. And then he would send you to his doctor. He had the doctor's name posted on his place of employment. The doctor would then immediately report back, and the carrier or the employer would start paying temporary disability after a waiting period of ten days.

de GRAAF: Then the whole workmen's compensation process only was brought in in the case of permanent disability?

BEARD: Generally. Very often, though, you might file an

application, assuming that there was going to be permanent disability, and then everything righted itself, so the lawyer would get nothing for processing it through.

de GRAAF: Well, how many cases a year did the referees and the whole system hear?

BEARD: Oh, it was a phenomenal number. I don't know. I would estimate that I wrote opinions on 150 appeals a month. That was just on my panel. Three of us had to sign, or at least two out of three had to sign. So it was probably in the neighborhood of 300, 450 cases in the north and maybe 600 cases in the south a month.

de GRAAF: That's the appeals board, which really got only a small percentage of the claims.

BEARD: Oh, yes. It was just a small percentage. There were half a billion dollars in premiums at that time paid by the employer. About 42 percent of all the benefit dollars went to the doctors, the hospitals, the pharmacies, and about 6 percent went to the lawyers, including defense and applicants, on permanent disability. The temporary disability was the rest of it. There were some administrative costs.

de GRAAF: Did you get many complaints about prolonged delays in awarding claims? You said earlier it was actually advantageous to postpone.

BEARD: No, because we had safeguards there. If we knew that there

was going to be a severe permanent injury and there was a hardship and the applicant would come in and pressure us, "I've got to have some money or I'm going to lose my house," we would call the insurance carriers and say, "Look, give us an advance. We know this is going to be at least a 70 percent case; it'll be a life pension. This guy's going to lose his house. We need \$3,000 or \$4,000." Generally, they would give it to us. If they didn't, we would petition the referee for it; and, if we made a good showing, we would get it. That would only take three weeks to get him relief. It would take one day, if we were working with a reasonable carrier. We had to develop a rapport with the carriers. We had to work with them. It's like anything else in law. If you get a reputation as a fair dealer and don't try to highball them, if you give them a reasonable offer, they have a respect for you and they will work with you.

de GRAAF: Was it very common that you would make a decision, say, on a permanent disability under certain medical technology, and within a few years there would be new advances in treatment that would, in effect, render your decision obsolete?

BEARD: I don't think so. I don't think it would render the decision obsolete. However, if the medical technology had advanced to the point that there was no longer the same disability, of course, the rating would be lower, the permanent disability rating would be lower.

de GRAAF: Now, was that what they call a supplemental decision?

BEARD: Well, you could have a supplemental decision if the person took Mickey Mouse movies. A common ploy was, in the case of somebody with an extreme back disability, they would have a young girl run up to the front door crying, a professional actress. And this fellow was standing on the porch, or he'd come out. "I have just lost my diamond ring out in the lawn." And the cameraman would be off with his telescopic lens photographing this, and this poor guy was trying to help her find her ring in the lawn. And he was bending over and showing that he had great mobility. The silent movies never showed the pain that he was going through trying to help this poor little fraud. But we disregarded most of those movies.

de GRAAF: You actually had people bring this sort of film in?

BEARD: Oh, this was common. They spent a lot of money and litigation expenses trying to show us that we had malingerers and fraudulent claims.

de GRAAF: It would be the insurance companies, I imagine.

BEARD: Yes. But there was generally objective evidence to show that there was a disability.

de GRAAF: Within your staff, was there ever any friction, as I gather there had been in the 1940s between the referees or the administrative law judges and the seven of you sitting on the appeals board?

BEARD: No, I made a special effort to endear myself to the

referees. For one thing, I went to the State Personnel Board and fought vigorously to get them salary increases, and they knew that I was there. With my connections in Sacramento, I was very fortunate in being able to get them good salary increases. In addition to that, we upgraded their status. I authorized them to have two meetings a year paid for out of travel budget expenses, which they had never had before. My rationale was to try to get the awards in San Diego commensurate with the awards in San Francisco, which were very disparate. I was trying to get some kind of a good middle ground and have them exchange their experiences so that we could standardize our awards. When they got these work vacations and work seminars, I think they liked me. I had to, one time, discipline one of the referees, and it was not a pleasant experience. I had him demoted. He lost about \$1,500 a month, I think, at one time. He got it back, but it was a pretty traumatic thing for me to go through.

de GRAAF: Yes, I can imagine. At what time did they get their title changed to administrative law judge? Was that after your time on the board?

BEARD: After my time, yes.

Relations of Commission with Other State Agencies

de GRAAF: I guess I'm down to a few closing questions of a broader nature. One of these concerns some of what seem to me logically related agencies in your field. I'd like to ask

you, what relationship did the Industrial Accident Commission have with the Division of Labor Statistics and Research?

BEARD: We didn't have any input from them. We had no interrelationship.

de GRAAF: They didn't produce any valuable data for you?

BEARD: They may have for staff. You've got to remember, staff is always there. Political appointees, commissioners, are only there for a limited time, so I let the staff run the administrative end of it. I had to take the budget to Sacramento to the governor's office to get his approval and get the finance director to approve it. I always had very good luck. We were supposed to submit our budget through the Division of Industrial Relations, but I got an exception, and I always carried my own budget bill rather than have Jack Henning do it. That was one of the conditions I put down in accepting the position. I did not want to be a division of the Division of Industrial Relations because it was labor dominated. And I thought that we, as a judicial body, had to respect the rights of the employer as well as the applicant. I just felt that it would be unfair to the public overall. It just didn't look good ethically.

de GRAAF: I ask that because up until 1945 the Division of Labor Statistics had been part of the Industrial Accident Commission, so I wondered if they still generated a lot of the data.

BEARD: Well, they may have generated the data, but it was used by staff rather than by the commission.

de GRAAF: Now, what about the Workmen's Compensation Insurance Fund?

BEARD: The state fund, you mean?

de GRAAF: Yes.

BEARD: The state fund was set up by Hiram Johnson to keep the companies in line. But it was limited to writing about 29 percent of the business. By giving tremendous rebates to people who sustained very little loss--had a good loss ratio--they had the best premiums in the business. And this would, in the spirit of free competition, it would make the other carriers come up with reasonable rates.

de GRAAF: Now, were they completely independent of the Industrial Accident Commission?

BEARD: They were a quasi-government agency. We had no control over them. They had different insignia from the state. They have their own autonomy, and they are a competing insurance company. But hovering over the whole thing is the state, because it really had control over it. [It acted as a stabilizing force for keeping premiums in line.]*

de GRAAF: To keep it from getting too expensive. Another relic of the Progressive Era that seems to have some relationship to your general field in that it was to try to provide protection

*Judge Beard added the preceding bracketed material during his review of the draft transcript.

against unhealthful conditions was the Division of Industrial Safety. Now, was that still confined to women and minors in your time?

BEARD: Yes, in my time it was basically women and minors. We worked closely with them. We called on them when necessary. Any safety violation could result in a serious and willful award, which would, again, enhance the benefit all the way if we found that there had been a serious and willful violation on the part of the employer by not having safety standards in. It went beyond women and children in my time.

de GRAAF: They had a large investigative staff, didn't they?

BEARD: Yes. They had a large staff, and some of the more enlightened insurance companies, like Wausau and Liberty Mutual, had their own safety engineers going around to their clients, trying to keep the accident rate down.

de GRAAF: Did you personally meet very often with the chairman of the Industrial Safety Board?

BEARD: No, we just called on their investigators to follow up charges of violations of safety rules and regulations.

de GRAAF: Finally--and I know this is after your time on the board--in the early 1970s, California set up an equivalent of the federal Office of Safety and Health, CAL-OSHA [Occupational Safety and Health Administration].¹ Has that come to play any role in the workmen's compensation picture?

1. CAL-OSHA was established under the Occupational Health and Safety Act of 1973. Calif. Stats. 1973, ch. 993.

BEARD: Well, it would in the serious and willful field, in the awards. It would affect the awards if there were accidents caused by violations of safety standards.

Commission Visibility

de GRAAF: From this overview I get the impression of a rather large bureaucratic organization, employing a large staff, and in some cases a lot of referees--in your case, thousands of individual cases a year. Yet, this whole field is certainly not a household name. Probably a lot of people are only vaguely aware of it. Why do you think this is?

BEARD: Well, there's no sex appeal to an industrial accident. These are not litigated on a fault basis, so they don't make the newspapers. When we had a quadraplegic and had a structured settlement, it could result in \$2 million or \$3 million of benefits over the lifetime of the injured workman. Those cases never make the paper. They didn't have a silver-haired Melvin Belli representing them. Lloyds of London, or some of the calamity insurers, had these people [actuaries] who would set up a structured settlement where they might have to invest only \$250,000 to \$300,000 and buy a business for some injured person, or buy an equity in an apartment that had a good cash flow. These people would then live off the income off that. Over the years it would result in multimillion dollar awards, but there was no sex appeal to those cases.

de GRAAF: That's a good explanation. Going back to the early history

of workmen's compensation, just before it became widely legislated, you had exposes, like Upton Sinclair's [The] Jungle, and it seems that there was widespread popular concern about anguish over industrial accidents that I rarely see in recent times. Do you feel that part of the diminishing notice given to workmen's compensation comes from the lack of celebrated incidents?

BEARD: Well, we see it every once in awhile. We saw it in Bhopal [India]. This was flagrant violation. It didn't happen here, but it happened at Three Mile Island. God knows how many people have suffered. I've seen incidents on "60 Minutes" that show callous disregard for the safety of others. It still goes on. We are exporting our dangerous jobs to Third World nations because not only is there cheap labor, but there is no CAL-OSHA there to stop the employers and add to the cost of building the product. Arizona is going back to the short hoe. You know, we outlawed it because at thirty-six we would get these poor Mexican farm workers in with arthritic conditions, caused by traumatic bending. The Arizona legislature, I understand, has just reinvented the short hoe.

de GRAAF: When you were on the Industrial Accident Commission, did you get some short hoe or similar agricultural cases?

BEARD: Oh, yes. We had a considerable amount.

de GRAAF: I think it was somewhat after 1965 that the case came up that actually led to the outlawing of it, wasn't it?

- BEARD: Yes, it was. But you've got to remember that there was always an agricultural exemption when I was in the legislature. Because we were a cow county, every bill had an agricultural exemption written into it if it affected in anyway those cow counties. So we couldn't get the abolition of short hoes during the time when we had a cow county senate. That's one of the things that changed.
- de GRAAF: One other thing that occurred to me. Did you have in your time any disaster or celebrated case comparable, for example, to the Sylmar Tunnel disaster of 1971 that might have focused attention on workers' accidents?
- BEARD: No. No, there was nothing that I can remember during the time I was on the board that was significant.
- de GRAAF: I know that case is said to have led to a lot of outcry against the Reagan administration and its alleged callousness on safety investigation. Didn't that really help to bring about the CAL-OSHA?
- BEARD: Oh, I'm sure it did. You know, it's amazing, they were inspecting the bridges and they say that one out of four bridges in the federal highway system is unsafe now. The Reagan administration, right after this disaster in New York,¹ has cut down just in the last two weeks the number of

1. Probably a reference to the collapse of a bridge on the Governor Dewey Thruway on April 5, 1987, which plunged several vehicles into Schoharie Creek and cost at least six lives. Facts on File, April 17, 1987, p. 266.

inspections four times, instead of increasing the number,
it's like an ostrich sticking its head in the sand.

[End Tape 4, Side B]

[Begin Tape 5, Side A]

de GRAAF: You were mentioning some of the other reasons you think that
workmen's compensation industrial accidents haven't gotten
more interest.

BEARD: California is not an industrial state, and there were always
agricultural exemptions. So we didn't have that many
workers' complaints and applications for agricultural
injuries. We weren't as industrialized as states like
Michigan and New York and Ohio. And there were heavier
issues. In Kentucky, you had mines, a black lung problem.
We just didn't have any major tragedies that we knew about.
There were a few silicosis cases; we had some mining cases.
But nothing spectacular until the Sylmar Tunnel disaster.

de GRAAF: One other possible contributing factor to this lack of
knowledge or interest: how widely publicized were the
proceedings either of your individual cases heard by the
referees or the actions of the board itself?

BEARD: Very low profile, very low profile. Again, the only cases
that had any play were the secretary who sued her boss for
contracting a venereal disease during the lunch hour break
and the alcoholic who sued his employer because the pressures
of work contributed to his alcoholism. We had many cases

where the stress of the employment contributed to a psychological breakdown, and some of them 100 percent disability. But they did not involve alcohol. Today I think there would be a much different outlook. I would vote differently because alcoholism is a disease. Under a liberal construction of the labor code, it [stress] does not have to be the sole proximate cause of the injury. If it either exacerbates a condition or contributes to the disability, a certain apportionment would be made. So today if I didn't give that person 100 percent, I may find that his job there was particularly onerous, stressful, that he had to relieve himself by having a few cocktails at the end of the evening, and that that led to more. My decision probably would be different today.

de GRAAF: What I have in mind in this question is, are the proceedings of the WCAB [Worker's Compensation Appeals Board] kept in publicly accessible form? Do you make regular reports to the Governor's Council or the Department of Industrial Relations?

BEARD: No, just enough to justify your funding and existence.

de GRAAF: That was a criticism I found in a law journal in 1950, very inadequate documentation open to the public. In fact, that author even claimed that there was only one mimeographed copy of the Rules and Procedures of the Industrial Accident Commission, in San Francisco, and that was it. Was that still a condition when you were chairman?

- BEARD: Oh, yes. There was no Brown Act limitation [1953 law requiring public agency meetings be open to the public].¹ Decisions, they're much more interesting reading than medical reports and rating bureau analyses.
- de GRAAF: Now, at the end of the year would there be a compilation of the total number of cases and some categorization of them?
- BEARD: Oh, yes. We kept very complete statistics on every type of injury.
- de GRAAF: And where would those be published?
- BEARD: They were always open to the public. They were annually published. The rating bureau would get them mostly because this would determine the allocations of the benefit dollar in many instances.
- de GRAAF: Was there nothing from an archival standpoint? If an archivist wanted to be sure he had these, what document would he want to have on hand?
- BEARD: Well, I would contact the insurance industry. They have their own rating bureau. They kept the statistics. We kept them. I would just say you would have to go through the present administrator.
- de GRAAF: But they didn't by law have to come out in some annual report from your office?
- BEARD: No, they didn't. We weren't bound to do that.

1. Calif. Stats. 1953, ch. 1588, given correct name (Ralph M. Brown Act) in 1961, Calif. Stats. 1961, ch. 115.

de GRAAF: A final question on workmen's compensation, an interesting issue came up a few years after you left. It wasn't directly from WCAB, but I'd like to know if it ever arose during your time there. That was that the Industrial Safety Division, being predominantly charged [with the safety of women and minors] began to find itself running afoul of women's liberation and the Equal Rights Amendment ideal, that this sort of special sexually oriented protection ought to be lessened. Did you ever find that sort of an issue arising in workmen's compensation, an old Progressive Era type differential between male and female being challenged as not in keeping with the times?

BEARD: No, it wasn't as popular an issue then as it has become, since the activism of Gloria Steinem and all the other people who have really . . . well, the defeat of the Equal Rights Amendment.

de GRAAF: So actually, to this day, the Industrial Safety Division is still predominantly a female and minor oriented operation.

BEARD: Well, I thought that it had diversified more, and there is CAL-OSHA, of course. I interrelate them, and I don't know how they divided up their responsibility and function. Originally, it [Division of Industrial Safety] was set up to protect women and minors, to see that they did not work exceedingly long hours. If they [employers] violated the law and had an accident, then the award could be enhanced. But it

was more for the safety of the working place and working conditions than it was for industrial injuries.

VI. JUDICIAL CAREER

Municipal Court and Judicial Unification

de GRAAF: Yes, I realize that division. I'd like to conclude this interview by noting the most recent aspect of your career, which, as you've said earlier, spanned all three branches of the government. That has been as a judge in an interesting court district which has pioneered in judicial unification. So let me begin by just briefly filling in some blanks here. You left the Workmen's Compensation Appeals Board in 1965. When were you appointed to the bench?

BEARD: May 1, 1980.

de GRAAF: What did you do in the interim years?

BEARD: I had a law firm here in San Diego.

de GRAAF: You were appointed, I imagine, by Jerry Brown?

BEARD: Correct.

de GRAAF: What exactly was your position? There are generally municipal court judges and superior court judges. But in your particular case, what were you called?

BEARD: Well, I was appointed to the municipal court. Then, because of an experiment which had been approved by the legislature,¹ I was given an annual assignment as a superior

1. Calif. Stats. 1977, ch. 1051.

court judge in the San Diego County area. That came from the chief justice. The experiment ran out after seven years. I had been on the bench for about five of those. I still get the annual assignment as a superior court judge. It runs from year to year, January 1 through December 31. It comes from the Judicial Council, but the presiding judge of the San Diego superior court gives us the assignments. He assigns us to hear superior court matters. During my seven years on the bench, I have served almost a year of that on the family law court. We have a department that hears domestic relations matters. I've also heard several criminal felony trials and several superior court personal injury matters, and civil cases involving over the \$25,000 jurisdictional limit of the municipal court. [In 1985, a branch of the superior court was established.]* We still have two separate court entities, but one administrator--one court administrator--who is handling the two superior court judges who are out there, and handling the local staff for them. But we continue to get assignments of superior court work every working week.

de GRAAF: Now, is this a continuation of an effort that has been sort of an off again, on again thing from the early 1970s, from

*Judge Beard added the preceding bracketed material during his review of the draft transcript.

the Hayes bills all the way through Prop. 10 in 1982, to unify all of the lower courts?¹

BEARD: They do some of them in San Diego municipal court, but we do almost all of the felony sentencings on the cases we hear out there. There are a few of them that go up now that we have a superior court in El Cajon.

de GRAAF: What was the general aim or presumption behind this experiment?

BEARD: Efficiency. We proved we had probably the highest weighted caseload per judge in the state. We do almost two judges' caseloads today, though we're only getting paid for one at the lower level. But we have dedicated judges who want to see the experiment work. Very few states have adopted unification. They still have a pecking order, a two tier system. At one time, we had police courts, we had justice courts, we had probate courts that were separate. I think Los Angeles at one time had sixteen different court systems. That was prior to the big administrative law courts. But Washington, D.C. [and] Chicago, Illinois have one unified court system, and each judge is capable of hearing any matter from small claims through murder cases.

1. Assemblyman James Hayes and the Assembly Judiciary Committee drafted four bills (A.B. 1400, 1401, 2743, and A.C.A. 45) for the 1971 session that would have consolidated municipal and justice courts into superior and elevated their judges to judges and magistrates, respectively, of the superior court. All bills were defeated. Proposition 10 on the November 1982 ballot revived the Hayes bills and met a similar fate.

de GRAAF: Is part of this unification movement a reaction to the growing number of cases that courts are facing? Has there been a dramatic increase in the caseload of courts for the last ten or fifteen years?

BEARD: The criminal calendar has really increased dramatically. We are a litigation minded civilization, and civil cases have really increased. We've noticed it. When I went on [the bench], I think I was the sixth judge. We now have ten.

de GRAAF: Just since 1980?

BEARD: And I'm just as tired when I get home today as I was when I started.

de GRAAF: That does suggest a burgeoning caseload. I know I've seen some figures from the time that the Hayes bill came up. I think between 1965 and 1970 there was almost a tripling of criminal cases and about a 40 percent increase in total cases. So that seems to have been what originally sparked unification. I wondered if that condition were still the case, and it seems it is.

BEARD: It is. It's still increasing. Our population is increasing. This is the fastest growing county in the state, so we see the increase. When we have added population, we have added problems, both in the civil field and in the criminal field.

de GRAAF: Now, this El Cajon experiment, when it was launched, was it largely a local thing in its inception, or was it a product of the Judicial Council?

- BEARD: I don't know. I think Senator Bob Wilson, who carried the original bill, thought it up and sold [Anthony J.] Tony Kline, who was the governor's appointment secretary. Jerry Brown was very interested in seeing a reform in the judiciary, trying to get it more efficient, more responsive. I guess he tried too hard to make it responsive to social change, and he probably made his biggest mistake there.
- de GRAAF: Was this effort at unification done in other places originally besides El Cajon?
- BEARD: No, El Cajon was the only experimental court authorized by the legislature.
- de GRAAF: I see.
- BEARD: In San Diego County, after a preliminary hearing--which is a bind-over stage, one of the two methods to get a felony case into the superior court--many of the attorneys would opt to have the municipal court judges who had assignments as superior court judges in this county sentence them. They would make the plea bargain sometimes before the preliminary hearing, and that case would never then go to the superior court. It would be kept there, and we were sending people to prison there at the municipal court level, although a municipal court judge does not have that jurisdiction, unless he's given a special assignment.
- de GRAAF: One of the arguments I've heard on this is that by unifying the municipal and superior courts, you might be able to more

specialize the work of judges. Has this turned out to be the case in El Cajon?

BEARD: Well, it hasn't because we're not that big a court. It sure would turn up in San Diego. We have certain judges [who specialize]. I was certified as a criminal law specialist by the California Board of Legal Specialization. I don't think that there were any other judges in El Cajon that were criminal law specialists, although Judge [William J.] Howatt, [Jr.] had been a district attorney. Judge [Richard H.] Bein had been a deputy district attorney. Both of them had great experience in criminal law. Judge [J. Michael] Bollman and Judge [Thomas R.] Tom Murphy, who was on our court, both were certified in family law. They were specialists in that field; they liked to do that work. I like to do criminal law work. When you have a unified court, you can put those judges who are trained and have achieved some respect or board certification into their proper niche, just as the medical profession does. If you're certified in psychiatry, you handle that type of case. If you're an orthopedist, you do orthopedic work.

de GRAAF: This brings me to my concluding question. If judicial unification indeed has these merits of greater efficiency and caseload and ideal specialization of judges, why does it seem to have repeatedly met defeat? The Hayes bill never got through the legislature, the Judicial Council made an

eighteen month study in the early seventies, but nothing seems to have come of that. And we've noted earlier, the culmination of this experiment in an initiative in 1982 went down in defeat almost 2 to 1.

BEARD: The public, after a rather unexpected advertising campaign, had the idea that there were some 750 municipal court judges who wanted a raise in their pay. They didn't discuss the merits of it; it was emotional issues, more government employees trying to get their hand deeper into the public till. There was opposition from some superior court members who liked the pecking order. They like to be in an exalted position, looking down on some of us.

de GRAAF: For those not familiar, is there today a significant difference between the compensation of municipal and superior court judges?

BEARD: Well, it is rather significant. It's about \$6,000, which is what I earned as a state senator for the entire year.

de GRAAF: There is also a significant difference, is there not, in the type of trial that they do?

BEARD: Yes, there is, because they [superior courts] are handling the more serious felonies. Their responsibility is much greater, but that does not mean that we are not qualified to accept that responsibility.

de GRAAF: I think that's the impression superior court judges sometimes tended to give.

BEARD: Well, I would imagine that the rules would change. Right now a municipal court judge merely has to have five years of experience as a practicing attorney in this state in order to be appointed. A superior court [judge] needs ten years. I would imagine, if there had been a unification bill, that the requirement would go up to ten years for prerequisite to qualifying for the job.

de GRAAF: Was grandfathering of those municipal judges that didn't have [something] considered?

BEARD: There'd be very few to grandfather in. Very few of them get appointed on that fifth year. Most of them have close to ten years when they get appointed.

de GRAAF: Rounding out your pecking order, doesn't there also tend to be a difference in what a municipal court judge can aspire to move up to, compared to a superior court judge? For instance, is it at all common for a municipal court judge to leap up to appellate court, as [Chief Justice] Rose Bird did?

BEARD: Well, I know of no municipal court judge who got an assignment to an appellate court.

de GRAAF: Well, that was the charge.

BEARD: Except one lady judge who went to a federal court directly from the municipal court. It was here in San Diego. She's considered a very qualified judge. But most of us today go to judges' seminars together, and many of us take the same courses. We have a lot of camaraderie. There's no

jealousy. We don't feel inferior to superior court judges, although most of us aspire to advance. At my stage now, I would rather be where I am. We have a new courthouse. I am inside a guarded parking area, with better security and less responsibility. I don't have to send as many people to prison. I send a few every month, but I don't hear the first degree murder cases. I have a heavy caseload, but the average municipal court judge has much less responsibility.

de GRAAF: What do you think is the future of judicial unification, based on what you've seen in the El Cajon experiment?

BEARD: Ultimately, it will come about, [but] not in my lifetime. I know that the El Cajon court is known nationwide for its forward innovations. We have a national reputation. I've gone to and spoken to an international conference of lawyers and judges. A lot of them were familiar with the work we're doing in the field of alcoholism and our unification. Most of us on the court have taught at the judge's college; that's at Boalt Hall, generally, in Berkeley. I taught there. So we had some highly regarded judges on our court. I'm real proud to serve with them.

de GRAAF: Thank you very much for this interview. I think this will conclude it now.