

California State Archives  
State Government Oral History Program

Oral History Interview

with

**HON. CLAIR W. BURGNER**

U.S. House of Representatives, 1973 - 1983  
California State Senate, 1967 - 1973  
California State Assembly, 1963 - 1967

January 15, March 9, and May 25, 1990  
Rancho Santa Fe, California

By Phillip L. Gianos  
California State University, Fullerton

**A HISTORY OF REAPPORTIONMENT IN CALIFORNIA**

## **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

### Interviewer/Editor

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### Interview Time and Place

January 15, 1990  
Home of Clair W. Burgener, Rancho Santa Fe, California  
Session lasted approximately three hours

March 9, 1990  
Home of Clair W. Burgener, Rancho Santa Fe, California  
Session lasted approximately ninety minutes

May 25, 1990  
Home of Clair W. Burgener, Rancho Santa Fe, California  
Session lasted approximately ninety minutes

### Editing

Phillip L. Gianos checked the verbatim manuscript of the interview against the original tapes, and did editing for punctuation, paragraphing, and spellings.

In late summer of 1991, the edited transcript was forwarded to former Congressman Clair Burgener who carefully reviewed the transcript and returned in the winter of 1992. Additional editing and verification of proper names was performed by Debra Hansen and Shirley E. Stephenson.

Shirley E. Stephenson, Associate Director/Archivist Emeritus of the California State University, Fullerton, Oral History Program performed the final editing and proofreading of the manuscript, prepared all the introductory materials, the name index, and all forms required by the California State Archives.

### Papers

No private papers were consulted by the interviewer for this interview.

### Tapes and Interview Records

The original tape recordings of the interviews are at the Oral History Program, California State University, Fullerton, along with records relating to the interview. Archival tapes are deposited in the California State Archives at Sacramento.

## BIOGRAPHICAL SUMMARY

Clair W. Burgener was born in the state of Utah on December 5, 1921. His father Walter Herman Burgener was born on September 7, 1888 and was a schoolteacher, bandmaster, and orchestra leader. He married Lenorah Taylor Burgener, a homemaker. Young Clair attended Granite Junior and Senior High School in Salt Lake City, Utah. He graduated from Chaffee Union High School in Ontario, California in 1940 and earned an A.B. in Liberal Arts from San Diego State University in 1950. Clair Burgener is married to his childhood sweetheart, Marvia Hobusch Burgener, a homemaker whom he married on September 27, 1941 in Salt Lake City, Utah. They had three sons: Roderick Steven, Greg and John. Roderick was mentally retarded and passed away in 1979.

During World War II, Clair Burgener served as a Second Lieutenant Navigator in the United States Army Air Corps from 1943-1945. He was recalled during the Korean War and served in the United States Air Force in 1951.

Burgener's first elective office, in 1952, was part-time and unpaid on the San Diego County Republican Central Committee. Later, he was elected as a member of the San Diego City Council serving from 1953-1957. He served as vice mayor of San Diego from 1955-1956. After an unsuccessful campaign for the California State Assembly in 1957, he was elected to the assembly in 1963 and served until 1967 when he was elected to the California State Senate where he served until 1973. In 1973, he was elected to the U.S. House of Representatives and served five terms as a member of Congress. He believed in term limits for political life and did not seek reelection and retired in January 1983.

During his years in the assembly, he served on several rather nondescriptive committees. This action was due to differences with Speaker of the House Jesse Unruh. Following his election to the senate, however, Burgener served on Rules, Finance, and Education Committees, the State Personnel Board, and was chairman of the Social Welfare Committee. As a Congressman, even though in the minority party, he served on the important Appropriations Committee and was asked by then-President Richard Nixon to chair the Committee on Mental Retardation. He also served on numerous subcommittees involving the mentally retarded, water and energy, and military construction.

Following his retirement, Burgener serves as a member of numerous boards and remains active in civic and community activities. The University of California Board of Regents, the California State Personnel Board, and the International Broadcasting-Radio Free Europe are among the most prominent. He is very proud of the Clair W. Burgener Foundation for the Developmentally Disabled which was established in his honor in 1982, and the Clair W. Burgener School for the Developmentally Disabled, a public school in Oceanside, California, named for him while he was still politically active.

[Session 1, January 15, 1990]

[Begin Tape 1, Side A]

GIANOS: Mr. Burgener, you're not a California native, correct? You were born in Utah?

BURGENER: My wife and I were both born in Utah and met at a young age, in the ninth grade. While we didn't speak of marriage at that early age, I probably thought of it. We had relatives in California. She had an aunt and an uncle out in West Los Angeles, and I had a sister in Ontario, California, and we visited our families and became totally enamored with California, truly the "Promised Land." I still believe that. So in 1941, the day after we were married, we moved to California. I'd come down earlier and got a job so I could support her, and I worked at Lockheed [Corporation] before I went into the [United States] Army Air Corps in World War II. So, no, we're not natives. We have lived in California forty-eight years and in San Diego for forty-two [years].

GIANOS: You were educated in public schools in Utah.

**BURGENER:** Public schools in Utah. I went to [what is] now San Diego State University, then San Diego State College, graduating in 1950.

**GIANOS:** What was your family background like back in Utah?

**BURGENER:** A large Mormon family. My great-grandfather came out in 1847 with Brigham Young, [and the] Mormon pioneers. My wife and I are not active in the Church [of Jesus Christ of Latter-day Saints], but we're very fond of it. It did a great deal, in terms of character formation and values. A large family, seven kids; I'm number six of seven. I just went to my brother's funeral the other day. He was eighty-three, lived a very good life; he was the oldest. The youngest, number seven, is now sixty-two; I'm sixty-eight. My dad was a schoolteacher and a bandmaster and an orchestra leader. A musician. A fine, fine man, and raised a big family. We grew up during the [Great] Depression; I'm a product of the Depression. I guess that either makes you a conservative or a liberal, depending on whether you had a job or not. We still have relatives and friends in Utah. We go back, perhaps, once every couple of years. We went this year, my wife and I, to our fiftieth high school reunion. It was kind of like a weekend in Saint James Infirmary. It was great fun, and we saw a lot of old and very dear friends. That's the background.

**GIANOS:** Given your subsequent career, was there any political cast to your family [or] your experiences in Utah before you moved out here?

**BURGENER:** None at all. I'm the first politician in the family, perhaps the last. My sons have no interest in it. I hope they're interested in public affairs; I think they are. They vote; everybody votes; everybody participates. But no politicians.

**GIANOS:** Was your family an avowedly Republican family?

**BURGENER:** My parents were. They weren't hard liners, but Mother, particularly, was always stressing the importance of voting and being a good citizen. I never knew them to be personally involved in anybody's campaign. They always talked about campaigns and who was running for what. I didn't hear much about local office, but I remember when Franklin [D.] Roosevelt was running for president-- I was a kid--in 1932. I've seen every president, including Franklin Roosevelt and [Herbert C.] Hoover, and have met most of them, and have personal letters from several. I served under four during my ten years in Congress: [Richard M.] Dick Nixon, [Gerald R.] Ford, [James E.] Jimmy Carter, and Ronald Reagan. But no, I'm the only politician in the family, and I am now an ex-politician.

**GIANOS:** Is there any point from which you can date getting interested in politics? Did that happen after you moved out to California?

BURGENER: Oh, indeed there is, very markedly. It was at San Diego State, really. I was always interested in speech arts--that was my major. [I was] interested in the theater. I used to be an amateur actor at the Globe Theater here in San Diego many, many years ago. That's out of my system, thank you. I enjoyed it. I did seven plays there. I was more interested in the other side of speech arts, specifically debate. I was on the debate team at San Diego State for three years. In fact, in my senior year, my colleague and I debated twenty-three different colleges and universities. There were schools like USC [University of Southern California] and Pepperdine [University] and [University of] Redlands and COP, then, now University of the Pacific and Stanford [University]. It was great fun. It was the Oregon style of debate where you took the affirmative one round and then the negative. This was, hopefully, designed to develop an open mind; [I] hope it did. But during that experience, I used to read the Congressional Record a lot to get evidence for the debates. Issues don't change a whole lot. I remember two of the topics: federal aid to education was one; planned economy versus free enterprise. [U.S. Senator Robert] Bob Taft was one of my heroes, politically, in those days. I remember when we were debating federal aid to education, he said on the floor of the Senate, "I am

opposed to federal aid to education. However, next year, I might not be. Conditions change." I thought that was a pretty good attitude. He was known as a hard-line conservative, but he wasn't really doctrinaire. He was flexible, I thought, and my kind of guy. That really is what stimulated my interest.

GIANOS: Would it be fair to say that Taft was your first overt political hero?

BURGENER: Hero is a strong word.

GIANOS: Exemplar.

BURGENER: Exemplar, yes. I met [Dwight D.] Eisenhower. I worked in the '52 Eisenhower campaign, first campaign I really worked in. I worked in the [San Diego] mayor's campaign--John Butler for mayor in '51. I tried not to become a political junkie. In other words, I tried to keep my political ambitions in some kind of perspective. When I meet young politicians today. . . . And I meet a great number of them who, by the way, don't come for advice and counsel; they've already made up their mind what they're going to do. They tell you they're coming for advice, but they're not. They're not seeking advice; they're seeking allies and supporters and endorsers and money to back up their own good, solid judgment and opinion of themselves. Always, since being on the debate team, I thought, "Gosh, it would be a tremendous thing to go to Congress someday."

But I was not just a kid then. I was married; I was a little older, I'd been through World War II. I think I tempered my ambitions with a little realism, and I figured I might have a chance [to win], and a much greater, greater chance that I wouldn't make it. So I never permitted it to become an obsession.

I met a young politician this very morning, had breakfast with her. I asked her if she had any long-range plans. She said, oh, yes, she'd like to be governor. Well, that's a nice ambition. I've always felt this way about political ambition: I think a politician who's serious about it and fairly well motivated and fairly well balanced and kind of realistic can plan his or her life with some reasonable chance of making it to the state legislature or to maybe even the House of Representatives, although it's no "slam dunk" because there are a lot of other people with similar ambitions. But I really believe that when it comes beyond that--United States Senate, governor, heaven forbid, president, but specifically U.S. Senate or governor, I think, then, luck plays a major role. Not that you don't have to prepare yourself and not that you don't have to want it. But you have to be at the right place at the right time and so on. But you've got a shot below that, I think.

GIANOS: So the political ambition that formed in you was, basically, immediately after graduation.

BURGENER: Yes.

GIANOS: And was focused, ultimately, on Congress. Is that true?

BURGENER: Yes, but I'm a great believer in coming up through the ranks. The first elective office I ran for was in 1952, and it was an unpaid, part-time, partisan thing: the San Diego County Republican Central Committee, which is kind of a grab bag. Nobody was that much interested. Your name, in those days, went on the ballot, and they picked your name out of a hat. Whomever's name came up first was first on the ballot. Now, they rotate them, which is much more fair. But if you got lucky and drew a high spot on the ballot, you'd probably get elected to the county committee. No pay. The committee didn't do much. Its real mission in life was to fill a vacancy if the party's nominee died after the primary and before the general election. Other than that. . . . Parties are very weak in California, both Republican and Democratic. I know, I was chairman of the California Republican party. Both parties mean well, but they're very weak, both of them, and officeholders are not beholden to them in any way, shape, or form. In some states, they're very strong; and that's worse, if they're too strong. When

they get too strong, they kind of suggest who's going to run and who isn't; you've got a machine. Well, I can assure you California has no machine. Instead it's personal organizations.

**GIANOS:** In your early run for the central committee, had you done any prior work in the party preceding that?

**BURGENER:** The only thing in the party preceding that was the year before, a little bit of fringe work when Dick Nixon and Helen Gahagan Douglas had that famous race. I did a little precinct work for Nixon back in the fifties. That was a very controversial race. Do you remember?

**GIANOS:** Yes.

**BURGENER:** I'm a great admirer of Dick Nixon, in spite of Watergate. I'm not an admirer of everything he did. I didn't approve of the pink sheets on Helen Gahagan Douglas, although I've been a conservative Republican all my adult life. But I think Nixon's foreign policy is just par excellence. I did a little work in that 1950 campaign, a little precinct work. But in 1951, John Butler for mayor, nonpartisan. The San Diego Junior Chamber of Commerce unofficially--couldn't do it officially--played a big role in that. It was a very powerful organization; it could not and should not endorse; it's not a political outfit. But it was very, very strong. It

had, in those days, all the young "tigers" just back from World War II. It had hundreds of members, and it really got John Butler elected as mayor. Then, the next year, [Robert C.] Bob Wilson was running for Congress, and it played a large role in his election. In '52, I got elected to the county committee, and in '53 I did run for, and was elected to, the San Diego City Council.

**GIANOS:** Tell us a little bit about the circumstances of that race: your campaign style and organization and your opponent's.

**BURGENER:** Number one, there was a vacancy, and that's how people get into politics. Not always; incumbents can be beaten. They're beaten far most often in nonpartisan office: city council and so on. But partisanwise, there has to be a vacancy. My name's been on the ballot twenty-one times in thirty years, and I didn't win them all. Out of twenty-one, I only won twenty, which "ain't bad" if you're pitching baseball. But which one did I lose? The only time of the twenty-one times at bat that I took on an incumbent I lost. That taught me a very valuable lesson: you don't beat incumbents. I hope anybody reading or listening doesn't really believe that you never can beat incumbents, or we'd have an even worse system. But when it comes to the partisan level of politics--state legislature, state assembly, state senate, and Congress--you can rarely beat

them. That is, you can't beat them 98 percent of the time. There are exceptions, but they're rare. That's one of the reasons for the weakness of the parties. I don't know which happened first, but parties didn't do that much for the candidates, so the candidates and officeholders don't do anything for the party. The party raises money for registration and gets out the vote. It doesn't give money to candidates; it doesn't have it. So the candidates raise it themselves and usually from special interests.

**GIANOS:** How did you finance and organize your campaign for city council?

**BURGENER:** Easy. The total cost of my city council campaign in '53 was \$7,500. That counts primary and general. Now, they're spending \$200,000, \$300,000. Of the \$7,500, I raised \$2,500 from friends in small donations, and \$5,000 of it came out of my pocket. I am the largest single contributor by far in my campaigns over the years, and I never paid myself back. It wasn't a lot of money by today's standards. I counted it up over the years, and my total contribution was about \$17,000. But only when I was running for an open seat or a contested seat. But I never had to do that, as an incumbent. Incumbents rarely have any problem getting reelected, regardless of their record.

GIANOS: How did one go about running for city council in San Diego in those days? What was the nature of the campaign?

BURGENER: John Butler was and still is a good friend. I had worked for him, and we were personal friends. He was elected mayor in '51. Two years later, he called me and he said, "Hey, Frank Swan's retiring, the longtime city councilman from Ocean Beach. Do you want to run? Now's your chance." That only gave me a one day head start. I ran. There were eight of us who ran. No incumbent to worry about. None of us knew much about anything. We weren't political experts under any stretch of the imagination. The system then was where you were nominated by district and elected at-large. Now that's changed, as you know, to district elections. But I finished second in the primary, darn near third. That's too long a story for you here. That was in my own district. It was then the First Councilmanic District. San Diego was a much different place then in 1953, perhaps a fourth of the size it is now.

GIANOS: And the First District was what part of the city?

BURGENER: The First District was Ocean Beach, Mission Beach, Pacific Beach, La Jolla, East Bay of Mission Bay, Bay Park Village, and a little, tiny place just getting started, called Clairemont, where I sold all those houses for my brother, at whose funeral I spoke last Friday.

He died at the age of eighty-three. But he and his partner developed Clairemont. I was kind of the out-in-front guy; I sold all those houses. It was interesting: my commission to sell them was \$100 a house, which I shared with a sales force, fifty bucks for them and fifty bucks for me, and we all made a living. Times change, don't they?

GIANOS: Yes.

BURGENER: Thirty-five years later, those little \$10,000 houses are selling for \$250,000. Anyway, that's how it all got started. I served one term; I did not run for reelection. Frankly, I didn't like that job very much.

GIANOS: What did you not like about it?

BURGENER: It was the only political job I ever had I did not like. I had no idea what I was getting into. But I assure you I didn't tell the public I didn't like it. After all, I wasn't drafted to do that. There was very spirited competition for the job, eight of us. It was so personal and so close to home, and what I disliked most was voting on property zoning. I remember a fraternity brother of mine and his father didn't speak to me for about five years after I voted against a zoning matter that affected property they owned. They had a lot of money at stake, and maybe I was right, maybe I was wrong. Also, in a

local body, it isn't like a legislative body; there's no protection. In the state legislature, you're on a committee or several committees. The matter at issue before you is a much broader-based matter than somebody's property. You may never see the issue; it may never get to the floor. Part of the year, you're out of session. You live in a different city. There's no immediacy and urgency, like local office. Local office--I mean, you're as close as that telephone. If the trash isn't picked up, or the sewer overflows, or the dogs are barking in the neighbor's yard, whatever's happening, you're in the middle of it. It's excellent training and a very important level of government, but it's no fun. I didn't think so, anyway. But I sure didn't share that with the public. I did the best I knew how and never considered running for reelection. But that's the only office I felt that way about.

**GIANOS:** And it never crossed your mind, almost immediately once you had begun to serve on the council, to run for reelection?

**BURGENER:** It was within months that I had absolutely concluded, "No more of this."

**GIANOS:** I'd like to back up a little bit and ask you more about the process by which you campaigned for that office. What was the normal

campaign, if there was such a thing for you? Did you work through newspapers? Did you give speeches to community groups?

BURGENER: All of that. There was an awful lot of grass roots in those days. There's not much of that anymore. People talk about it; it really doesn't exist much. It certainly doesn't at the congressional level. Now that city council races in San Diego are back to districts. . . . I don't know if I should say back to; I don't know if they ever were. But they're district only now. The neighborhoods are involved, and grass roots politics probably may come to life again. How we did it? A lot of public forums where all the candidates showed up. Again, there was no incumbent wanting to duck or hide. We were always available; we were very open. It was kind of fun, actually. We weren't mad at each other. The "hit piece" wasn't heard of in those days; there was no character assassination. I think politics has deteriorated dramatically over the years, I really do. I think about half of the campaign consultants ought to be in jail. It's a shame, and it's the candidates' fault. You must hold the candidate responsible for everything their campaign aides do. I never used any professional campaign consultants. I know times have changed. I also never used television. I suppose that wouldn't be possible anymore. But with district elections in the city, television is not

practical. Direct mail is very important. Radio, to a degree. But if you want to use television, you'll reach ten to twenty times the audience that you're paying for. So direct mail is very, very big. In fact, ad nauseam. Some of these council candidates spending \$300,000 in a tiny district are sending twenty, thirty pieces of mail to one house. I kind of think that's absurd. But back in those days, yes, we bought newspaper ads, mostly in the little local papers that you could afford, not in the dailies. We were given free time. Television was quite new; it was black and white. So we had a little "freebie" television time. The television commercial was kind of unheard of in '53. That's when I was elected to the council. Direct mail was big; door-to-door was big. Grass roots stuff. You built yourself a little army, if you could. I think we may get back to that some day. I hope so.

**GIANOS:** Absent an incumbent, what sorts of issues did you and your opponents run on? What sorts of things did you emphasize?

**BURGENER:** At that time, in the First District, the heart of which was Mission Bay, the development of Mission Bay was kind of a biggie. There wasn't a whole lot to argue about. This is before no growth; this is before even managed growth. Builders were popular. "Let's build houses. Let's develop the city. Let's do something. Let's dredge

out this big bay." The environmental movement was unheard of. I'm sure it was there; it wasn't predominant. It's kind of sad, when you think back, that were we to attempt to develop Mission Bay today, we couldn't.

See, Mission Bay was a mud flat. In fact, it was called False Bay. When the tide was way out, it was a mud flat, and it was for the birds. That's not a pun. The black brant and the light-footed clapper rail and the least tern, they all did very well there. I think birds are somewhat adaptable and do tend to move. I'm also not for dredging out every inlet. We've all become conservationists, I hope, and environmentalists, but we have extremists in everything. But were it to be tried today, you couldn't develop Mission Bay, and millions of people use it every year. So I'm for developing it, but leaving the next three or four inlets or bays, as you go up the coast in a natural state, and developing, maybe, the fifth one. I think that compromise is not a dirty word.

So Mission Bay was a big issue, how to develop it. The [United States Army] Corps of Engineers did the dredging. There was quite a bit of federal money put in the thing. Part of it was called a flood control project, a big flood channel. This was all debated during the campaign--there wasn't very much difference of

BURGENER: opinion about it--[and] it was agreed that about 85 percent of Mission Bay would be left for the public and about 15 percent would be developed commercially, hotels and marinas. I think that's probably up to around 20 percent now, but 80 percent still is in public domain. The 15 [percent] or 20 percent that would be leased out commercially, the rent from all that would be used to carry the freight to cover the whole thing; it's not a bad idea. That was an issue. The old issue of geraniums versus smokestacks. For anybody that grew up in this town, from Coronado or the border clear to Oceanside, what's this place going to look like? Is it going to be another Los Angeles? We didn't use that term much then. Do we want any industry here? Most folks did; some did not. We were not a transportation hub. There wasn't much danger that we were going to put a steel mill or a foundry or heavy industry here. I think it's developed really rather well. We have high tech, we have good medicine, good education, and many recreational and cultural attractions. I think we have a pretty nice balance. We didn't just grow, like Los Angeles, which we all use as kind of a horrible example. It's so big and so spread out and politically such a hodgepodge. We had a little more control here. I think it was developed quite well.

GIANOS: When you left the council in '57, there were several years between that period and when you ran for the assembly.

BURGENER: I told you before, I ran twenty-one times and I won twenty. The one I did not win was while I was on the council, just a few months before the end of my term, in 1956, in the fall; my term would have ended in the spring of '57. I ran for the state legislature, and I committed heresy. I ran against an incumbent in my own party. I learned you don't do that.

GIANOS: The incumbent was who?

BURGENER: Retired Navy Captain Frank Luckel. He's deceased now. But Frank had urged me to run, but certainly not against him. He had indicated to me that he was going to retire. I was very naive and not too bright, I think, in terms of political experience. I assumed he meant then; he did not mean then. I have letters from him urging me to get my campaign organization together and that I'd be a good replacement. I did what turned out to be a very foolish thing: I made a premature announcement before he had announced his intentions, because I got tired of waiting. You learn some things the hard way in politics, and I did indeed. Of course, the press said to me, "What about Captain Luckel there, Assemblyman Luckel?" I said, "I think he's going to retire." "You think he's going to retire?"

Is he?" "I think so." "What if he doesn't? Then you won't run, will you?" "Yes, I'm committed." Mercifully, it was a good, clean, upbeat campaign where neither candidate said any horrible things about the other. There weren't many issues. It was suggesting during the campaign that we were underrepresented there; we had no committee chairmanships, no vice chairmen. I had to say something without attacking the incumbent as being ineffective, which I really didn't do. Anyway, he beat me real good, about 2 to 1. I learned a great deal from that.

GIANOS: So when you ran in 1962 . . .

BURGENER: I had to wait . . .

GIANOS: Until there was a vacancy?

BURGENER: Until the reapportionment. While I am very unhappy about reapportionment in general and gerrymandering, which is practiced by both political parties to a fare-thee-well, neither party is exempt from it. It's awful, the way it's done. I waited until [the] 1962 reapportionment. That is, the census of '60, the reapportionment of '61, and the elections of '62. San Diego County went from four assembly districts to five. I ran in the new Democratic [district]. It was quite Democratic, the [Seventy-sixth Assembly] District. I was a Republican. But it was a swing district; it could go to either

party. I wish there were more of districts like that. I watched them draw the lines; I had no influence over it. I was just an ex-city councilman, active in the party. But the Democrats were in charge of the process, as they always are, at least in modern memory. Once in awhile a Republican governor gets involved a bit. And it [the Seventy-sixth Assembly District] included all of the area which I had served [while on] the city council. [It was] much larger. [It] included all of those areas I described around Mission Bay, and then went clear east to El Cajon. It was contested. There was another Republican candidate supported by the more conservative Republicans. I was considered a moderate or a liberal, or nearly a communist by some. That's a joke, but not totally. I was not considered a conservative. Certainly, I didn't pass any litmus tests. But I won. I had to wait for a district.

**GIANOS:** This point that you're describing, what were the key litmus tests among Republicans as to who [was] and who was not a conservative? Why were you not considered as a conservative?

**BURGENER:** When I appeared before some of these study groups--I use that term because that's what they called themselves--there was a great fear in 1957 when Sputnik went up, and we were all a little scared. "The Russians are coming, the Russians are coming!" One of the issues

in the '62 campaign was should the bomb shelters be public or private? Are you going to let your neighbors into your bomb shelter? I mean, really, it was a minipanic about when the Russians would take us over. I wasn't that concerned that they were about to do that or had the capacity or the will to do it. But it was a hard-line right wing. . . . Remember, the John Birch Society was very big in those days. I remember before one of these study groups when I told them among the things I read was Time magazine, that did it. No hope for me. I was out of it. I hadn't heard of Human Events and wasn't taking it or reading it as I should have been, by their book. I always considered myself sort of a moderate, but I consider myself quite conservative now.

[End Tape 1, Side A]

[Begin Tape 1, Side B]

The split in the Republican party, which is quite historic, between the right and the middle and the left--and the Democrats have the same thing, I'm sure--was pretty much in-house. But I wasn't nearly conservative enough to suit. . . . In fact, the fact that I had taken on an incumbent who was perceived as a pretty conservative guy, that carried a lot over into the '62 race. You recall I told you in '56 I got defeated in a Republican primary for the assembly and

BURGENER: defeated rather handily, 16,000 to 9,000 votes. That was in the days when we weren't polling; I didn't know I was going to get beat that badly. I thought it was going to be close; it wasn't close at all. He [Luckel] was an excellent campaigner, by the way, a very, very good campaigner. That's what he did, mostly, while he was in office. There weren't any public, burning issues. Let's see. In '62, the economy was kind of rocky. In San Diego, there was a big real estate boom from 1950 to '59, [the] Korean War and all that buildup, and I was selling all those houses for my brother and his partner in Clairemont. It was the Clairemont precinct that got me elected, by the way,--the people I sold houses to--by beating one of the right-wingers, Colonel Tom Drake from Ocean Beach, who was the darling of the right wing. I barely beat him for second place. So that's carried over into my political career. It got dissipated many years later.

But from '59 to about '63, San Diego was in a real slump. Economically, we were in [a slump]. Time magazine, the one I read--that's the communist daily, according to the right-wingers--had called San Diego a "bust" town. It wasn't, and we didn't want it to be. But now that the Korean War was over, this town was going off the face of the map. The real estate market died. But

BURGENER: then, from about '63 on, the economy in San Diego began to diversify, and it was far less reliant on federal spending and the military. Tourism developed tremendously; high tech developed. A lot of broadly based industry came in, and we have a pretty nice mix now. We've got the navy; we've got tourism; we've got high tech; we've got higher education; we have biotechnology. We've got a pretty good mix of everything. Jobs were a big issue, and I was for jobs and growth and development. That was before no growth.

GIANOS: Were those the main issues that you ran on in '62?

BURGENER: Yes. And I also ran on commonsense government. What are you going to do when you first get elected? The hard liners wanted me to introduce something like supporting the Bricker Amendment<sup>1</sup> or some such thing. What I wanted to do was study the state budget and find out how it worked and try to take a more businesslike approach to government. With my general conservative leanings,

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<sup>1</sup>In 1953, John William Bricker, an Ohio Senator led an unsuccessful effort to curb the powers of the president in international relations by sponsoring a constitutional amendment which would have required congressional or, at least, senatorial approval of executive agreements. Bricker's amendment would have left to the Congress or even to state legislatures the internal enforcement of international agreements made by the United States.

not being a big liberal or anything, I always felt that government should do as little as possible, but do it well.

GIANOS: Did that put you in fairly clear opposition to your primary opponent in that race, Ed Peterson?

BURGENER: Yes. He was telling the hard-line right-wingers all of the things they wanted to hear. I was avoiding them, frankly. I recognized--I think, quite properly--that they didn't have that much of a base. I remember appearing before a group of them of about twenty-five, and they were a candidate selection committee. They said, "Will you agree that if we don't endorse you, you won't run?" I said, "Of course, I won't agree to that. I'd like to think this election belongs to a few more people than twenty-five. I'd appreciate your support and would be very happy to get it. But no, I won't agree not to run. It is a free, open election, and it's going to be decided by everybody that lives in that district that happens to be a registered Republican." That offended them, of course. They weren't part of the party, don't misunderstand; they were extracurricular. When it got to the party itself, a broader base. . . . I had been very active in the party. Then, I got endorsed by the larger group. I don't know what those endorsements really mean. At the time, you think they're terribly important; in retrospect, they probably didn't mean much.

GIANOS: What was your strategy in the general election race?

BURGENER: I again remind you that it was a Democratic district. I ran as a Republican. This is for the assembly, now, '62. My opponent was a real good guy, Ed Peterson, and wasn't running too exciting a race. So I opted to run against Jesse Unruh instead, one of my classic mistakes. I had appeared before Jesse Unruh when he was chairman of Ways and Means. I was very active in retarded children's work. My wife and I had a severely retarded son. I've been extremely active in that work for forty years, at least, now. Our son lived to be about thirty-two. I did a tremendous amount of work, and still do some, for the mentally retarded; we now call them developmentally disabled, and it's a little broader group. That got me interested in the physically handicapped and the emotionally disturbed and all kinds of kids that are different, and then, even the gifted. I even got money out of Ronald Reagan for the gifted years later. In fact, it was my bill as a freshman assemblyman, Assembly Bill 653, in 1963, that created the mandatory classes in all the public schools for the so-called trainable mentally retarded.<sup>1</sup> These are real low-level kids, IQ [Intelligence quotient] 30 to 50, who had no

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<sup>1</sup>A.B. 653, 1963 Reg. Sess., Cal. Stat., ch. 2105.

chance in the public schools, even in special classes. They were the so-called trainable mentally retarded. The educable were most of the kids, fortunately, that were handicapped that had IQs of maybe 50 to 75. Well, 3 percent of the population has an IQ under 70. That's a lot of people. So I was extremely active in that. I talked about handicapped children quite a bit during the campaign. You were asking me about issues?

GIANOS: Yes. You said you ran against Jesse Unruh in '62.

BURGENER: Oh, yes. Jesse Unruh was my "straw man" opponent. I lost my train of thought. By the way, I was a grudging admirer of Jesse in later years, and we became friends. That is, we tolerated each other, [and] later on became quite civil. He was a very bright man. I used to appear before his Ways and Means Committee trying to get legislation. I was the president of the California Association for the Retarded.

GIANOS: This was before you were elected to the assembly?

BURGENER: Oh, yes, between city council. . . . Remember, I got out of there in '57, and I became president of the local association for the retarded, president of the state association, [and] vice president of the national. President Nixon put me on the President's Committee on Mental Retardation. I became its working chairman. There's a

Clair Burgener Foundation now in San Diego for the retarded. There is a Clair Burgener Public School in Oceanside, which, I assure you, I didn't name. But it's a beautiful school for the developmentally disabled; I'm very proud of it. You normally name a school after a deceased person, because you're reasonably sure they're not going to screw up and embarrass you. I told them at the dedication of the school that they just sentenced me to a lifetime of good behavior.

Back to Jesse Unruh. I was really upset with him. He was a liberal, and I say that in the positive sense because liberals are supposed to have more interest in the handicapped and the downtrodden and the not so well-off, and the conservatives are supposed to care not at all. Those are both exaggerations, but there's some truth to it all. I couldn't get the time of day out of the guy. I couldn't get the bill heard. I couldn't get anything. I didn't understand the system and couldn't get anything passed. One of my reasons for running for the assembly, in addition to my debate experience and wanting to some day go to Congress, was the retarded children business. I figured, on that level--there was no congressional district in sight--if you can't beat them, join them.

**BURGENER:** So it was my bill in 1963 that became law. And if I hadn't been there, it would have been somebody else's bill; it was an idea whose time had come. But my bill, A.B. 653, created the mandatory classes for all of the trainable mentally retarded and mandated every district in the entire state to offer--not in every school, but at least in each district--special classes. I won't get into more of that.

But back to Jesse. I ran against him as kind of a heavy-handed, dictatorial boss. That's pretty strong language. I didn't ever suggest he was dishonest or corrupt or not a good person, but I attacked his methodology and his tactics as being nonresponsive to serious problems. I guess I must have hammered on him a little heavy. I also forgot to think that he would be told everything I'd said about him. So when I got elected and got up there, I was rewarded by getting a broom closet for an office and no committees I requested for four years. He hammered me for four years, which I richly deserved, and in the 1966 race for the senate, Unruh created the district for my Republican opponent [Hale Ashcraft], [and] put \$25,000 into my Republican opponent's campaign. I was a decided underdog. So I lost all the battles with

Unruh, but finally won the war; I beat his handpicked candidate and went to the state senate.

GIANOS: Let me back up to the very beginning of your first term in the state assembly.

BURGENER: I served two terms there.

GIANOS: Two terms, yes, but the '62 race. You said already that you got a bad office. What, basically, were your experiences as a brand-new freshman legislator? Were there, for instance, any programs then designed to orient freshman to the legislature, or did you just jump in cold?

BURGENER: I wasn't discriminated against in any of those. They had good forums and good indoctrination of what was expected of an assemblyman or an assemblywoman. There weren't many women then, and we need more. That part was quite bipartisan. Of course, it's a terribly partisan place, much more so now. But the little perks, like your office location. . . . But far more important, committee assignments. With my interest in handicapped children, I wanted desperately to get on the Education Committee.

GIANOS: Was that your first choice?

BURGENER: Oh, absolutely. So the minute he learned I wanted that, I never got it. I wanted that. Really, it was the only committee I wanted.

Well, I didn't get on it. I didn't expect to get on Ways and Means or Finance and Insurance, what they call the "juice" committees. I wasn't interested in any of that stuff. He put me on Civil Service and State Personnel; nobody wanted that. It turned out to be very valuable to me. I'm now a member of the state Personnel Board. The governor [Ronald Reagan], of course, nominated me for that; the senate confirmed me. I'm in my eighth year, now, of a ten-year term. My four years on that committee were very valuable to me. He put me on the Labor Committee; I had no interest in that. He put me on whatever he figured I didn't want. But I served and I learned. Then, when I beat his guy for the senate in a thirty-day recount, again, the right and the left and the middle of the Republican party [were] at loggerheads about me. The right wing was beating me up then. Then, I went over to the senate. Well, it was a new world. I got on Senate Finance [Committee], became chairman of Social Welfare in the senate, even though I was in the minority party. I got on the Rules Committee. I was part of the coup that dumped Hugh [M.] Burns with Howard Way, even though I agreed with Hugh Burns on most things. The issue was quite simple: the Third House, meaning the lobbyists, ran the senate. They didn't have the votes to get a bill passed because they didn't

**BURGENER:** control the assembly, but they were pretty much status quo people. I was with them philosophically most of the time, but I didn't think it was right that they run the place. So I was part of the new palace guard. [George] Deukmejian was part of it; he was elected to the state senate in 1966, also. We upset the leadership and installed Howard Way as the Republican president pro tem. Hugh Burns, who personally was a great guy but was totally in bed with the Third House, the lobbyists. . . . They could kill a bill. They couldn't get one passed in the assembly, but they didn't care about that. They were the status quo guys. So they were antireform; and if any reform came along that they didn't like, they killed it in the senate. I got in the Rules Committee. I was on everything: Senate Finance, Rules, Education, chairman of Social Welfare. I had it all.

**GIANOS:** Do you attribute that largely to the absence of Jesse Unruh in your life?

**BURGENER:** Yes, the absence of Jesse Unruh. Furthermore, during the four years as an assemblyman, I didn't dwell on Jesse Unruh. I didn't permit that to become any kind of an obsession; that wouldn't be healthy. I worked very well with the senate; I got good legislation passed. Remember I told you about the one key bill. Jesse didn't fight my legislation. Jesse was properly motivated, in terms of good

legislation. He wouldn't stoop to that, but he might, on a temporary, tactical basis, to whip you into line or something. But I didn't have anything to offer him.

**GIANOS:** In your period in the assembly, just off the top of your head, what names come out, individuals you encountered or found impressive or interesting?

**BURGENER:** [Jerome R.] Jerry Waldie and I worked together. Frank Lanterman, the old curmudgeon Republican of the Lanterman Act<sup>1</sup> on the handicapped kids, state hospitals. Jerry Waldie, [Nicholas C.] Nick Petris, [Anthony C.] Tony Beilenson, [Richard J.] Dick Donovan.

**GIANOS:** A lot of Democrats in there.

**BURGENER:** I've always worked very well with the Democrats because I was interested in social issues more than other issues. That is, people issues. It wasn't just that; it wasn't that the Republicans were not interested. But the Democrats were in charge; if you didn't get their help, you didn't get a bill. It was the same way in Congress. I was in partisan office for twenty years, and in so-called nonpartisan office for four years, being on the city council. But during my twenty years in partisan office, I was in minority party status for

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<sup>1</sup>A.B. 677, 1967 Reg. Sess., Cal. Stat., ch. 1667.

nineteen years and three months. You learn to be a second-class citizen. That's no indictment of any individuals. My personal Democratic friends were just superb with me. But it's easy. All you've got to do is treat them as equals, putting aside my little feud with Jesse Unruh. I didn't let that continue; I didn't keep hammering on him. I mean, I wasn't stupid. He had all the cards, and I needed his help. I did differ with him on bills on the floor from time to time, but I never made it personal. But, yes, I would say of the two, Frank Lanterman, on the Republican side, and then Jerry Waldie, on the Democratic side, were the two guys who helped me most.

GIANOS: What about relationships with the [Edmund G.] Brown, [Sr.], administration?

BURGENER: Pat Brown?

GIANOS: Pat Brown, yes.

BURGENER: Excellent. I liked Pat Brown very much. I didn't care much for his son, [Edmund G. Brown, Jr.], Jerry, politically or personally. [I'm] very fond of Pat Brown. No problems at all. He's the guy that signed my big bill. He was a great guy. I would have preferred a Republican governor, of course. But he was a person who was easy to like. Then, of course, after him came Ronald Reagan. I served

four years with Pat Brown and six years with Ronald Reagan. I'm trying to think. Reagan came in as I went to the senate. So during my four years in the assembly, Pat Brown was governor. When I was running for the senate. . . . You remember, it was a midterm reapportionment. There were fourteen of us in all: [James R.] Jim Mills was one; George Deukmejian; Tony Beilenson; Nick Petris; [Alfred E.] Al Alquist, who's still there; Leroy Greene, to name a few. But fourteen of us went from the assembly over to the senate in 1966. That was a big exodus. San Diego County went from one state senator to three; Los Angeles County went from one to twelve or thirteen. [Fourteen, with another shared with Orange County.] I mean, good Lord, what a dramatic change in California politics--profound.

**GIANOS:** Beyond what you were doing in Sacramento--I'm thinking particularly of the time you were in the assembly--what sorts of things were you doing in terms of keeping your constituency happy? Did you come down frequently to visit the district?

**BURGENER:** Absolutely. Never missed a weekend in the early years. Now, that's one of the prices you pay for politics. I always took my family with me. In the assembly, only every other year. You remember we had biannual sessions. We had a long session and

then a so-called budget session. I took the family--that is, my wife and two sons. My other son was then living in a private home for the retarded. So of the four years in the assembly, I took the family with me two of those years. We moved up there, and I dragged the kids out of school and stuck them in school up there. In the short session, which we used to call a budget session, I went alone. So I went home every weekend, of course. I did a lot of homework in the district. Really, without patting myself on the back, I took my constituency very seriously and spent all my time with them. [They] had total access; [I was] never concerned with who contributed and who didn't. I'm told they keep lists now. We were never concerned with anything like that, or your party registration. We didn't think about those things. I wasn't alone in that; most of us didn't think about things like that. But it was very difficult on our sons. I remember when I was in the state senate. Then it was full time. Jesse Unruh had [Proposition] 1-a passed in 1966, creating the full-time legislature. In retrospect, I'm not sure that was a good idea. I thought it was at the time; I'm not so sure now.

But, then, I took the family every year. I remember, it was about 1966, probably when I was going into the senate, I talked to

BURGENER: my two sons--it was about Christmastime--and I said, "OK, guys, the legislature's going into session. We're all going to Sacramento in January." My two sons got a funny look on their faces. I said, "Hey, what's the matter?" They said, "We're not going." I said, "What do you mean, you're not going? The family stays together. We're going to Sacramento. We always go." "We're not going." "What do you mean, you're not going?" Insurrection! Mutiny! I thought. The older one was going into high school; the other one was in the ninth grade. "We're not going to go." "Where are you going to live?" "We'll find places." And they did, with close friends of ours. Really, they paid a price. The Sacramento kids didn't like southern California surfers or kids from out of town. It's quite a parochial town. I like Sacramento a lot, by the way. A good family town. But my kids were never welcome there in the schools. I didn't realize at the time the hardship it was on them. We're lucky to survive as a family. We're a strong family. Strong families get stronger, weaker families fly apart in politics. So they paid a price. Now, by the time I went to Congress, they were grown. We're close now, and they turned out very well, and we're great friends as a family. We're lucky. Then, of course, my wife and I have a very sound marriage, and we're blessed, because we

BURGENER: work at it and take it seriously. My Mormon training, I suppose. But that was a heavy price.

I've got to tell you the McCandless incident, 1967. It's fascinating! Governor Reagan, brand-new governor. . . . His style and [George Deukmejian] Duke's were so totally different, yet, in philosophy, they're much the same. Reagan knew he didn't know anything about government; he came off the street, a movie actor. Bright guy, great communicator, but a total amateur in government. He recognized that, and he formed a very strong cabinet. He had [Caspar W.] Cap Weinberger, Gordon Luce, [Norman B.] Putt Livermore, and people like that. A public issue would come up. It would go to the cabinet; they would hammer it out for days or weeks. He'd listen. They'd hammer it out and they'd reach a consensus, then he'd go public with it. He'd be the salesman, so to speak, the front guy. Duke knows so much more about government than anybody on his cabinet. I don't know if he even goes to cabinet meetings, but the cabinet doesn't play that kind of a role at all. Their styles are just totally different.

But anyway, in 1967--I've got bumper strips here that say "Recall Burgener" somewhere--in my first six months in the senate, the governor nominated a guy named Dr. William McCandless from

BURGENER: the La Mesa School District to be a member of the state Board of Education. He was a medical doctor. I'd never met him; I'd heard about him. [La Mesa was] one of the school districts that was always in hot water between the right and the left. Not Democrat/Republican; this is way beyond that. A few were the hard-line fundamentalists, way out Neanderthals; I think they're off the shelf, personally. He was one of them. An honorable person, don't misunderstand, but a guy whose political philosophy was so far right he was just dead wrong, I thought. Anyway, the governor nominates him for the state Board of Education, and he had to be confirmed in the senate. Here I am, a brand-new state senator. He had to have twenty-seven votes to be confirmed. He was well known locally, because the La Mesa School Board was in the media every day with some big fight about firing schoolteachers or something. [They] didn't quite get to burning books, but close. I agreed with them on some things, but in the overall, it was really hurting the kids. I got 14,000 letters on this nomination from my district as a brand-new state senator. Guess how they were divided? [It was] 7,000 in favor of the guy, 7,000 opposed, approximately. I couldn't duck it; there was no escape. I couldn't hide; I couldn't

BURGENER: run. I had to take a stand. I couldn't vote for the guy, but I kept that quiet in the early weeks of this mess and, believe me, it was a mess. Because here I'd been catching hell from the right wing of my own party for years, anyway.

So I went out to see the nominee. I visited him in his house, personally, quietly, and told him I had nothing against him personally, although I didn't agree with his appointment. But I said, "You need twenty-seven votes on the senate floor and, as I count it, you've got three, and mine isn't one of them. You've got Jack Schrade, you've got Clark [L.] Bradley, and John [G.] Schmitz. You might get a few more, but you aren't going to get twenty-seven. Are you going to embarrass the governor and yourself? I would strongly recommend that you back off, and I'm sure that the governor can find a good appointment for you that doesn't require senate confirmation." I'm a very pragmatic person. I wasn't thinking of running out in the street with "Get rid of the bum." That wasn't my approach at all. He's a fine man; he just had a weird, to me, political philosophy. But 7,000 people agreed with him, half the letters I got. I wasn't born yesterday. I had him convinced to withdraw, and then Jack Schrade got hold of him, told him to fight it out. Well, we had a very, very unpleasant few

BURGENER: weeks, believe me, and it particularly affected my wife. I remember a group of Republican women at a public meeting in San Diego gathered around me [and] were hitting me with their purses. I don't mean to indict Republican women; they're my best friends. But this was a little, far-right, nonrepresentative group of them. When I say Republican women, I don't mean Republican women in general, because this party owes them a great deal. They do the work in the party. But this was a little, what I shall call now, lunatic fringe group. Of course, they were all pro-Reagan, and I supported them in that. Here I was, bombing the governor; I'd gone public with my opposition. They're hitting me with their purses: "Traitor! Liberal! Commie," whatever I was. To make a long story short, I went to the governor with the problem and told him that his nominee had three votes. He didn't know the guy. He was disturbed, but didn't say anything publicly. After a few weeks, he withdrew the nomination. It subsided, and he appointed somebody else, and they got confirmed, and the whole issue died. But it was hot stuff here for awhile.

GIANOS: Was that the most intense pressure you were ever under during your time in the state legislature from your district?

**BURGENER:** From my constituents, yes. I was getting great praise and total condemnation at the same time. But it just goes with the territory. I never attacked the nominee as a person because I don't believe in that sort of thing and I never did it. I thought he would be a disruptive influence on the state Board of Education. He wouldn't be a constructive member; he'd be a minority. I hoped he would be. It was one of those times you've got to stand up and be counted.

**GIANOS:** What sorts of other issues were the kind that you would be likely to hear from your constituents?

**BURGENER:** By the way, that was an aberration. During the six years I spent in the senate, that came and went. All of these people who had been so critical of me over that issue, particularly that portion of the Republican women, I just decided to kill them with kindness and win them over one by one the hard way, and I did.

**GIANOS:** What sorts of methods did you use?

**BURGENER:** Just got acquainted with them and began to let them know what I was all about, that I really was a bona fide Republican. I was conservative in my fiscal outlook to things and believed in limited government and didn't believe in a welfare state or giveaway or interventionist government or big government--the basic differences

between the two parties. The Democrats assign government a much greater role than do the Republicans. I mean, these are good, legitimate differences, and sometimes we're right, sometimes they're right. But these few were not the Republican women; they were not the Republican party. But they were labeled as such, and it wasn't fair to the party and it wasn't fair to them. When I ran in '66, the way the district divided, there were about twenty Republican women's clubs in the district. Nineteen of them were supporting my Republican opponent because it was drawn for him. I won them over, eventually.

[End Tape 1, Side B]

[Begin Tape 2, Side A]

GIANOS: Could you tell us something about how you went from the state assembly to the state senate?

BURGENER: I could, indeed. Remember, I was being politically punished in the assembly--which, I hasten to add, I probably deserved--by the speaker, Jesse Unruh. That drumbeat continued for four years in [my] committee assignment and office space and things like that. I still enjoyed the assembly; I still liked my service there. I enjoyed being an assemblyman. I did passable work. I got reelected and

enjoyed the job very much, but I wasn't as effective as I thought I could be because of [my] committee assignment.

We had the Baker v. Carr<sup>1</sup>, the Supreme Court decision about one man, one vote, so it was in the 1966 election that we had this whole new senate [based on] this new one person, one vote. So our county, San Diego, went from one senate district to three. Jack Schrade was already there, but the two new ones, the two new guys who got elected, were Jim Mills and myself. My Republican opponent for one of the new senate seats was Hale Ashcraft, a good man. We're friends now, too, although it was a little tense at the time. He was always a favorite of Jesse Unruh's. Ironically, he was also a favorite of the hard-line right wing in my party. It didn't mix, in my mind, but somehow it worked. Unruh put him, for example, on the Ways and Means Committee. [He] gave him choice committee assignments. There was one time when all of the Republicans agreed not to vote for Jesse Unruh for speaker, even the courtesy vote. We were mad about something. It was during the time of the famous lockup. I was in that lockup when Unruh locked

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<sup>1</sup>Baker v. Carr, 369 U.S. 186 (1962).

BURGENER: the Republicans up for twenty-seven hours. That's an interesting story, which I'm sure you've heard. A very interesting story.

GIANOS: Why don't you tell it, for the record.

BURGENER: That was fascinating. It was 1963. I was part of the so-called Young Turks. The Young Turks were led by [Robert T.] Bob Monagan and Houston [I.] Flournoy and [William T.] Bill Bagley and [John G.] Jack Veneman and people like that, super, super people. Monagan and I and our wives are lifetime friends, starting with events of 1963. They were a class ahead of me; they were elected in '60. But that was when, in the '62 election, [Joseph C.] Joe Shell was running for the Republican nomination for governor against Dick Nixon. The conservatives, or the hard line, more right-wing Republicans, were all supporting Joe Shell. Dick Nixon was perceived as the moderate. I don't understand all this, but that's the way it was. I'm fond of Joe Shell, and we're good friends. Joe Shell was the Republican minority leader at the time. He sort of abdicated that job. Not officially: he kept the title, but he turned the work load over to Bob Monagan. So Bob Monagan ran with the ball, and they had a lot fun battling Jesse Unruh. I wasn't alone doing that; the whole Republican party was doing it, but not very effectively. So I was running for assembly in '62.

OK. I get elected; I serve in the assembly. I get well acquainted with Monagan and Flournoy and Veneman and Bagley, and we're still lifetime friends. Veneman has died, of course, but he went on to Washington. You remember [he] worked for [Robert H.] Bob Finch in HEW [Department of Health, Education, and Welfare]. Veneman was undersecretary, a super person. He knew as much about welfare as [A. Phillip] Phil Burton, and very few knew as much about the Welfare and Institutions Code as did Phil Burton; I think he memorized it. Also reapportionment. So we, the "Monagan Gang," became fast friends and political allies and were viewed as moderates in the party, fairly or unfairly, viewed as moderates or centrists. The leader of the other side was [Charles J.] Charlie Conrad.

Now, we get up to 1966. Oh, back to the lockup. That occurred in 1963. I was a freshman assemblyman. My seatmate was George [W.] Milias, who was party chairman a year or two earlier. He's passed on, too. The Republican assemblymen had a fight with Unruh over the budget. It was a legitimate, constructive fight, Democrat versus Republican. They had the votes, but they didn't have two-thirds; they've almost never had two-thirds, and it takes two-thirds, as you well know, to pass the budget or urgency

BURGENER: measures. So the issue was the education portion of the budget. A big part of our budget, properly, has always been education; it's the first call on the state funds. In fact, they're getting more than their share right now, K through 12--[this is a] private opinion--and could get more without this [Paul] Gann limit<sup>1</sup> being lifted. That was a big issue. Unruh wanted us to vote for the budget, yea or nay. He knew he'd get enough Republicans to pass it, but we wouldn't vote at all. We had met in caucus. That was our first falling-out with Ashcraft, my Republican opponent for senate. He stuck with the speaker. In fact, when we agreed not to vote for the speaker--not over that issue, but a similar one a little later--he broke ranks and [his] was the only Republican vote cast for Unruh for speaker. Then he got dumped as secretary of the caucus, and I was elected secretary, which I had nothing to do with, but it was quite dramatic at the time. Those things always look big when they're happening, and the outside world cares less.

We said to the speaker--we, [meaning] the leadership of the minority--that, "We won't vote for or against this budget; we won't vote at all until you show us the education portion of this

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<sup>1</sup>Proposition 4 (November 1979).

BURGENER: budget." He [Unruh] actually wouldn't show us how much money education was going to get in the budget. He said, "Just vote. I'm telling you it's OK." Seriously, he wouldn't show it to us. Well, that's absurd, we pointed out, and we said, "We won't vote." The Democrats all voted, and they voted for the budget; a few voted against it. The Gordon Winton types probably voted against it. Not on that specific vote, necessarily, but people like him. He might have had a scattering of "no" votes, but they [the Democrats] almost all voted for it. The rules of the house were--and he didn't violate the rules of the house--that if you'd voted on any measure, you could get a pass to leave. If the measure was on call, meaning it was on suspension while the proponents and opponents were running around trying to get votes for it or against it, usually for it--I think they still do it--it's called "on call." It's put in abeyance and you'll vote on it later. Whenever the author of the bill lifts the call and thinks he or she has the votes, or knows they're dead, then they proceed. But if you've voted, the speaker will give you a pass to leave. All the Democrats had voted, all of them; they all got passes, they left. The Republicans hadn't voted, they couldn't leave. The rule is: the sergeant-at-arms will lock the door and bring in the

BURGENER: absentees. He kept us there for twenty-seven hours, and it was really beautiful. It was so stupid, the whole operation.

People like Jerry Waldie and Jim Mills tried to persuade him to terminate this operation. They were saying, "Hey, Jesse, you're going to get in trouble here politically. Sure, you can keep these guys locked up, but they've got phone booths out there. They'll call the radio stations and the TV, and [tell them], 'We're prisoners.'"

It was a big deal, made great press, and it was really the beginning of the end of Jesse Unruh. Life magazine had a picture of him on the front, and he weighed about three hundred pounds then, so he was huge. They took it from the ground looking up. My God, he looked like a circus tent, he was so big. It was a caricature, almost. But that was the famous lockup. After twenty-seven hours, he caved in. We all voted; the budget passed. Oh, he caved in. He showed us the education part. It was a silly damned thing, but it really was damaging to him. You don't lock people up. The [California] National Guard wanted to bring in cots; he wouldn't permit that. So we sat in our chairs all night. Shakey's Pizza brought in pizza. At first, he wouldn't let them in. I mean, kid stuff.

GIANOS: So you passed the time by sitting and talking with your colleagues?

BURGENER: Right. One of the vignettes that happened. . . . Old [Charles E.] Charlie Chapel, a very colorful assemblyman from the L.A. area--Palos Verdes--said, "Hey, young man." I was a freshman, remember? "You want to get out of here?" I said, "Yes, yes, I'd like to get out of here." "Let me show you a secret." He took me on a real circuitous route through closets and got me out. I didn't intend to stay out; I wanted to be part of the action. But I wanted to go to my office to do something or get something and come back. I didn't want to leave the building. But it was fun to get away, escape. Mr. Chapel said to me: "Oh, hell, don't worry about it, always happy to help out a young Democrat." I'd really made an impression on him. So that was the famous lockup of '63. It really damaged Speaker Unruh.

There was a big fight later between Conrad and Monagan to become minority leader, and Monagan won. So Monagan was the Republican leader. He won later. You remember, he became speaker. That was after I'd gone to the senate. Conrad was representing the more traditional Republicans, the more conservative Republicans. Monagan was representing the more moderate, call them enlightened, if you want to editorialize. Monagan eventually

prevailed and became the Republican leader and then, eventually, the speaker for just one brief, shining moment. By that time, I'd gone to the senate. But that was the lockup story.

GIANOS: The transition from the assembly to the senate . . .

BURGENER: It was night and day. In my battles with Unruh, along came a reapportionment, a special reapportionment of '66. He appointed [Robert W.] Bobby Crown, who was a real buddy of his, a real capable guy. . . . Remember, he was killed jogging? You may not remember. But Bobby Crown was one of Unruh's real lieutenants, as was Jerry Waldie. I'd say the two closest to him were Jerry Waldie, who's still alive and much younger than I am, and with whom I served in Congress. So Jerry Waldie and Bob Crown were two of his most trusted, right-hand guys, both very responsible people. I liked Waldie; I didn't care much for Crown, because Crown was in charge of reapportionment, which is a very partisan thing. But they created the new Thirty-eighth Senate District in San Diego County. They knew they couldn't avoid making it Republican. There was no way; it was north county, and traditionally Republican. So the strategy was to put every Republican in captivity [in the Thirty-eighth District] and, as you well know, put every Democrat in the other two. They'd hoped to

create two Democratic districts and one Republican; the opposite happened. They ended up with two Republicans and one Democrat. That happened in a number of places in the state. So I took a look at this new district, and I thought, "My God, that's an Ashcraft district," this guy, my in-house opponent. My wife and I and a couple of my close friends decided, what the hell? I'm either going to move up or move out. Enough, already. I'm either going to beat this guy somehow or I'm going to get out of this business and go back to the real world.

**GIANOS:** Absent Unruh, would you have stayed in the assembly, do you think, if you had not been at loggerheads with him?

**BURGENER:** I rather think so, because then this other guy and I would have been friends, and we were not friends. We weren't mortal enemies and aren't now. We had a reunion of our class two or three years ago, and it was great fun. The governor was there, and he [Ashcraft] came from Idaho and he was very friendly. But I had the support of most of my colleagues from the Republican side. He had the Democrats because of his close affiliation with Unruh. Absent all that, no, I don't think I would have tried for the senate. So it was a great turning point in my political life. It was going to end there,

probably, or keep going. I had a lot of those. In 1956, it also almost ended there when I got beat for the assembly.

GIANOS: You said Unruh contributed \$25,000 to Ashcraft?

BURGENER: Yes. There's a bet, a fascinating bet. Veneman and Bagley--they were part of the little Monagan mafia group--were saying to me, "You going to win this race?" I said, "I don't know. Boy, it's tight; it's close." In fact, Dr. Oscar Kaplan at San Diego State [University] did polls for me, and I was five percentage points behind. I just out campaigned him. He stayed up in Sacramento doing his duty; I came home and campaigned.

GIANOS: What sorts of issues did you campaign on?

BURGENER: Not him. Just whatever the hell I could think of. No, I didn't campaign against him; I've never done that.

GIANOS: The Eleventh Commandment?

BURGENER: Yes, even all twelve commandments. I don't campaign against Democrats, even in spite of what I said about Unruh during the '62 race. He wasn't my opponent, or I probably wouldn't have done that. I didn't even campaign personally against the Grand Dragon of the Ku-Klux Klan [Thomas Metzger] in 1980. We'll get to that later. Where were we?

GIANOS: The primary campaign for the state senate.

BURGENER: I rented a train from the Santa Fe Railroad in late April. The primary's in June. The Santa Fe Railroad, who are dear friends of mine, said, "Sure, we'll rent you the train, but we've got to do the same thing for your opponent if he wants it." I said, "Sure, I understand that." We charged people five dollars and we put 502 people on the train. Every other car was a baggage car with a little band, and we went from the San Diego station to Oceanside. We made whistle-stops. Great fun. In fact, we were lucky half of them didn't fall off the train; there were spirits aboard. We got off the train in Oceanside and had dinner in the station. It was a great campaign event, and I think that's what really scared my opponent. He came rushing home to campaign. The election ended in a thirty-day recount. I only won by 608 votes out of approximately 80,000.

I know where we were: drawing the district. When I saw those district lines--and Jesse Unruh told me he worked on this for Ashcraft--[I asked] "Can anybody run?" "Yes. You haven't got a prayer." Oh, back to the bet. That's what we were on. The bet, that was funny. [John F.] Jack McCarthy, Monagan, Veneman, Bagley. . . . Anyway, Veneman said to me, "Burgener, are you going to win this race?" I said, "Boy, it's tough. It's close. I don't

know. I think so, but. . . ." "Well," he said, "we're going to bet on you." By the way, all the assemblymen came down and rode the train, including State Senator Jack McCarthy. He [Ashcraft] didn't have any of the Republican officeholders. He probably had Charlie Conrad and maybe Clark Bradley, and he might have had John Schmitz, who didn't like Unruh, either. Weird. Politics makes strange bedfellows, as you know. Back to the bet. These guys led by Veneman, bet Unruh \$1,000. It wasn't uncommon to bet on elections in those days. I don't know what the law says about that.

GIANOS: This is \$1,000 each or a total amount?

BURGENER: No, \$1,000, total. "If Burgener wins, you owe us \$1,000. If Ashcraft wins, we owe you a grand." "It's a bet. You've got a deal. Your guy hasn't got a prayer." So about a week before the election. . . . We're in session now, and I did go up to vote, and we all go down to the Firehouse [Restaurant] for dinner. You know where the Firehouse is, west Sacramento? That was the "wateringhole" [drinking establishment] at the time. We're all in there: Monagan and Bagley and Veneman and McCarthy and the little mafia guys, having fun, stag. Who walks in the door? Jesse Unruh and Hale Ashcraft, my Republican opponent and the speaker. They're coming out to dinner. Well, Veneman and Unruh were

great buddies. What happened to Veneman when he got elected in '60 in a special [election]. . . . When [Ralph M.] Brown, the former speaker, became a judge, Unruh didn't give him a committee. [He] assigned him to no committee because he'd beat a Democrat that he wasn't supposed to beat; he won in a heavily Democratic district. He was a county supervisor from Stanislaus County and an expert on welfare and a hell of a guy. He won, upset Unruh's guy. So he got there and Unruh, for a year and a half, didn't put him on any committee. Not just lousy ones, none. The press came to Unruh and said, "What are you doing? This guy is entitled to be on a committee." "Oh, no, he won't be here more than a few months, maybe a year. He won't be here; he doesn't need a committee." That was a fluke. That's how Unruh was. He never did put him on a committee his first term.

So anyway, back to the Firehouse incident. Unruh and Ashcraft walked in, and Unruh walked over and said, "Hi, everybody." He wasn't overly civil to me, but he didn't say anything nasty. He said, "Veneman, remember our bet." Veneman said, "Oh, yes. Sure. \$1,000." He [Unruh] said, "I'll tell you what I'm going to do. You're a good guy. I hate to see you lose \$1,000. Give me \$500 now, we'll call it off. I'm going to cut it in

- BURGENER: half for you." And Ashcraft's standing there, my opponent. Veneman says, "No, Jesse, I can't call it off. But I tell you what I can do. Let's double it. \$2,000." "Really?" I thought, "Oh, hell. I can't pay it." Two thousand bucks! After the thirty-day recount, Unruh walks into one of their offices--it was either Veneman or McCarthy--and threw twenty \$100 bills on the floor. He paid. No ifs, ands, or buts about welching or anything.
- GIANOS: I want to be clear. The bet occurred, or the story you just told me occurred, at what point in the campaign?
- BURGENER: The Republican primary.
- GIANOS: OK. This is immediately before the vote.
- BURGENER: Yes. I prefer this not be in the story. The bet can be in the story. I don't know whether that's against the law, betting on elections. I don't know.
- GIANOS: Beats me.
- BURGENER: Beats me. I didn't make the bet. I had nothing to do with it.
- GIANOS: That's clearly understood.
- BURGENER: The two guys are both dead that made the bet. It was really Jack Veneman and Jesse Unruh. Those were the two guys that did the negotiating. Jack McCarthy was involved. He's dead now also. Now, when I say involved, I'm pretty sure Veneman paid it off.

"You take two hundred dollars and you take two hundred dollars." I didn't take anything; I was not involved in that damned bet. I didn't want the pressure of having my friends lose money on me.

GIANOS: Understood. That story raises a question about both houses of the state legislature. You were referring to the informal "wateringholes" and that sort of thing.

BURGENER: Well, the famous GE [Governmental Efficiency] Committee of the senate used to meet at the Senator Hotel the night before the committee hearing. Lots of folks knew that.

GIANOS: What sorts of networks were you in as a legislator in either house? Informal networks of either Republicans or Democrats.

BURGENER: In the assembly, I was very well accepted by the Democrats on committee--in most of them, except for the hard-line Unruh lieutenants--but exceedingly well accepted by the lobbyists. That is, the business type lobbyist. The rules were so different in those days. We had the Clam and Coral luncheon each week. What was that big luncheon we had? "Moose Milk." Three days of the week, you never wanted for where to go to lunch. The lobbyists put on a huge, bipartisan, both parties. . . . This is in the senate, and part of it in the assembly, the larger one. Most of the real camaraderie with the Third House, to a fault, was done in the senate. I'm trying

to remember. "Moose Milk," though, I think was both assembly and senate. You just ask old legislators about "Moose Milk." It was a private luncheon put on by lobbyists, and it was held on the top floor of the El Mirador Hotel. It was every Wednesday, I think it was. It was great, because you got a chance to visit with each other. It was a big spread of food and drink; there was some heavy drinking in those days. People used to drink more but obviously didn't worry about their health in those days. People don't drink for other reasons, now. We've got wine, beer, and softer stuff, and, as you grow older and get a little smarter, you lay off the heavy stuff, anyway. But Lord, it was a drinking place. We had "Moose Milk," where the lobbyists put on this grand spread. You can't do that anymore. They didn't lobby much there; there was almost none of that. And Derby Club, Clam and Coral, AdLong's luncheon--that was a funny one. AdLong represented the cattlemen.

Jack Schrade had a favorite trick he'd do at those luncheons. That was only about ten people for a Thursday lunch over at one of the hotels. Jack Schrade was a professional prankster. He was one of Ashcraft's buddies, along with Chaplain E. Richard Barnes, who prayed for my defeat in '66, publicly. [Laughter] Old Jack Schrade always had a potful of \$100 bills in his pocket; it was just his style.

**BURGENER:** He'd made a little money. His aide [was] a guy named Buck Rogers, now deceased, who was in the insurance business. If you had any kind of a problem of any seriousness, you got it solved, but you probably ended up with an insurance policy, too. At these luncheons, when nobody was looking, Jack Schrade, would slip a \$100 bill under his plate from out of his pocket. His own money under his own plate. There may have been ten or twelve of us for lunch. Luncheon was about over, and it was almost time for dessert. Jack would make damned sure everybody's watching him, and while saying nothing, he'd lift up his plate and take the \$100 bill out and put it in his pocket. Wow, these young freshman would get bug-eyed! "Oh," he said, "didn't you get yours? Well, you've got to be here awhile." [Laughter] That was hilarious! I knew where he got the money; it was his own, out of his pocket. But that's a whole 'nother era.

**GIANOS:** Is it fair to say about those sorts of luncheons and such. . . . You said not much business was transacted. I would still assume, though, that. . . .

**BURGENER:** The camaraderies were formed; it made easy communication. What was serious and illegal was a meeting of the famous GE Committee. I'm sure it was illegal. It certainly is now and should have been

then. That was the pro tem's committee. It was chaired by Luther Gibson, also now deceased, and they met in the Senator Hotel in private. [It was] bipartisan--Republicans and Democrats--even though the Democrats controlled the senate under Hugh Burns. They had this dinner. If the GE Committee met on Thursday, they met Wednesday night and they went through the entire docket and decided which bills were going to pass and which weren't. In private. Occasionally, a lobbyist [was] there. The lobbyists sponsored the lunch--some lobbyists, I don't know which [because] I was never invited to attend.

GIANOS: How long was this?

BURGENER: For years. That's the other extreme.

GIANOS: "GE" referring to what?

BURGENER: Governmental Efficiency. Was it ever. Ask some of the old-timers about the GE Committee. The famous Rumford Fair Housing Bill<sup>1</sup> story is very fascinating. It was another one of my mistakes. The Rumford Fair Housing Bill. . . . You remember Byron Rumford? [Does] the name mean anything to you?

GIANOS: Yes.

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<sup>1</sup>A.B. 1240, 1963 Reg. Sess., Cal. Stat., ch. 1853.

BURGENER: He was a pharmacist, a black gentleman from the Berkeley area. A good guy. There were mostly good guys up there. There was great camaraderie in both houses until Proposition 9<sup>1</sup> passed, that "hamburger and a coke" thing. Something probably had to pass, because it probably was getting out of hand. Anyway, Mr. Rumford had this fair housing bill. It may have been '63. I was against the bill. It was, to some degree, a liberal/conservative kind of thing, but certainly not totally. Bill Bagley, a Republican, was strongly for it. When the bill appeared before the assembly, I voted against it and made a little speech against it. I was a realtor; most realtors were against it. In retrospect, now, it was an idea whose time had probably come. But you resisted those things until they were forced on you or you got a little enlightened and realized that you should not discriminate in housing or anything else. The bill passed the assembly. A lot of Republican votes against it, but it passed. It went over to the senate, went to that famous committee I told you about, where it got locked up for the entire session and never came out until the last night of the session. I'm told the reason it came

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<sup>1</sup>Proposition 9 was also known as the Political Reform Act of 1974. It passed June 4, 1974, by nearly two million votes.

out was because [President] Lyndon Johnson called up on the phone and talked to Luther Gibson--who happened to be from Vallejo--the chairman of the committee. He said, "Senator, I'm told. . . ." You can verify this with others. I don't know that the call ever happened. I was told it happened. He said, "Senator, that fair housing bill that we think's in the public interest, that ought to come out. If it doesn't, there won't be any more contracts for the Mare Island Navy Shipyard. There won't be much work over there." The big naval refitting place. The bill came out.

The last night of the session, just a little before midnight, it came over to the floor of the assembly and, like a damned fool, I abstained. I try not to make a lot of mistakes; I made a big one that night. It was used against me in the senate race four years later. The El Cajon newspaper ran a big headline: "How can any man abstain?" I couldn't vote for it. Bagley made his great pitch in favor of it, and it passed. And I didn't vote. You know, you can vote "yes," or you can vote "no," and take your licks. But abstaining is not the way to go. I never did that again, never. Abstaining just is not. . . . Unless you've got a personal conflict of interest, and I had none. It was a dumb thing for me to do. I got a real nasty editorial for it, which my opponent ran in the '66 race.

BURGENER: But I was fair game. But that's how that committee operated, though: behind closed doors, off campus. Very illegal, and much more illegal now than it was then. I didn't know that. I had a bill before that committee, and I didn't know all the bills were decided before anybody testified.

I had a bill, whatever the hell it was, which I thought was important. I get up in front of that committee--I'm an assemblyman now--and Luther Gibson is chairman. I made my pitch, which I thought was great, and I thought the bill was a "slam dunk." He said, "We'll take the bill under submission." I said, "What does that mean?" "Well," he said, "we don't quite have a quorum here. We're one short." "Oh? You don't have a quorum?" He said, "No, we don't have a quorum. We'll take it under submission." I said, "I'll wait." I got the damnedest look. "May I wait?" "Yes, wait." I sat down in the damned row and I waited, like, two hours or three hours. They never got a quorum, naturally. That was their protection. Then, after everybody had left, they got their quorum, did whatever they decided to do the night before. But that was the only committee in either house that could get away with that. It was known by all the insiders; it was not known by the public. Probably the press knew it, maybe.

- GIANOS:** This may not be a fair question to ask because the circumstances were so different, but are there any obvious differences between the senate and the assembly in your experience?
- BURGENER:** Yes. The assembly was the personal property of Jesse Unruh, in those days. The senate was kind of the personal property of Hugh Burns. Even though I participated in the coup that threw Hugh Burns out, I was philosophically aligned with him. He really was in snug with the business community; he was a conservative Democrat from Fresno, a former mortician. Hell of a party man. When I say party, [it is] not a political party, [but] booze party, live it up party. And an awfully nice guy. They were aligned pretty much with the business community: status quo, don't rock the boat. They could kill any bill which they viewed as unfair, outrageous, liberal, whatever. Use any term you like. Anything that would rock the boat that the business community didn't want. Yet, they weren't antilabor. They got along pretty well with labor, because they were Democrats. Democrats generally get along better with labor. No. But there was a camaraderie in the senate; it was a club. It isn't anymore, I'm told. It was a club, although it was an immense improvement over the assembly. They treated each other very, very well, Democrats and Republicans. It was just a fun place to work.

- GIANOS: How about the views of one chamber toward the other? I know it's common in the legislature to be critical of the other house.
- BURGENER: I remember that quite well. Unruh was the issue, again. The old-timers in the senate didn't like him. He was too bright for them; he was smarter than most of them. I remember George Miller, Sr., father of the congressman. A hell of a guy. I remember a classic reference he made to the speaker. He said, "The Speaker of the Assembly is coming on the floor and befouling our body." They wanted him out. You couldn't go on the floor of the senate or the assembly without an invitation, but Unruh, the speaker, would naturally be welcome. He wasn't welcome that night. It was some big issue, and there was real tension between. . . . The senate did not like the speaker.
- GIANOS: And that was just exacerbated by . . .
- BURGENER: And the speaker didn't like the senate, because they could kill his bills. And he could kill theirs. So there was a lot of that.
- GIANOS: You were mentioning awhile back in a sense of comparison between the Pat Brown administration and the Ronald Reagan administrations, which coincided with your serving in the legislature.
- BURGENER: That's true. When I went to the senate, that was with Reagan. My years in the assembly were [with] Pat Brown.

GIANOS: Were you aware of any--let's call them "teething difficulties"-- problems with the new administration?

BURGENER: No. There was much more animosity between Pat Brown and Jesse Unruh than there was between Ronald Reagan and Jesse Unruh, much more. For some reason, Unruh and Reagan got along very well, even though, you recall, Unruh ran against him unsuccessfully. What year would it have been? 1970? First of all, Reagan beat Pat Brown, who was attempting a third term. Then, Unruh was a candidate in '70. Unruh got ready to quit after that. He quit, didn't he, a couple of years later? But Reagan and Unruh got along quite well. The Republicans in the assembly and Unruh didn't get along well at all, with a couple of exceptions, like my opponent. But Reagan and the senate? Hugh Burns and Reagan got along fine. We got Howard Way elected as president pro tem of the senate. We only served for nine months, and we got tossed out. [I was] temporarily replaced by, of all things, another Republican, Jack Schrade, the same guy I'd been battling with for years. One of the three votes who would have voted for Dr. McCandless. He had all the Republican women convinced he was a hard-line right-winger. He was the most pragmatic man in the world. He really covered his tracks beautifully. He took a \$5,000 check from somebody on a bill

before his committee and got exposed. It was not against the law, but we thought it would be terribly embarrassing. Anyway, he got us, the Howard Way team, tossed out. Then, he was pro tem for a short period, and then the Democrats took over and Jim Mills became pro tem. Those were interesting days.

**GIANOS:** You were mentioning awhile back that your primary legislative interest when you came to the assembly . . .

**BURGENER:** It was handicapped children.

**GIANOS:** Did that maintain itself throughout your time in the senate or in your legislative agenda?

**BURGENER:** Yes, it did, and does today, along with regular education. I was pretty sensitive to not become identified as a one interest kind of person, and I gave a lot of bills related to retarded children to other legislators. I used to counsel parents of seriously retarded children not to become one interest kind of people. I really was active in the movement, spent, perhaps, half my time at it for the last forty years. It's been the most productive part of my life, a very meaningful part. But I counseled parents of handicapped kids. I said, "If you do not want to become so self-focused on your special child that you lose track of all other kids, if you want the neighbors and the community to be interested in your special child, you've got to be

interested in their normal kids. You've got to support the Boy Scouts and the Girl Scouts and the public schools and the gifted and all the others." I got about \$10 million out of Reagan for the gifted, through a selective bribe.

GIANOS: Of what sort?

BURGENER: Not a money bribe, I assure you.

GIANOS: I understand.

BURGENER: I'll get to that later. I remember at the time, which fits in with your question, I counseled parents, if they possibly could, to take a much broader interest in the rest of their children, for one thing. Some parents of handicapped kids neglect their normal kids. They don't mean to, but they shower so much attention and time on this severely handicapped child, that the other kids resent it. That's to be avoided at all costs. You want the other children to be partners and help with the problem. But I really meant that when I said it, because we had a very wise family doctor. Our handicapped boy, brain-damaged after thirty-two hours in labor. . . . In fact, that's him, the little boy. (Pointing to picture) You see where my wife and I are holding the three boys? The one on the right is Rod, our severely, mentally retarded boy. He didn't look different then. As they grow older, they tend to look somewhat different.

I also never became identified as a one interest kind of legislator. I would say my big areas were public assistance--welfare. I carried the Reagan welfare reform bills, all the Reagan welfare reform bills. Tony Beilenson and I debated those for six hours on the senate floor. One of my former colleagues who I admire greatly is Congressman Tony Beilenson, Democrat, a great guy. So welfare reform and welfare in general, because I'd been active in this in [San Diego] County on a lot of public issues on public assistance. I wasn't a hard-line right-winger who doesn't believe in public assistance, but I did believe in reform. It was my bill that created the year-round schools. Only by local option, which is still the law. It wasn't my idea. I didn't think it up, any more than that special bill for retarded children was my idea; it wasn't. But the Lakeside School District, in my district, came to me and they said, "We can't afford to build a new school. We're bulging at the seams. If we could run this school year-round, if the local board voted to do it, we can have a school for 3,200 kids and only have to have 2,500 seats in it, because we'll go year-round." Strictly optional with the local board. I said, "Sounds pretty good." That was my bill. Of course, it became the law. Some parents hate it and some love it, and some districts have it and some don't. But as

BURGENER: long as [there is] local control, I think it makes a lot of sense. I would not want the state to mandate such a thing. So I'd say public assistance, welfare, education, the handicapped were my long suits. But, I had to be a generalist. I couldn't afford to have the rest of my district with the perception that's all I thought about.

GIANOS: How did you communicate with the district when you were not around here to let them know what you were up to?

BURGENER: Through the media. A small newsletter, although I don't believe in publicly supported newsletters. In those days, we didn't have them. So if you sent a little newsletter, and I sent maybe a couple a year, I paid for it out of my campaign funds. When I got to Congress, I sent one a year, one or two. Now, I'm totally opposed to them. But that is a taxpayer expense, because they're puff pieces. The Los Angeles Times did give me a commendation for writing one of the best, because it didn't have my picture on every other page and didn't claim I was solving all the problems of the world. It tried to be kind of objective. I never sent many; I never needed to. I always served in a supersafe district after I got by the one Democratic assembly seat but, of course, almost all members have such districts. I'm a beneficiary of reapportionment four times. I shouldn't be bitter about it, but I am, about the system, because I

went through three decades of Phil Burton: '62, '72, and '82. I can tell you about that a little later.

Of all the political jobs I had, and I had four: city council, state assembly, state senate, and member of the House of Representatives. . . . I told you earlier, my real goal was to try to get to Congress, if I could, and I did, finally, thanks to reapportionment and new districts and being part of the system that took care of the insiders. I'm critical of it, but I was part of it. But my defense is I was in the minority party all that time. The one I enjoyed by far the best was the state senate. One reason was it was in California and closer to home. The big reason was the size of the body and the nature of the job. In those days--and I served there from '67 to '73, six years--it was almost bipartisan, as was my subcommittee in Congress. The floor of the Congress is not bipartisan. The [House] Appropriations Committee is not bipartisan. The subcommittee is. The subcommittee is a different animal. We can get to that in a future talk.

But the state senate, first of all, was quite small; there were 40 people in the entire body. In Congress, my committee had 55 people on it, Appropriations. My subcommittee had about 17. So compare that to the state senate, only 40 people. Your committee,

BURGENER: where most of the work also is done is very small. In any legislative body, most of the detail work, other than floor debate which is usually for home consumption [and] doesn't change votes; that's for the folks back home. The real work is done in committee. It is small, and it's intimate. But in the state legislative body, like the senate, one of 40 is quite different than one in 435. Your name goes on the bill. You can introduce any darn thing you want. That's your personal property, as long as it makes any kind of sense and won't embarrass you or get laughed out of town by the media. Public exposure is good. So it's your piece of property. You draft it. The legislative counsel legally drafts it. It may come from a variety of sources. Most bills, 99 percent, come from other than your own mind. They come from the schools or a business or a labor union or a constituent or somewhere. You don't sit there thinking up bills; you wouldn't have time. Mine came from the [California Association for] Retarded Children, many of them, or social welfare, [the] business community, schools. But once you introduce this bill, it's got your name on it. Occasionally, somebody else will have an identical measure, but that's quite rare. Lobbyists give you bills, too, on behalf of their industry or labor union or whatever. But whomever brings it to you doesn't

BURGENER: automatically take it to five other people. That isn't how you do it, or you'd say, "Forget it. Let your friend take care of it." So you've got this bill. It's got your name on it. You'd better believe in it, or you'd better have so many constituents that believe in it that you'd better carry it. I never had one I carried that I didn't believe in. I don't know what I'd do if I had such a situation, I guess [I would] tell my constituents to find somebody else. That would be difficult.

[End Tape 2, Side A]

[Begin Tape 2, Side B]

A bill was your personal property; it was yours. You felt a sense of, this is mine, I can do something with it. So you presented it to the committee in your house. You rounded up the votes. You went to your colleagues and said, "Hey, I've got this bill coming up next week." You certainly didn't wait until you were before the committee; that isn't how you lobby your bill. You try to count votes. Some legislators will commit to you and many will not. Most will not and should not. They'll say, "Yes, Burgener, your bill sounds like a good idea and I think I'm going to help you on it, but I better wait and see what the hell comes up in committee or what people write to me about it." You learn that later, that you

BURGENER: don't make advance commitments. So you really wouldn't expect that. But you still get them in a friendly mood, a frame of mind. How do you do that? By treating them right, by keeping your word, not presenting some screwball idea to them or not presenting something that might embarrass them in their district. You never put a legislator in an embarrassing position; you'll regret it if you do. But you do lobby the bill: "I've got this bill." They'd usually say, "Well, it sounds good." You would never say, "Will you vote for it?" You didn't do that. You might say, "I hope you can see your way clear to support me," and they'd say, "I hope I can, too." Always the door was open. Wise. Because you commit to somebody and some other witness comes in, maybe from your district, and tells you something you had no idea about the bill. It might be a very bad thing, from somebody's point of view.

But anyway, you presented it to the committee; you sold it. After that was over, if you got it out of committee, then it went, perhaps, if it had money in it, to another committee, like Ways and Means or Senate Finance. Then it went to the floor of the senate or the floor of the assembly. You were the guy who got up on the floor and said, "This is Senate Bill 531, Burgener, my bill. Here's what it does." You sold it, your property. When it went over to

BURGENER: the other house, you went over there and you appeared before the senate or assembly committee and you presented the bill. Only when it got to the floor of the assembly did you lose control. Only then did you have to go to your assemblyman, or assemblywoman, whichever one you chose. I didn't always choose somebody from my county; it depended on subject matter. I'd try to get a Jerry Waldie or somebody like that, if it was in his area of expertise. Then you lost control, and they had to sell it to their. . . . But four out of the six stops, you were in charge. Then it went to the governor with your name on it. Only when it got chaptered and put into the law books as part of the Education [Code], or the Welfare and Institutions Code, or whatever code, did your name go away, unless you put your name permanently on the bill, which I never did. I don't have anything with my name on it.

But in Congress, first of all, the minority usually can't get a bill passed, and neither can the majority of regular members. It's the committee chairmen only. As a practical matter, you can't have 435 authors of bills in Congress; it wouldn't work. So you have a committee bill. If it's a tax bill, or education, or defense, you have a committee bill. All you can hope to do is get an amendment in there, and the amendment won't have your name on it unless it's a

**BURGENER:** very prominent one. But there's nothing personal about it. If you're a Republican, you're not consulted. It's terribly frustrating to be in the minority. Congressman, former State Senator John Schmitz told me, "Burgener, we've studied you. You are a true moderate." I said, "I am? I thought I was a conservative." "No, you're a moderate. But," he said, "I'll tell you something. If you get to Congress, you'll be a conservative." He was right. I'm convinced you can be a progressive in local government, a moderate in state government, and a conservative at the federal level, and not change one iota. I'm talking about perceptions, labels. The Congress is so liberal as a body, I became almost a reactionary.

**GIANOS:** Without changing.

**BURGENER:** Without changing a damned bit. Many of those members are not in the real world back there. They're throwing money around like we had it, mortgaging future generations. I know I sound like a right-winger now, but there really is a difference. But the senate was the most fun. Now, even looking back [to] when I was being hammered by Jesse Unruh, he wasn't that unfair about it. He voted for my bill; everybody did. Pat Brown signed it. The old-timers remember that it was the Burgener Bill that allowed some 15,000 kids into the public schools--severely retarded kids who otherwise

would be locked in some bedroom back home, out of sight, or in a state hospital. Hospital is the wrong word, but that's what we called them. [It's] some state warehouse, at four or five times the cost. I was right. The movement was right; the need was right. I didn't think up the bill. But it's very satisfying to be able to carry something through to its total conclusion. A kind of my deal; it's satisfying.

GIANOS: How did you persuade Governor Reagan?

BURGENER: On the gifted?

GIANOS: Yes.

BURGENER: Pure smoke, mirrors and double-cross. It was funny. It wasn't illegal. The leaders of the cause of the gifted came to me because I began to get interested in different kinds of kids, far beyond the mentally retarded; emotionally disturbed, physically handicapped, the deaf, the blind. Then I got into the gifted. I was pushing a big appropriation to expand the programs for the gifted, and a lot of my retarded supporter friends came to me and said, "What the hell are you doing, trying to get \$10 million for some kid with an IQ of 170?" I said, "For the same reason I want the kid with an IQ of 35 to have special treatment." "What do you mean?" I said, "First, because it is morally right. Because, as a practical matter, out of

the ranks of the gifted are going to come the behavioral scientists of tomorrow, the geneticists, people who are going to discover partial cures," because retardation you don't cure, prevention in science. There are several varieties of mental retardation that are preventable; phenylketonuria is one. If it's discovered with an infant that they can't assimilate a certain acid [phenylpyruvic], a new diet is prescribed not containing the offending substance and that child grows up normal and not mentally retarded. I said, "Out of the ranks of the gifted are going to come the behavioral scientists, the geneticists, the researchers of tomorrow, and the retarded are going to benefit by that. So we have a selfish interest in that. Secondly, you say you want every child's full potential to be explored, right? That's what you want for your IQ 45 kid. Don't you want it for a 170 IQ kid?" "Yes, I guess. OK."

So I went to the governor. I'd had the same measure two years before, couldn't get anywhere. But the schoolteachers wanted a raise. That was back before teacher labor unions, and the legislature really controlled what they were paid before we lost local control. The local school board really [was in control]. There was state aid to education, but a lot of the money came locally. That's all changed. Too bad. Anyway, there was a bill regarding teachers'

BURGENER: pay, and I was against it, for whatever reason, at the time. Money, just plain money. It didn't pass. I was very close to the CTA, the California Teachers Association; I thought they were very professional. That was before they unionized. I thought a lot more of them then than I think of them now. I think they're less interested in the kids now, but that's just a personal opinion. They're more interested in salaries and benefits, all of which is, of course, important. You're a teacher first. But anyway, there was an issue on the floor of the house where a governor's veto was at issue. I told the teachers, "I'm sorry, I can't vote to override the governor's veto on this, because we don't have the money to pay for what you're after."

The next year, we did have the money, but I still wasn't going to vote to override. That's a very serious thing in partisan politics to override a governor's veto. I forget the amounts of money, but it was a lot more than the \$8 [million] to \$10 million I was after for the gifted. It was about 70 [million], 80 million bucks. I wanted that money very much for the gifted, and I put the word out to the governor's staff that I was going to vote to override his veto on the teacher pay. Naturally, I get a phone call from his staff: "The governor wants to see you." So I went down. I didn't have too

BURGENER: many meetings with him, but that was one. [There were] just the two of us in the room, and he said, "Good Lord, we haven't got the money for this." I said, "We've got it now." He said, "Yes, but we've got other priorities," and he went into his appeal to me. He said, "I hear you're thinking of voting to override my veto." I said, "Last year, I told the teachers that the only reason I wasn't going to vote to override your veto [was] we didn't have the money. Well, we've got the money this year. At least, they think we've got it." We went around and around for awhile. He said, "Is there something I can do for you, something that would make amends, that would help?" I said, "Yes, Governor, there is one thing. It's about \$8 million." I think it was. "I've got this thing for the gifted," and I started to tell him about it. "Oh, really?" We didn't actually make a deal, but the net result of all that was I did not vote to override the veto, I got \$8 million for the gifted, and that's how it all ended. So that is done.

[End Tape 2, Side B]

[Session 2, March 9, 1990]

[Begin Tape 3, Side A]

BURGENER: I was mentioning that I was just being interviewed by the L.A. Times, who were doing a big background story on [U.S. Senator] Pete Wilson, and they wanted to know my relationship with him. Of course, it goes way back to the early sixties. But specifically, in 1966, you will recall there was a special reapportionment. It was the Baker v. Carr one man, one vote business. L.A. County went from one state senator to, like, twelve or fourteen, with a fifteenth shared with Orange County. San Diego County went from one to three. Prior to that, the state senate was totally dominated by the so-called cow counties. I kind of liked that, because if the assembly was dominated by the urban areas and the senate by the rural, it was a pretty good standoff, I thought; but the Supreme Court thought otherwise. I was considering running for the state senate in a very difficult district, because the district lines had been drawn for my Republican opponent, Hale Ashcraft, by Jesse Unruh. Jesse and I

were political enemies at the time--not personal, I hope, but political enemies. We became friends years later. But we were doing surveys to see if I had any chance of winning in that gerrymandered, Ashcraft-oriented district. Frankly, the surveys didn't look that good, particularly north county. It was sort of an east [San Diego] County, north San Diego County combination district. I was strong in east county and very, very weak in north county; I'd never represented it. I hired Dr. Oscar Kaplan of San Diego State [University] to do the surveying. Surveying was relatively new in those days; it was not widely done. I was definitely behind. Pete Wilson was counseling with me, because if I was going to run for the senate, he would run and make his first entry into politics for my assembly district. I say "my"; the district belongs to the people. But it was a district that I represented, the Seventy-sixth. Had I not run, there would be no place for Pete to go. The reason I bring all this up [is] because Pete was totally unselfish about that whole thing. In fact, he was urging me to reconsider: "This doesn't look very good. You might not make it. I'd hate to see you out of the legislature. You'd better think very carefully." He darn near talked me out of it which would have been to his own great detriment. I always thought that was very unselfish on his part.

GIANOS: Yes. How did you meet him? You said you two go back to the early sixties.

BURGENER: Pete came into the county in the early sixties and went to work. He was a young lawyer. He had just graduated from Boalt Hall [University of California, Berkeley]. He went to work for the Republican party. He first was hired by Republican Associates, I believe, which was a volunteer support group. And then [he] also went to work for the [San Diego County] Republican Central Committee and served both the Republican Associates, a big volunteer group who would support him and work closely with the county Republican Central Committee. So Pete really wasn't out practicing law; he was politicking, probably had always been a political animal. But that little vignette indicated to me what kind of guy he really was and is. I'm a very strong supporter of his.

GIANOS: Was he pretty much seen as the logical successor to you, if you decided to [run for the senate]?

BURGENER: Not necessarily. It was a Democratic district. He was opposed-- I've forgotten by whom [John A. Rose, Don D'Agostino]--in the primary, but he won handily. He was a logical successor, lived in the district. He wasn't a carpetbagger. The district went from Mission Bay to El Cajon, generally, then numbered the

Seventy-sixth. Being predominantly Democratic, it. . . . The ideological factions within our own party. . . . The hard-line right-wingers didn't have much say about it. They thought they did in the primary. We always had a split in our party, and it's not near as pronounced as it used to be. [The] Democrats have, too. But Pete was able to appeal to all factions. He won, I think, by bigger margins than I did.

GIANOS: When you said you were agonizing over running for the senate, [with] the polls indicating that you didn't have support in some areas, what finally led you to conclude to go for the senate seat?

BURGENER: [San Diego] County Supervisor Henry Boney was a predominant force in my decision, along with my wife and my administrative assistant, Harry Compton. Also Paul Engstrand, a prominent lawyer in town, of Jennings, Engstrand, and Henrickson, a large law firm here. Henry Boney was very strong in east county, and, mathematically, he proved to me that it could be won. He just showed me the count of all the precincts. I was only behind something like 4 percent. Not 10 points or 20 points or something, just 4 [percent] or 5 percent. But it was a hard core. There were 100,000 Republicans in the district, and Hale Ashcraft, my opponent, had represented 50,000 of them for four years. I had

represented 25,000 of them for four years, so he had twice as many as I did who were familiar with him. The other 25,000 were sort of up for grabs. They were neither in his old district nor in my old district. I won by 608 votes out of 80,000 in a thirty-day recount.

GIANOS: I remember you were saying it was tough.

BURGENER: But, anyway, that little vignette about Pete was clearly a mark of his character and his unselfishness, and I always appreciated it.

GIANOS: Now, in the general the figures I have here say that you won by 72 [percent] to 27 percent in the general [election] over Boyd Malloy.

BURGENER: Yes. The whole race was in the primary.

GIANOS: Did you anticipate it would be that easy of a run for you?

BURGENER: No, I never did, never took anything for granted. You just don't. Even if down deep you feel. . . . I felt confident after the primary, but didn't relax. We didn't spend a lot of money in those days; we didn't use television. Television was the ruination of modest spending in politics. That's what created, as Jesse Unruh put it, money being "the mother's milk of politics." Television costs a fortune, particularly statewide. I never used it in all my twenty-one campaigns, never. But I suppose if I were running today, I'd have to, depending on. . . . If everybody else was using it, what could you do? But almost no one was using it in those days.

GIANOS: What sorts of themes did you run on in '67 in the general?

BURGENER: Issues?

GIANOS: Yes.

BURGENER: Well, I was strongly supportive of Ronald Reagan, who was running against Pat Brown, you recall, who was running for a third term. Reagan was very, very popular in the new senate district. It was a quite conservative, heavily Republican district. So just running with Reagan, it was a "slam dunk" in the general election. I mean, Pat Brown did very, very poorly. He did well statewide, even though he didn't win. He did well in other parts of San Diego County, but in that particular part. . . . That was the most conservative, most Republican district in the whole county, and one of the most in the state.

GIANOS: So it was relatively straightforward for you.

BURGENER: Very straightforward, yes. Also, I had four years on the city council and four years in the assembly. You know, coming up through the ranks. I had served an eight-year apprenticeship, you might say. I forgot who was running. Hale had never served in local government, so I had a little edge on him in terms of experience, back to the primary. I had eight years; he had four. He's a good man. We differed, but the campaign never got

personal, mercifully. He was very gracious at the end of it, even though we had this thirty-day recount. He was supported by Assemblyman [E. Richard] Barnes and State Senator Jack Schrade; they were very strong for him, my colleagues. The late Dick Donovan, for whom the correctional facility is named--the new state prison in south San Diego, Otay Mesa--was in my corner, but he couldn't do it publicly. But he supported me. We were divided. "C'est la vie."

**GIANOS:** You were saying last time we spoke that there were a bunch of assembly members--friends of yours, George Deukmejian, people like that--all of whom sort of moved en masse into the senate.

**BURGENER:** Yes. There were fourteen members of the assembly who, in 1966, ran. There was a big reapportionment. One of them was Jim Mills, from our county, and myself. Jack Schrade was already there. But statewide, fourteen members of the assembly, including George Deukmejian, Jim Mills, Tony Beilenson, Nick Petris, just a large class, went from the assembly to the senate en masse. Fourteen out of forty is a lot.

**GIANOS:** What's your sense, since that was such a fundamental change to the senate, of not just the effect of all those new members, [but the

effect] of all those members having known each other in the assembly?

**BURGENER:** It marked the beginning of the end for Hugh Burns and the so-called Third House lock on the senate. I liked Hugh very much, by the way, although I participated in the coup that ousted him. There was nothing personal about it in those days. He died here about a year ago. He was a good guy, but the Third House, the strong lobbyists, had virtual control of the senate in terms of defeating legislation. They didn't have the votes to get a bill through the assembly, but had the votes to kill a bill in the senate. Pretty much, they were the business-oriented lobbyists, with whom I voted almost all the time, anyway. They were proponents of the status quo, so that was fine. They weren't looking for new legislation; they just didn't want what would be viewed in their business community as oppressive or punitive or costly legislation passed that would affect the business community. So they had a very, very powerful influence in the senate.

**GIANOS:** As a conservative Republican going into the senate. . . . You were saying Hugh Burns [was], roughly, supported by the interests that you tended to vote in favor of, anyway. What would lead you and other Young Turks, so-called, at that time, to overthrow him?

- BURGENER: Hopefully, a commitment to better government. I was in the senate six years, and it probably was four years later when all that occurred.
- GIANOS: I've got a couple of figures here. I wanted to ask you about them relative to that.
- BURGENER: Sure. My memory isn't perfect.
- GIANOS: In the '69 vote, you voted for [Howard] Way and Jack Schrade voted for Burns.
- BURGENER: Right.
- GIANOS: And in '70, you voted for Way and Schrade wins.
- BURGENER: So we'd been in there four years by that time, you're saying.
- GIANOS: Yes. As you were saying last time, and I'm quoting, "those were interesting days," and you were talking about this rather amazing period when you got a tremendous turnover in the senate [president] pro tem position. Your part of it strikes me as particularly interesting, because of your relationship with Schrade.
- BURGENER: I was one of the number one Way lieutenants.
- GIANOS: How did that come about? What was your motivation in that?
- BURGENER: Good government, a fair shake. The lobbyists used to congregate in Hugh Burns's office. I remember Beilenson telling me when he'd go in to lobby. . . . I'm a great admirer of Tony Beilenson, now in

Congress. He's a Democrat. I shouldn't quote him directly, but he wouldn't mind. He'd go into the pro tem's office to discuss a bill, and a couple of lobbyists would be there. The pro tem would say, "Well, guys, what do you think about it? What do you think about Tony's bill? Can we let it go?" And they'd have a little confab. They would decide--they meaning the lobbyists and the president of the senate--would decide what to do about Beilenson's bill.

[Laughter] I don't think that's the way it's supposed to be.

GIANOS: Not your idea of a good time?

BURGENER: No. Tony took great umbrage at that. He's a very determined, highly moral, partisan guy, who likes the rules to be fair, and they weren't fair. They used to have meetings up at the Senator Hotel the night before the GE Committee, the famous Luther Gibson committee, and decide the fate of bills. That's very illegal now; it was marginal then, I suppose. It took me a couple of years to learn about what was going on. I learned as an assemblyman that the senate was like that. However, I must hasten to add that I was welcomed with open arms in the senate. It was a new world for me, rather than being kicked around like I was with Unruh for four years in the assembly, not getting committees I wanted, a small office, and all that relatively minor stuff. Committee assignments were

important to me. I got on the Education Committee, which I had tried to get on for four years in the assembly. I became chairman of Social Welfare. I got on Senate Finance. Later on, when we deposed Hugh Burns, I got on the Rules Committee. I was in the middle of everything. It was a lot more fun to be part of the action.

**GIANOS:** Do you attribute any of those good committee assignments to having been on the right side of the vote on the leadership?

**BURGENER:** In the senate?

**GIANOS:** Yes.

**BURGENER:** No, because there was no contest for the senate leadership at that time. Well, I was supporting Burns for the first three or four years. Actually, it wasn't just a "get Burns" thing. I'm trying to remember if the senate was dead even or if we had a one-vote majority. You probably know.

**GIANOS:** There were twenty-one Republicans in the senate in '69-'70.

**BURGENER:** That was it. It was our turn, good Lord. You refreshed my memory on that now. I was in partisan office twenty years--ten years in the legislature, ten years in the Congress. I was in so-called nonpartisan office four years in the city council here. But in my partisan experience of twenty years, I was in the minority for nineteen years and three months, I think it was--a very long time. It

wasn't so onerous in Sacramento--that is, in the senate--because it was a bipartisan club. But it was onerous in Congress. The minority isn't consulted. In Congress, which is mainly what we want to talk about today, any member, no matter what party can do a good job for his or her district. They don't interfere with you on that. But in terms of affecting national policy, if you're in the minority, forget it; you're not consulted. You can maybe get an amendment on a bill; you can't get a bill passed. It's understandable. They don't have individual bills in Congress. They're committee bills, always carried by the chairmen. Which makes sense, because with 435 members, you'd have thousands and thousands of bills if you did it otherwise. That's why I liked the senate so much, a body of 40. I got back to Congress, and when I got on the Appropriations Committee, there are 54 people on the committee, as opposed to Sacramento where we'd have 5 people, 7, 9, 11, usually an odd number, on the committees, and it was a club. Your legislation was very personal. It had your name on it. You carried it; you presented it to the committee; you presented it to the floor of your house. If you went over to the other body, you presented it to the committee yourself. That's three of the four stops, more, if it was requiring Finance or Ways and Means. You

**BURGENER:** carried it every step of the way, until, finally, the floor of the other house. Then you had to give it to either your senator or your assembly member, because you couldn't speak on the floor of the house to which you didn't belong. Then it had your name on it; it was your bill. Your name only left the bill when the governor signed it and it became chaptered into the code books.

**GIANOS:** Speaking of carrying bills, you said last time that you had carried a large part of Reagan's welfare reform legislation.

**BURGENER:** I did.

**GIANOS:** How did it come about?

**BURGENER:** I was chairman of what was then called--it's something different now--the Committee on Social Welfare. I was a good party person. I was a loyal team player, in spite of the [fact that] I tended to be more at the center of the Republican party than the right--certainly not on the left. [In terms of] political philosophy, I found myself right at the center, but not far right. I was viewed as a person who was a team player but not a sell-out team player, if you follow me. You don't have to sell out to be a team player. You can vote against your good friends on the other side. It was very simple to get along with them: just follow the Golden Rule. It was very simple. You just treat people as equals. It works beautifully; it's

uncomplicated--putting aside the time we threw Burns out. That was pure gut, partisan politics. It was our turn. Yet, we had people like Schrade who didn't want us to have our turn, because he wouldn't be part of the new Republican majority, you see. He was supporting Burns, the record shows, and even that wasn't personal. We weren't personally vindictive or nonspeaking, uncivil. But we played our hand a little too heavily and we got kicked out, and then Schrade took over for a short period of time before Mills came in the following year.

GIANOS: One more thing about the welfare legislation.

BURGENER: Yes, there were five bills.

GIANOS: Right.

BURGENER: That's where I met Al McCandless. Al McCandless is now in Congress [from the Thirty-seventh Congressional District]. At that time, Al McCandless was a county supervisor in Riverside County. Most of my former staff works for him in Congress now; he's a very good friend. He was selected by Reagan to head up the Statewide Citizens Committee to sell the program to the public. He was in a good position to do that. County supervisors are the most knowledgeable people about welfare. They deal with it; they administer state and federal funds, to a large measure, [and] almost

totally, now. But it's the responsibility of each county to administer public assistance, welfare. So Al McCandless was very knowledgeable, and he and I became good friends. He was the number one salesman statewide. I was the author. When the bills went over to the assembly, I think Bill Bagley handled them for the governor. I carried them on the floor of the senate and through committee in the senate. Tony Beilenson and I had a famous debate, famous in rather restrictive terms, not quite [Abraham] Lincoln-[Stephen] Douglas. I think our debate time on the floor was like five hours on the floor of the senate. I was the governor's sponsor of the bill, the author, and Tony Beilenson was the opposition, but constructive opposition.

**GIANOS:** This is a package of five bills?

**BURGENER:** A package of five bills, voted on separately. Of the total package, about 70 percent of Governor Reagan's proposals were enacted into law. I think that was pretty good, when both houses were controlled by the Democrats. But we had a constructive debate. There was no rancor, no animosity, no exaggeration, deliberately, at least--none. It was really one of the best debates. We weren't the only two in the debate; the whole floor was involved. Most of those floor debates are for home consumption; they don't change many minds

on the floor. They're just to set out your next mailing piece or your press release. But they're educational. I had a lot of members on both sides say, "Hey, we learned more about welfare during this debate than we've ever known."

**GIANOS:** How did your interest in welfare policy develop?

**BURGENER:** It developed, for me, through my interest in handicapped children. My wife and I had a severely, mentally retarded son. His picture is up on the wall there. I became an activist for the mentally retarded, first, as a parent, then, as a volunteer, and thirdly, as a legislator. After becoming fairly skilled and knowledgeable in the field of mental retardation, as a parent, I began to see all the other kids with problems. I began to see the physically handicapped, cerebral palsied, blind, cystic fibrosis, emotionally disturbed, even the gifted. I got involved in the gifted later on. So I had an interest in special kids. That led me to AFDC, Aid to Families with Dependent Children. I probably told you in the earlier interview, but if I didn't, we had a very notorious Social Welfare Committee [in the assembly]. Phil Burton was chairman.

**GIANOS:** No, you didn't mention it.

**BURGENER:** This was interesting. Phil Burton, chairman. Very, very knowledgeable, very, very liberal, not a person you warm to or like

very much, the late Phil Burton, because he was the architect of three decades of malapportionment. He was rough and heavy-handed, but extremely effective. He was chairman of the committee. They had proxy voting on all the committees. You don't have to be there; you can give the chairman your proxy. The Democrats didn't show up, and the Republicans did. There were four of us: Jack Veneman, George Deukmejian, Clair Burgener, and [Robert E.] Bob Badham. We knew something about welfare, too, but there was Phil Burton with his five votes, and we had four, and he killed us on every vote.

GIANOS: These were proxies Burton could vote?

BURGENER: He could vote them.

GIANOS: So it wasn't a case [of] "I'm voting no, and then you vote no."

BURGENER: He cast all five votes.

GIANOS: It's a very efficient committee. [Laughter]

BURGENER: Very efficient. It's a miracle we showed up, but we did. We were there at every meeting. I remember our [San Diego County] District Attorney, the late Don Keller, was kind of a hard liner on public assistance. You know, work hard and people earning their keep. This got blown out of proportion. But Phil Burton worked him over

unmercifully and, of course, I was there trying to defend the guy.

That was my first real experience of Phil Burton.

GIANOS: That was kind of your legislative schooling in the area.

BURGENER: Yes. But I'm not sure I initially requested the Social Welfare Committee; I was banished to it. It wasn't much fun serving on a committee where you couldn't win a vote. Occasionally, we reversed some [bills] on the floor that got out of committee if they were too far out. Because I was on the Social Welfare Committee for four years in the assembly, I became educated in things far beyond retarded children. And I was a good chairman, I don't mind saying so myself, of Social Welfare in the senate. I always had the witnesses--both right, left, middle, and whatever spectrum--going away from the hearings feeling like they'd really had their day in court. I deeply resented the way a lot of witnesses were treated up there when I was an assemblyman.

GIANOS: Witnesses in general?

BURGENER: In general. It's worse now, much worse. The committee chairmen, there were no chairwomen. . . . Pauline Davis was there. There were one or two women. Mercifully that's all changed now. But the committee chairmen were often dictatorial, heavy-handed, and very partisan, and rude to the witnesses. I just don't believe in that.

I objected strenuously, didn't get anywhere, didn't have the votes. So I was scrupulously careful, when I became committee chairman in the senate, to be evenhanded and bipartisan. That's one of the reasons Tony Beilenson and I got along so well on the social welfare bills: we treated each other as friends and colleagues and equals, and it worked very well. You know, if I'd declared war on the Democrats carrying the governor's bill, I or anybody else, how could we get 70 percent of his program passed? They'd have told us to get lost. You don't insult somebody and then ask for their help, if you're thinking.

**GIANOS:** No, that doesn't seem to be a smart way of working.

**BURGENER:** Of course not.

**GIANOS:** Were there any issues in which you were out of whack with the Ronald Reagan administration in those days?

**BURGENER:** I told you about the famous Dr. McCandless case; that was one. No, not really. I always kind of felt that the far right had too much influence on him, but the left was so far left that it was a pretty good counterbalance. Most of the work in any legislative body is done around the center. I think the far right and the far left have a valuable function. I think they need to be listened to, but I don't think they should govern, either side.

GIANOS: Those were pretty polarized times, too.

BURGENER: They were, indeed. Sputnik went up in '58, and "the Russians are coming, the Russians are coming." We had this great push on science, and people arguing about bomb shelters, whether they should be public or private--a big issue in '62. Absurd, but the big issue. A "commie" under every bed, in the minds of some. It was the Joe McCarthy era. How recent was it? That was in the late fifties, I guess. It was big stuff. There were "study groups." The John Birch Society was quite strong. There was a polarization that I don't see today.

GIANOS: I talk to students about that period, and they don't know that. They're unaware of how polarized it was.

BURGENER: Terribly polarized.

GIANOS: The "Impeach Earl Warren" billboards.

BURGENER: Oh, of course. I was viewed by the far right as some kind of a traitor or a "lib," a wolf in sheep's clothing, I don't know. My voting record has been quite conservative. But I think I mentioned to you before, philosophically, I believe it's possible to be viewed by the public as a progressive in local government, a moderate in state government, and a conservative in the federal government, and not change one iota.

**GIANOS:** When we get into the Congress period, I'd like to return to that, because it's a really interesting observation. One final thing about the senate. You mentioned in the assembly that A.B. 653 was the biggie. Were there any comparable biggies, or a series of pieces of legislation, you were especially proud of?

**BURGENER:** In the senate, I authored the legislation that created the state Commission on Special Education, which still lives; that was my legislation. I was quite careful not to be known as the legislator for the mentally retarded, and I gave a lot of bills to other members to author.

**GIANOS:** In that policy area?

**BURGENER:** You bet. Because I was counseling parents of the severely retarded, or moderately retarded, or whatever kind of handicapped kids, that they should not get so narrowly focused that they became perceived in the community as one interest kinds of people. I said, "If you want the community to take an interest in your special child who's got really serious problems, you better take an interest in their so-called normal kids and support the Boy Scouts and the Girl Scouts and the YMCA [Young Men's Christian Association] and the YWCA [Young Women's Christian Association]. Otherwise, you're going to get isolated and you're going to be perceived as some kind

of a nut." That's a little too strong, but somebody so centrally focused can't see the big world around them. As a result, they wouldn't get much help.

**GIANOS:** Good politics.

**BURGENER:** Just common sense. It works.

**GIANOS:** So you were mentioning the Torrey Pines legislation.

**BURGENER:** Yes. I got the Torrey Pines [State] Park, despite what that guy [Referring to a photograph of a billboard reading "Burgener ecologist" on which someone painted "My ass."] thought of my ecological credentials. We got 300 acres added to Torrey Pines State Park. It was out in what is now Del Mar, [California], on top of the hills. Clear across the canyon from Torrey Pines, about half a mile from the beach. Beautiful. Later on, in Congress, I got the San Elijo Lagoon addition, about half a million bucks for that. I got a ton of money for the Santa Monica Mountains due largely from friendly pressure from Tony Beilenson. I see now Bob Hope's under great pressure to give land. Have you been reading or following that?

**GIANOS:** Yes, a little bit.

**BURGENER:** Through Tony Beilenson's intervention--he represented the Santa Monica area--I found myself on the [House] Appropriations

Subcommittee on Interior, [which controlled] national parks and all the federal money for acquiring land. My detractors thought I was some kind of a way out liberal, spending all this federal money for the Santa Monica Mountains. I got a bundle. You know, with L.A. with ten million people, probably a lot more than that in L.A. County, if you don't have some green space, you won't be able to breathe. So I was convinced, primarily by Tony Beilenson, that the Santa Monica Mountains needed every nickel of federal money they could get. And I got a bundle, I really did, because I was on the right committee. That's what Congress is about, being in the right place at the right time. Most of the work is done in subcommittee in Congress.

**GIANOS:** Since we're heading toward Congress bit by bit anyway, let me directly deal with. . . . If you could recollect the circumstances involved in going for that House seat and also the nature of the district, since you made a number of references to having gone through the years with Phil Burton's redistricting plan . . .

**BURGENER:** I shouldn't be bitter about malapportionment or reapportionment or gerrymandering, even though I am. I shouldn't be, on a personal basis, because I'm a beneficiary of it four times. The Seventy-sixth Assembly District was created, although not with me in mind, and I

ran in it and won. Pete Wilson took over later. It certainly wasn't created for me. It was supposed to be a Democratic district. But there wasn't any prominent Democrat, local officeholder, like a city councilman or a mayor or a county supervisor or somebody, that fitted the district. Otherwise he or she would have run and would have won. I was a former city councilman, so I had some credentials. So I was a beneficiary then. I became a beneficiary of reapportionment the hard way, you might say, in the Ashcraft race for the senate in '66. Then, twice in Congress. Seventy-two was when I first ran. The district was created for me; I was on the committee. I was a Republican, and [Mervyn M.] Merv Dymally was chairman, with whom I served in the assembly, state senate, and Congress. It was kind of perceived as the Burgener district. I was part of the establishment drawing the lines. It wasn't because I was such a great guy; they weren't in love with me or anything. It was [that] they couldn't avoid me. It was my old senate district; they couldn't avoid me. So they just made it as Republican as they can make it, which is what they do. They do that for the Democrats. The Republicans' track record on gerrymandering was just as bad as the Democrats'. The conflict of interest is so obvious and so blatant. To ask a legislator to be objective about drawing lines

BURGENER: affecting his own future, his livelihood, his political party, his political enemies, it's absurd.

GIANOS: But in your case, in a sense, you benefited from it.

BURGENER: Of course I did. I was on the committee.

GIANOS: My understanding of most plans is that you try to make your party's district winnable but competitive, spread your folks around.

BURGENER: We'd like to, but we didn't have the votes.

GIANOS: Put every Republican in creation in your district.

BURGENER: We couldn't do that. We just had to sit there and take the crumbs, and mine was a big crumb; it was a fat, supersafe Republican district. I had Republican opposition in the primary. I always had, in a new seat, [but] never as an incumbent. But with one exception. I had an opponent once who was an incumbent in the primary. That was '78, and it was because I was not supporting Jarvis-Gann, Prop. 13.<sup>1</sup> But it was not meaningful opposition. In '72, I ran in a new congressional district which I had been part of creating, even though I was in the minority. There wasn't much I could do about it, anyway, except go along. Voting "no" or "yes" didn't make any difference; they had all the votes. Then, in '74, they did it over; it

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<sup>1</sup>Proposition 13 (June 6, 1978).

got into the courts. My first congressional seat was the Forty-second [District]. Starting in '74, it was the Forty-third and remained that until I left. They totally changed it. My first term, I had what is now like Ron Packard's district, the Forty-third, my successor. It was now in San Diego County about two-thirds, one-third Orange County. That's how it started out in '72, through the term of '73 and '74. Two years later, in '74, wow, I traded Newport Beach for El Centro. They took away all of Orange County--they, [meaning] Phil Burton--gave me all of Imperial County and about a fourth or fifth of Riverside County. I had everything up to Perris, Lake Elsinore, to just short of March Air Force Base. I had Sun City, and what is now Rancho California, Temecula, all that.

GIANOS: And there was nothing you could do about that one, either.

BURGENER: Not a damn thing.

GIANOS: Looking at the figures here, you won in '72 by 70 percent to 30 percent, and in '74 by 60 percent to 40 percent.

BURGENER: In '74?

GIANOS: That's what my figures indicate. Bill Bandes, 40 percent, and you had 60 percent.

BURGENER: He was a schoolteacher. You know what he was hammering me on, Bill Bades? What year is that?

GIANOS: [In] '74, the first year of the Forty-third Congressional District.

BURGENER: He was a real anti-Nixon guy, and I supported Nixon and then Reagan. He was a liberal activist, probably AFT, I suppose, American Federation of Teachers. But it was a civil campaign; it was OK.

GIANOS: How did you handle the fact that you had a radically new district?

BURGENER: I worked my buns off. Really worked the district. . . . Imperial County is predominantly Democratic, but the Republicans economically dominate it, the big farmers. It was 20 percent of my district at that time. By the time I left, it was only 10 percent. But it was close to 70 percent of my problems. High unemployment over there. We fought the 160-acre water limitation fight, won 9 to 0 in the Supreme Court.<sup>1</sup> The New River was flowing sewage out of Mexico--raw sewage flowing through Imperial County--and dumping it into the Salton Sea. One problem after another. The Salton Sea's level is much too high, much too low, getting saltier, polluted. A jillion problems in Imperial. Very good people.

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<sup>1</sup>United States v. State of California, Resources Control Board, 694 F.2d 1171 (1982).

**GIANOS:** What sorts of things did you have to do to learn the district?

**BURGENER:** I spent a lot of time there, flew over, drove over, stayed over, just worked it very hard. [I] had an office there, first in Brawley, then later in El Centro. Brawley's kind of the Republican end of Imperial County, north. Calexico's toward the Democratic end, and El Centro, in the middle, was kind of mixed. I moved the office from Brawley. My predecessor, [Victor V.] Vic Veysey had it in Brawley because that's where he was from; he was in the assembly with me. He got gerrymandered out of his district and got eliminated. That was one of Phil Burton's jobs, in '74.

**GIANOS:** Speaking of Phil Burton and districts, I came across a reference, maybe not entirely seriously, that part of the reason your congressional district was drawn the way it was, was that "Someone" capital S, Someone, didn't want Richard Nixon in a district represented by John Schmitz. Since you were "the president's congressman," I mean, that's one of the things that you were known as. I somewhere came across a reference to the fact that . . .

**BURGENER:** That someone would have be a Democrat, I guess. They did the drawing of lines.

**GIANOS:** I wasn't sure if it was half serious or not at all serious or what, but it was an interesting comment.

**BURGENER:** I don't think it's serious. The lines were unusual. The so-called western White House was in San Clemente, so San Clemente ended up in my district, as did San Juan Capistrano and then up the coast clear to Newport Beach. I had part of Newport Beach, all of Corona del Mar, all of Laguna, but not El Toro, and not Leisure World, but most of Irvine. I had mostly the coastal [area]. Crazy line, but all the lines are crazy.

**GIANOS:** We're meandering in terms of the races you had for the House, so maybe if we could just continue in that vein, go over the people you ran against and the issues that were dominant then.

[End Tape 3, Side A]

[Begin Tape 3, Side B]

We were talking about the '72 race. Let me just go down, if it's OK with you, whom you ran against, the figures, and what recollections you have of the issues. In '72, in what was then the Forty-second Congressional District, it was Bob Lowe, 30 percent, Clair Burgener, 70 percent. You've already talked a bit about that race. Any more recollections?

**BURGENER:** Bob Lowe was a schoolteacher in San Dieguito High School. As a matter of fact, I went out and spoke to his classes at his invitation during the race. I was a little bit nonplussed when I saw he had a tape recorder, sitting there taping everything I'd said to his three classes for three hours in a row. He was a nice guy and was very gracious when it was over.

**GIANOS:** It was not a tough race.

**BURGENER:** No, it was not a tough race. I always get nervous in primaries. Partisan primaries are always nerve-racking. There was a guy named Fred Gage in the primary. There were four of us, four Republicans.

**GIANOS:** In '72.

**BURGENER:** [In] '72. Fred Gage had run against Baxter Ward in L.A. for county supervisor. He moved down to Oceanside to run for the Congress in the new district. There was a very nice gal, Gay Lewis from San Clemente, and a gentleman from San Clemente, Norman J. Ream. There were four Republicans. But I won that OK. I forgot how many Democrats ran, maybe two, but. . . . What was his name?

**GIANOS:** Bob Lowe?

- BURGENER: Lowe, the schoolteacher, won the Democratic primary. It was such a heavily gerrymandered [district], I was much, much better known, naturally, because by that time, I had served fourteen years. I was in my fourteenth year in public office.
- GIANOS: So from '72 to '74, you get a new district, a radically new district.
- BURGENER: A radically new district, although the heart of it was still the same; the heart of it was still north county.
- GIANOS: Roughly, in terms of support, how much of your. . . . Was your previous core of support still in the district?
- BURGENER: Yes.
- GIANOS: And it was the Forty-third?
- BURGENER: Yes.
- GIANOS: So it was a matter of cultivating new territory.
- BURGENER: Cultivating new people.
- GIANOS: And they weren't necessarily going to be opposed to you.
- BURGENER: No, but you just want to make all the friends you can make. You never take an election for granted. The political graveyard's filled with the corpses of guys and gals who thought they had it made. That's not healthy to do, and it's resented by the public. If the public perceives that you think you've got a "slam dunk," they don't like it. They don't like people that are appointed to public office. If

Pete wins the governorship and appoints someone to the senate, that person's going to have a hell of a time getting reelected, no matter who it is, he or she. I remember Pierre Salinger very, very well, and that was 1964. We were doing surveys in my district. I was running for reelection to the assembly. You always list everybody so they don't know who's doing the survey so as not to slant it. We'd come to the senate race and we'd run down the Democrats and the Republicans. That was when George Murphy was running on our side. People would say, "Salinger, is that the guy with the cigar? Not him. Anybody but him." He was a big, big negative. Pat Brown had appointed him, you recall, when Clair Engle died, to a short-term vacancy, and it was a bad thing to do as a candidate. The public doesn't like somebody telling them who they're going to get. They don't like it at all. Every governor, I think without exception, who's appointed himself to the senate has been defeated in the next election. But back to your. . . .

**GIANOS:** In '74--you already mentioned Bill Banes--it was 60 percent you, 40 percent him.

**BURGENER:** Bill was a schoolteacher. I lost a lot of schoolteachers. [Senator Barry M.] Goldwater was very unpopular with the teachers. The AFT was getting strong then. The California Teachers Association,

CTA, I always considered very professional. I didn't consider the unions very professional, in terms of teaching, and the unions were beginning to take over, and Bandes was part of that. I may have forgotten some big issue about education that I was on the wrong side of. Maybe it was just my support for Goldwater. But I knew I wasn't going to win by as big a margin. I know. It wasn't Goldwater, pardon me, it was Nixon. This was Watergate.

GIANOS: Of course.

BURGENER: Yes, of course. I was supporting Nixon all the way, until the "smoking gun" appeared. I was campaign chairman for Nixon here in 1960 in the county, and a great fan of his, until Watergate. I'm still a fan of his in foreign affairs and foreign policy. But no, Watergate. I wasn't there calling for his impeachment. That's what Bandes was going to defeat me on, not Goldwater. It had nothing to do with that.

GIANOS: So that's the issue he tried to push.

BURGENER: Oh, absolutely. "Burgener's a Nixon clone, and no matter how bad Nixon is, Burgener's just as bad. He's supporting him." And it cost votes, about 5,000!

GIANOS: What was your response to that? When you were hit with that issue, how did you deal with it?

- BURGENER: "The guy isn't guilty." Until he confessed, so to speak. Then, we were all, "What do we do now?" It cost. It was expensive.
- GIANOS: Did you feel under particular pressure by virtue of. . . . You were indicating that you'd been his manager in '60 . . .
- BURGENER: No. Remember, I'm in a heavy Republican district, and the district, as a whole, was very supportive of him. He was a Californian. He always liked San Diego County, same as Reagan did.
- GIANOS: He started his [presidential] campaigns down there.
- BURGENER: Right. He came here a lot, as Reagan did. People liked him. North county was conservative territory. It really is, still, very Republican.
- GIANOS: I know he kicked off one presidential race here.
- BURGENER: So, no, I wasn't taking any great political risk. I wasn't trying to be all things to all people. I had to be one or the other, and I was supportive of Nixon and it cost. You know, a lot of Republicans were not supportive of Nixon at that time. Nobody was at the end, almost nobody, because, hell, the so-called smoking gun was found. They weren't stealing money, but they were abusing power.
- GIANOS: Speaking of your reference to a lot of Republicans [who] were not supporting Nixon. Purely based on conversations with people I knew who were active in Orange County Republican politics during

that period, and who said that they knew Republicans who were angry, not at Nixon so much, but at the Nixon campaign for coming in and sucking up every available dollar and then running away with it.

BURGENER: Yes.

GIANOS: Which is not just the old complaint about people come to California for money, but it was really hurting local Republican candidates.

BURGENER: That's right. I've heard those complaints, of course.

GIANOS: Any validity to those?

BURGENER: Sure. It goes on all the time with whomever. It goes on with [President George H. W.] Bush and Reagan. Just naturally, the head of the ticket scoops it up, and after that, people running for governor, U.S. Senate, and assemblymen get what's left, so to speak.

GIANOS: So it was not unique to Nixon.

BURGENER: No, not at all. It's just endemic, just the nature of the money raising business.

GIANOS: With your experience, particularly when you had more national experience, did California get dinged worse than most states? In other words, "There's a lot of money out here. Let's scoop it up and spend it in Ohio?"

BURGENER: Oh, yes. Senator [Lloyd] Bentsen's coming here next week.

GIANOS: I saw it in the papers this morning.

BURGENER: That'll scoop up a lot of money, yes, Bentsen being chairman of the Senate Finance Committee.

GIANOS: So we've got Watergate as an issue in '74, but it doesn't hurt, ultimately. [In] '76, any primary [election] recollections in that race?

BURGENER: No, I had none. It was only in '78 [that] I had a primary.

GIANOS: You ran against Pat Kelly. [The vote was] 65 percent for you, 35 percent for Kelly. I don't know. Do you know if you can conclude that Watergate cost you 5 percent? You did 5 percent better in '76 than you did in '74.

BURGENER: That's right. Because Kelly and Bandes were totally different. Kelly was kind of a quiet young man, campaigned as a loner. He never had a contingent of people around him. But I always took him seriously. It's just the nature of politics. You just should, you must. Political opponents feel about each other differently than anybody in the world. It's very difficult to muster up any affection for anybody running against you, no matter what you say publicly, very, very difficult. Somebody wants your job as professor? You

couldn't feel very warm toward them, and you wouldn't. You would be civil, and I was, but I didn't like it.

**GIANOS:** Except that we don't really compete for the position in quite the same head-to-head way that you did.

**BURGENER:** That's right. You're not out soliciting votes. So that was kind of routine.

**GIANOS:** Did Kelly have any issues that . . .

**BURGENER:** No.

**GIANOS:** "Vote for me, I'm a Democrat"?

**BURGENER:** I guess so. He wasn't challenging any of my votes that I recall. It was a kind of a nonissue campaign. [It was] not nonissue when the Vietnam war was on and all that business. But I was up in the senate then. In Congress, it was pretty much. . . . The overall issues were size of government, Democrats taking [the position that] government's got to do more for people, Republicans taking the position they do too much now, let the private sector go to work and let supply-side economics work. Supply-side economics was the [Representative Jack] Kemp line, and "a rising tide lifts all boats," John Kennedy. "Get the economy strong and everybody will go up with it." You know, the "free market works best," and "smaller government is better than bigger government," "lower taxes are

better than higher taxes." It's a classic argument, with some good arguments on both sides of it.

GIANOS: You were saying last time that, even when you ran against Tom Metzger, you had never gone after an opponent.

BURGENER: I've never said an unkind word about an opponent. I said some very unkind words about the Ku-Klux Klan. We'll get to that in a minute.

GIANOS: Good, I meant for you to talk about that. Nineteen seventy-eight, Ruben Brooks. Ruben Brooks got 29 percent, you got 71 percent.

BURGENER: Brooks was the young man. Kelly was a guy I can't remember.

GIANOS: I've got Kelly in '76 and Brooks in '78.

BURGENER: Brooks was a young, clean-cut guy, but he was the loner. That was in '76.

GIANOS: Seventy-six is Pat Kelly and '78 is Ruben Brooks.

BURGENER: Ruben Brooks, I remember very well. I can't remember Kelly. That's part of my old age. I really can't. But I sure remember Tom Metzger. Seventy-eight was Brooks.

GIANOS: Brooks 29 percent, you got 71 [percent]. You said Prop. 13 reared its head in that race?

BURGENER: It did. I got a Republican primary opponent on account of it. What was his name? Martin J. Kinkade. He's from Rancho Santa Fe.

GIANOS: That I don't have here, but I can dig it up.

BURGENER: Yes. It's in the record. He got a lot more votes than I thought he should have gotten. I think I got 75 percent, he got 25 [percent], but, you know, I'm the incumbent and I was in no particular trouble. But I didn't support Prop. 13.

GIANOS: Your reasons for that being what?

BURGENER: Well, I think it's terribly unfair. It was really unfair, and it is. It'll be thrown out someday. You have identical houses side-by-side now, with one guy paying four times the tax as his neighbor. See, Prop. 13 was caused by the failure of the legislature to act. They were sitting on a several billion dollar surplus. [For] a lot of old folks, property taxes were going through the roof, going out of sight. They couldn't afford to move; they couldn't afford to stay in their houses. A lot of them were forced to sell because of property taxes. The legislature should have done something. But more and more legislative bodies, particularly statewide and local, are abdicating responsibility and putting everything on the ballot. The gas tax<sup>1</sup> should not be on the ballot. It might get defeated, and we need it desperately.

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<sup>1</sup>Proposition 111 was the "Traffic Congestion and Spending Limitation Act of 1990," which was defeated.

- GIANOS: I entirely agree.
- BURGENER: We need it desperately, and education needs it. Everything needs it.
- GIANOS: It's a lousy way to make policy.
- BURGENER: It's a terrible way to make policy. Then, [the propositions] are often badly drawn. It's going to be a very close one, even though it only requires a simple majority, Prop. 111, very close. But I did oppose Prop. 13, and so did Duke [Deukmejian], oppose it, by the way, back in '78. But I still won the general.
- GIANOS: The only issue against you in the primary was [that] you were theologically incorrect on Proposition 13.
- BURGENER: Exactly. And I knew where my district [stood]. I didn't make a lot of noise about it. All I did was answer questions fairly and honestly when anyone asked. I didn't go out and beat the drum to defeat Prop. 13, because I could read public opinion polls. I knew where my constituents were: they were solidly in favor of it. But intellectually I couldn't do it.
- GIANOS: Ultimately, obviously, it didn't hurt you very much.
- BURGENER: No.
- GIANOS: Did your general election opponent make an issue of 13 in that race?
- BURGENER: No, he didn't do much of anything. A nice young man. That was the quiet guy. Kelly's the one I can't remember.

GIANOS: Which brings us to 1980 . . .

BURGENER: Oh, boy.

GIANOS: And Tom Metzger who, for the record, had 13 percent in the general, and you got 87 percent.

BURGENER: He shouldn't have had even 13 [percent]. See, what I knew in 1980, the public did not know. I'll tell you in a moment. When I left San Diego to go to Washington in 1973, I was a little superannuated, a little old to be starting as a freshman representative.

[Interruption]

GIANOS: You said you were a little superannuated to be a freshman representative.

BURGENER: Yes. I was fifty-one. Yet, I looked up, statistically, the average age of the 435 members of the House. Guess what it was? Fifty-one. But remember, average age. Some of those guys were there thirty years and forty years, which I think is ridiculous. I always supported a limitation of term.

GIANOS: You had the bill in to limit it to seventy years of age, correct?

BURGENER: No, to limit it to twelve years: six terms in the House, two terms in the Senate. But what I knew that the public didn't know was that my wife and I made an ironclad, "signed-in-blood" agreement with

each other as we left for Washington in late 1972 that the good Lord and the voters willing, we'd stay five terms and not a day longer. Ten years, no matter what, [then] come home. We stuck to our game plan; we did that. So when the press came to me when I was pushing my limitation of term legislation, they'd say, "Burgener, you know that's not going to pass." I said, "You're right, it won't pass. But it's still right; it should be done." They'd say, "If it doesn't pass, will you apply it to yourself, anyway?" I said, "Of course." Of course, I knew I was going to leave, so it wasn't any grand gesture of sacrifice on my part. I believe in it, though. I really believe in it. I don't think you should stay there very long. We lose the concept of the citizen legislator, and we go into the professional politician, which is not good. Believe me, even for me, for anybody, getting reelected is not the most important thing in your life, it's the only thing in your life, the only thing. Anybody that denies that is lying to you. It's just the mind-set you get.

So anyway, once I found out. . . . I remember the L.A. Times called me in the middle of the night to tell me that Tom Metzger had won the Democratic primary in June of 1980. I knew I was in for trouble.

GIANOS: Had you heard of Metzger prior to that?

BURGENER: I'd heard all during the primary.

GIANOS: When you were told that Metzger was your opponent, did you know about him?

BURGENER: I knew all about him because, remember, there were three Democrats. The [Democratic party] county chairman of Imperial County and the county chairman of San Diego County tossed a coin and made the whimsical announcement that the loser of the coin toss would run against me.

GIANOS: I never heard that story.

BURGENER: Oh, yes. That was kind of comforting to me, but it was not a good thing for them to say, and Metzger made a big thing out of it. "How can they not take this seriously." He said, "The loser's going to run against Burgener. He's got to have real opposition." The media created Tom Metzger. They created him in the primary and the media destroyed him in the general. I was kind of an innocent bystander. But I think they had a massive guilt complex about it, because all the publicity wasn't bad for this guy in the primary. I do believe that most people in the Democratic primary didn't know who he was, didn't know there was a Klansman on the ballot. He had "D" behind his name, there were three names, [and] they'd

heard Metzger a hell of a lot. But believe it or not, there must be people who don't read newspapers, listen to radio, or TV news.

**GIANOS:** I believe it every day. What kind of good press did he get? You said Metzger got some good press.

**BURGENER:** He tried to clean up his act. He took off the sheets and the hood and put on a three-piece suit. I agreed with about 90 percent of what he said, because he wasn't talking racism during the campaign. He was talking limited government, strong defense, lower taxes, individual initiative, all the good stuff--the Goldwater line, the Reagan line, the conservative line.

**GIANOS:** That was the bulk of his campaign.

**BURGENER:** Of course. But what happened was, as I told you before, I've never spoken ill of my opponents. When he won the Democratic primary, I attempted to ignore him totally, from June until September. The press wouldn't write anything I said, because I was wasting my time talking about the budget and defense and education and welfare and public lands and whatever, not the Ku-Klux Klan. The press said, "Burgener, when are you going to wake up? People aren't interested in that stuff. The Klan is the issue. There is no other issue, no other issue. It's you versus the Klan." What I knew, of course, was that I wasn't going to run again. There wasn't any

question about winning. Even I can beat a Klansman in a heavily gerrymandered Republican district, for god's sake. So that wasn't the issue. But wouldn't it be embarrassing to win 70-30, I thought, and wouldn't that send a terrible message about what kind of district it was, which it wasn't!

GIANOS: You said this to the press?

BURGENER: No, to myself. Never to the press, no, because they didn't know I wasn't going to run again. I didn't want them to know. You don't want to be a lame duck in advance. You never want to run, and say "I'm running but this is my last time." The public can quite correctly perceive, "Hey, this guy's getting ready to retire, let's start a new person. Maybe he's going to retire on our time, kind of goof off the last term." It's just human nature. Some have done it. [Charles E.] Chuck Wiggins did it, said "I'm running, and this is my last time." But he most certainly did not goof off. I could have got away with it. I just didn't think it was the right thing to do. So what I did, I ignored the guy from June until September, and the press hammered on me mercilessly, unmercifully. They said, "Hey, Burgener, wake up. Nobody's paying attention to what you're saying. The Klan is the issue." So I called a press conference, and it was right after Labor Day, 1980. I said, "OK, I give up. The

Klan's the issue. You want to talk about the Klan? We'll talk about it." So I talked about it for September and October, to the extent that, in the last two weeks of the campaign, the last ten days, I had to spend \$4,000 on personal security. They had a contract out on me, whoever they are. Not necessarily my opponent, but one of his admirers, perhaps. They had a contract out on me. They called my sister, who's a schoolteacher with an unlisted phone and a different name, a very private person, and said, "If you want your brother to survive, you'd better get him out of this race." So I called the FBI [Federal Bureau of Investigation], and all these crises always happen on a weekend. I spent Saturday and Sunday with a very nice young man from the FBI phoning Washington, finding out what the law was, and, finally, concluded by Monday morning that the FBI could protect me only after I got hit. But prior to that, no. That's understandable, because they can provide secret service protection to the president and members of the cabinet, but for 535 members of the Congress, they just don't have the manpower to do that. So we go to the police and the sheriff, who knew Metzger very, very well. They'd had many a run-in with him and many a riot and many a bloodied up bunch of civilians and police and Klansmen. The Klan was ridiculous. [There were] only 200 members in the whole state.

BURGENER: They didn't have to be made into this great force; they weren't any great force. Of course, they're still at it. His son is the skinhead guy, and they are dangerous. So I hired these two secret service guys, formerly with the White House. . . . The police and the sheriffs said, "You really should not take a chance. We can protect you at a public place. If you're giving a speech, we'll cover it. We'll be there. If you're going to a big meeting, we'll be there. But, we cannot cover you from your house to where you're going. We can't spend public money for that. We don't have the manpower. We strongly recommend you get somebody." So I hired two guys. It cost four thousand bucks. They were nice guys, but, hell, they tucked me in bed at night--my wife's there--and got me up in the morning. I'd really hate to be somebody important, you know, and have to live like that forever.

But I took the Klan on, and I called them a bunch of social misfits. I tried not to use too inflammatory language. I thought that was strong enough. I never appeared with the guy. I've never met him to this day. I refused. And the press supported me in that. I just figured, why build an audience for this guy that he can't get on his own? If I'd have gone off to debate him or something, there would have been a sideshow. If I wanted to be on a TV show in

- BURGENER: L.A., this George Schlatter or somebody had one of these "hype" type of shows . . .
- GIANOS: There's a producer named George Schlatter.
- BURGENER: Yes, that was the gentleman. He wanted to put me and Metzger on, and people were going to punch in their vote, Metzger or Burgener. They were going to put things on TV sets, and they'd vote. You know, this is all show "biz." I wanted no part of that. I wouldn't do it. He put Metzger on, anyway. I ran like a freshman. I ran like my life depended on it. I just figured I owed it to the people of the district. I got, like you said, about 87 percent of the vote.
- GIANOS: And you think 13 percent for Metzger was too much.
- BURGENER: Oh, far too much. He shouldn't have received any votes. I think most of the people who voted for him probably didn't know who he was.
- GIANOS: I'm sure that's right.
- BURGENER: I really would like to believe that. But he had "D," which is always a draw and "R" is a draw behind your name. Then, there may have been a few who really didn't want him to win, but wanted to send some kind of message. What kind of a message, I'll never know. Then, there are a few screwballs, I think only a handful, that really wanted him in Congress. I can't believe it would be more than 1

percent--the lunatic fringe. He got 35,000 [46,383] votes. There aren't 35,000 lunatics in the district.

GIANOS: I certainly hope not.

BURGENER: Oh, no, I don't believe that. I earned a spot in the Guinness Book of World Records. We never sent it in, but it was the largest vote ever cast for a member of Congress in the history of the country in a contested election, not in percentage, but in total votes cast. There were two reasons for that, none of them relating much to me. Number one, the district was double sized. It had grown from a half million to a million [population].

GIANOS: It was the largest vote meaning sheer number of votes.

BURGENER: In sheer numbers. Percentagewise, others have gotten more because sometimes they get 100 percent with no opponent. But in a contested race, I got 300,000 votes and I guess he got 35,000, which is a record. But it was because the district was double sized, and I had a screwball opponent. The media really hammered him and exposed him for who he was and what he was, which was great. I couldn't have done that by myself. But I never appeared with the guy. He threatened to meet me if he had to run into me with his car; he was going to meet me, confront me. I just wouldn't go. I didn't go for that.

GIANOS: That's a very scary group. A friend of mine was involved years ago in anti-Klan activity and had the same experience you [had], basically, of being threatened.

BURGENER: Oh, yes. It's "spooky"; they're nuts. But you've got to take it seriously. If they went to the trouble to phone up my sister, with a different name and an unlisted phone [number] and not a public person. . .

GIANOS: Curiouser and curiouser.

BURGENER: Oh, yes. So they had guys out there. We ran a documentary that we got our hands on, a TV documentary on him that had been done by the. . . . The Jewish people are just terrified of the Klan. I got tremendous support from the Jewish community. [Meldon E.] Mel Levine's father--you know, the Democratic congressman [Twenty-seventh Congressional District]--was a Republican, a [Thomas H.] Tom Kuchel supporter, [and] he had a fund raiser in his home for me with the L.A. west side Jewish community. I ended up with a \$100,000 surplus after the campaign, which I did not keep. A little of it's still left. I've used it for exactly the purpose it was intended, to support Republican candidates over the years since I left Congress up to now. Now, it's about gone. I give it to candidates who I think would be consistent with the political

philosophy of the ones who gave me the money. The fund is about gone now, but gee, look at these guys [who have] a million bucks in the bank. I only had a surplus on account of him. We spent \$100,000. [I] never had spent that kind of money before. So we gave it the old college try, and it worked. I was very happy when it was over. Probably a year later, I announced I wasn't going to run again. Then, an incredible thing happened. You may or may not recall, Ron Packard won and succeeded me in a write-in. It was the fourth time in the history of the country that a write-in candidate was elected to Congress. That was because of Johnnie Crean. Remember him?

GIANOS: Yes, I do.

BURGENER: From Orange County? This guy pulls off a negative miracle. He was the Republican nominee in a solid Republican district; but managed to finish third in a two-man race. How'd you like that in your record? A Democrat beat him. Third! Incredible. So that kind of restored my faith in the system. The public does finally pay attention. They paid attention to Metzger and they paid attention to Crean. Packard was a super guy. I had endorsed somebody else, one of my mistakes I made. In the Republican primary, I endorsed Jim Rady, and he finished fifth. He was and is an excellent man but

apparently not a good candidate. He would have been a fine member of Congress. But we've got a great one now. Ron Packard's doing a great job.

**GIANOS:** A number of things you've been saying the last few minutes fairly frequently relate to the press, and I thought maybe I could ask you kind of a global question. Over the years, even back in Sacramento, because when I've talked with people whose service in the state legislature precedes yours, talking about the old days. . . . Lyn Nofziger was there then from Copley Press, and Carl Greenberg, and [Richard] Dick Bergholz. Really, all the way up through recently you must have seen enormous changes in your relationship with the press or, perhaps, you haven't.

**BURGENER:** I have an excellent relationship with the press, in spite of a few blips. I'll give you a classic one in a moment. There were fifty newspapers in my district; I was endorsed by forty-nine of them. The one I wasn't [endorsed by] was the Press-Enterprise in Riverside. Marty Saldich was the reporter, and he's a real pro. I got along personally with him fine. But they always endorsed a Democrat, no matter who it was--with one exception, of course. They obviously didn't endorse Metzger and, I'm sure, endorsed me.

But I got along real good with the press. I have no complaints with them.

There are some exceptions. I'll give you one. I occasionally had a number done on me, but it was very rare and usually my own fault. But this one time was not my own fault. The Press-Enterprise had a little newspaper in Sun City. Sun City's a retirement community. In fact, I put the land together for them [through] my real estate company back in the sixties, when I was not in public office. It was for the Del Webb Company. Yes, 14,000 acres, back when land was a thousand bucks an acre. But I represented Sun City. It's a retirement community; it's conservative; it's predominantly Republican. Not totally, but maybe 60-40, 70-30. I was invited to give a Fourth of July speech there. I forget the year, maybe '80 or '78, along in there. So I went up there, and there were about two hundred in the audience. It was covered by a female reporter working for whatever the name of the local paper was, owned by the Press-Enterprise. It never did like me, and she, particularly, didn't like me, didn't like my philosophy. It wasn't personal, I hope. You won't believe what I'm about to tell you about the story. I gave what I believed to be a tub-thumping, all-American, patriotic, nonpartisan, bipartisan Fourth of July

**BURGENER:** speech. That's what I thought I gave. I didn't mention the word Democrat; I didn't mention the word Republican. I did talk about the Soviet Union and the threat, back when we thought it was a much greater threat than, happily, it turned out to be. But it was serious. So I spoke to this big crowd. I don't think I mentioned conservative or liberal. I didn't call the USSR the "Evil Empire." But I talked about a strong America and a free America. Then came the story, front page, the headline. I don't mean the editorial page, I mean a front-page headline: "Burgener Urges U.S. Reentry into Global Arms Race."

**GIANOS:** [Laughter]

**BURGENER:** That's the headline. Then, she went down and just took me apart. "Warmonger." You know, I must have made Goldwater look like a dove. The last two lines are absolute classics. The last two lines of her story said. . . . I almost sent it to Columbia University Journalism School; I should have. It's exhibit A of what not to do. But [the] next to the last line said, "Curiously, at the end of his presentation, Burgener got a standing ovation." Last line: "Perhaps they hadn't heard what he said." Scout's honor. I wasn't even offended. I mean, I was so amused. The people were offended that listened to the speech, because she was telling them they were too

dumb to know what I said. But that news coverage was a rare exception.

GIANOS: For all those years, that's not a bad batting average.

BURGENER: Not bad, oh, no. Another woman reporter on the L.A. Times did a number on [me]. At least I thought she did. She covered me like a blanket, always giggling, always jabbing. I liked her personally, and we kidded each other and so on. But she got to me one time. Oh, it was something about rent control from the ballot, probably 1978. I forgot the details, but everybody was urging landlords to reduce their rents, willingly. My attitude was, this is unrealistic. The marketplace takes care of rents. If there's a housing shortage, they'll build more housing. If the rents are too high, people will go find another place to live. Oversimplified, but I don't believe in rent control. New York City's got it, and they've got a terrible housing shortage. I was giving a speech up in Escondido, and she said, "You're a landlord." Yes, I own two little real estate offices, [but] no residential real estate whatsoever. I think in the question-and-answer period, she asked, "Would you reduce your rents if this measure doesn't pass, just on your own?" I said, "No, of course not." She wrote a big, nasty story that Burgener was a greedy landlord. I called her, and I said, "Hey, I don't own any

residential property. In the real estate offices I own, I'm the landlord and the lessee both." So it was more hypothetical than real, but I still say I wouldn't lower my rents just because somebody thought I ought to because I knew how the free market system works. Anyway, she wrote a nasty story.

GIANOS: This is the L.A. Times?

BURGENER: That was the L.A. Times. She was a reputable writer. I didn't pay much attention to this small local paper on the Fourth of July speech, because it was so patently unfair that it probably helped me.

GIANOS: But, otherwise, your relationships with the press were very good?

BURGENER: Again, the Golden Rule: don't try to con them, just be candid and truthful.

GIANOS: I've heard it suggested that there used to be--particularly in Sacramento, let's say, going back to an earlier period--unwritten rules by which the press and legislators dealt with each other which aren't true anymore.

BURGENER: That's right. There's no such thing anymore as "off the record," and perhaps shouldn't be. But there were times when, if you'd say, "off the record" or "not for quote" or "background. . . ." There are still some reporters that you can trust on that, but I'd be very leery of it. I've told a lot of young politicians to forget "off the record,"

particularly new ones, unless they know the reporter very, very well. Because they could pass it to somebody else. Also, when they don't divulge their sources, which I don't think they should, there are, among their ranks, a few unscrupulous people, just like in politics and teaching or any other occupation. . . . One percent, 2 percent, some tiny percent. Most people are honest. But a writer can make up something, if he or she is so inclined. "A well-placed source said. . . ." They can make it up and a few do, very, very few, not enough to make it a major problem. To go the other way and to force writers to reveal their sources, I think would be a greater evil, because most of them honor it.

**GIANOS:** Yes. Another sort of general legislative question. You said when you were in the state legislature that you visited the district frequently.

**BURGENER:** Because of the relatively short distance. I still did it in Congress; I came home about twenty times a year.

**GIANOS:** But obviously, you lived in Washington or Maryland.

**BURGENER:** In Washington. I had a home in both places, the Washington, D.C., area and my home district, which is quite expensive. Most California members do not have homes or apartments or condos or anything in California--most. With the new pay raise, maybe they

can afford it. But if you're going to be a career person back there and you've got young children, you take them with you and they grow up as Virginians or Marylanders or D.C. people. They just aren't Californians anymore. My kids were grown by the time I got there. Remember, I was fifty-one. I paid a dear, steep price for neglecting my boys. We get along great now. My one son went to six high schools, the younger one, and he reminds me of that once in awhile. And he should; it was my fault, my career choice.

GIANOS: So you made twenty trips a year, roughly.

BURGENER: Twenty to twenty-five.

GIANOS: And those would be for how long? How long would you be back there?

BURGENER: Well, they're kind of nonproductive. Usually weekends, during which you can't do a great deal and recesses. I didn't do a lot of congressional travel overseas, maybe one a year with my committee. Some members really abuse taxpayer paid travel. Badham was the "world champion." But he was in a supersafe gerrymandered district. He did get primary opposition, but he would still win. He wasn't the only one and he did have a reason to travel. He was on the Armed Services Committee.

**GIANOS:** What would be a typical weekend, if you would come back from the House?

**BURGENER:** Congress, unfortunately, is still a Tuesday to Thursday club. They only work in Washington three real days. Wednesday is an absolute "zoo." So we worked Tuesday, Wednesday, and Thursday. Monday's a travel day, Friday's a travel day. But many of the members are within an hour of Washington by air, two hours at most, the great majority. They fly in at the earliest on Monday afternoon or Monday evening and very often Tuesday morning, [and] go home Thursday noon or afternoon. They didn't bring their families, which is tough on family life. They'd actually sleep in Washington, many of them, two nights a week and, at the most, three, until you're near the close of the session. [Then] you start working Fridays and Mondays, a little bit. But you can't get momentum in three days a week, and Congress has a lousy record--I'm a severe critic of it, as an institution--for getting things done. They don't get anything done, much, on time. But, anyway, Tuesday to Thursday. So that left Friday, Saturday, Sunday, and Monday--four days. What do you do with them? Well, if you live in California, two are shot for travel. Not the day going west, because with the time change, you leave after work there, you catch

the five o'clock plane or six, you're here at ten at night. Pooped out. But then, going east kills a day. So what do you do? You run around, go to forums or community meetings or meet with the board of education or city council. But that's difficult, because it's Saturday and Sunday. Now, that's why it's good to be here on a Friday. I always managed to get in and do something on a Friday. City and county government buildings are open, school districts, community meetings, stuff like that. It was a work day. Saturday is very difficult, in particular if I had to not only get here but then get over to Imperial County where many of my problems were. Or up into to Riverside. I spent a lot of time driving a car, wow.

**GIANOS:** When you say most of your problems, you mean things you referred to before?

**BURGENER:** Day-to-day, right. Casework.

**GIANOS:** You mentioned that you'd moved your office from Brawley to El Centro.

**BURGENER:** El Centro's a much bigger city.

**GIANOS:** How many offices did you have in the district?

**BURGENER:** Two, one in San Diego and one in El Centro. In my first term, only one. My district office wasn't even in the district; it was in the federal building. Why didn't I put it in my district? There wasn't

any one place in a district of a half a million, later to become a million, people that would be convenient for the public. It might be convenient to the few that live around it. So it made more sense to go to the federal building, where you had all other offices there: agriculture, public health, the courts. Everything was there. That made more sense than to go out into the district somewhere. I was never criticized for not having an office in the district. I did have one in Imperial County. But when I was in downtown San Diego, downtown San Diego was not in my district.

**GIANOS:** With regard to casework, did you ever get a feel for--during the years you were in Congress--which, and I think one might, which agencies are most effective and least effective or which ones generated the most complaints, at least. Maybe saying effective isn't fair to the agency, but which ones generated the most complaints?

**BURGENER:** Social security and, in my district, immigration was a biggie. A lot of immigration problems, a lot of social security, because all members have a social security problem, which are pretty routine and easily handled. It's a shame anybody has to call a congressman to get help, but they do, and it works. I had Imperial County, I had Mexicali, Calexico, so I had a lot of immigration problems in the [Imperial] Valley and plenty here, too. "Can I get my aunt in, my

uncle in?" Not just [from] Mexico, all over the world. Social security. A lot of farm stuff. Water--a lot of water. Appointments to the service academies. I chose to do it like most members now. I could have nominated a principal and a first alternate, or second and third, for the [United States] Naval Academy, for the [United States] Air Force Academy, and for West Point [United States Military Academy]. Then, if that person passed the physical, they had to take them. I chose not to do that. Most members chose not to do that. We were not skilled at that. So we would nominate ten for each vacancy and then let the academy make the selection. Much better. They knew a lot more about it than I do. I got more people in that way, because if they found two truly outstanding ones in ten, then somehow they magically found another vacancy. I got more young people appointed. Furthermore, supposing my campaign chairman's son or daughter wanted to go to one of the academies? I would feel comfortable nominating one of those as one of ten nominees, but there's no way I could appoint one.

GIANOS: Not as a direct . . .

BURGENER: No. I couldn't do it. As a matter of fact, that never came up.

[End Tape 3, Side B]

[Session 3, May 25, 1990]

[Begin Tape 4, Side A]

GIANOS: Mr. Burgener, when you went into the House as an experienced legislator at the state level, where there any things new to you about being a legislator when you went to the House?

BURGENER: There were a great deal of things that were new. My transition was quite orderly, having spent a fourteen-year apprenticeship, four years on the city council in San Diego and then ten years in Sacramento in the state legislature, and that really was a tremendous assist compared to somebody just coming in off the street. I was also very well assisted by my two senior colleagues, one Democrat, one Republican. Congressman Bob Wilson, who's a close personal friend--the Republican--and then Congressman Lionel Van Deerlin, Democrat, also a close personal friend, and I'm happy to say, still are today. We're very close. Bob Wilson had been there a long time when I got there. He was elected in '52 in the

Eisenhower-Nixon election, and he immediately got on the Armed Services Committee, which was a great break for San Diego. Lionel Van Deerlin came ten years later in the reapportionment of '62, so he came in January of '63. I think Van served eighteen years and Bob Wilson served twenty-eight years in Congress. But for that first term of mine, these two good friends. . . . I must say we worked very closely together. We didn't vote together on partisan matters, but the partisan votes are a small part of the voting in Congress. [On] party-line votes we parted company, of course, but on matters affecting San Diego, we were together almost always. [In] my first term, I got on the House Committee on Banking and Currency. I would have preferred Armed Services, for example, having been in the military twice, World War II and recalled during Korea. But with Bob firmly established there, that was out of the question. I got on the House Committee on Banking the first term, which was a good education. Wright Patman [D., Texas] was chairman, and we used to have a lot of fascinating witnesses like Paul Volcher and [Arthur] Burns and many big names. But I got lucky in my second term and got on the Appropriations Committee. There are three so-called exclusive committees in the House. One is Appropriations, one is Ways and Means, the other is the Rules Committee. By

**BURGENER:** exclusive, that means if you serve on those, you serve on no other. And I got on the Energy and Water subcommittee of Appropriations. So I was fortunate in that; that was very good for my district. All of the water matters affecting Imperial County, the Corps of Engineers, flood control, public works, all that sort of thing. The Department of Energy, all the weapons systems, all the labs at Lawrence Livermore [National Laboratory, Livermore, California], Los Alamos, [New Mexico], and Lawrence Berkeley [Laboratory, Berkeley, California]. That's been very valuable to me now, since I'm a [University of California] Regent and I'm on the oversight committee for the weapons labs, which is somewhat controversial, but shouldn't be. Anyway, my transition was quite easy.

**GIANOS:** Was it difficult to get that committee assignment?

**BURGENER:** Surprisingly, no. It was rather easy. You lobby for those things. As a matter of fact, I was out of town when I got word that I had gotten that assignment to the Energy and Water subcommittee. I was a member of the Chowder and Marching Club, which is a little Republican fraternity in the House. It's forty years old now. I went to the fortieth anniversary last year. It was formed by a handful of then-young Republicans back in 1949. Two of them were Dick Nixon and Gerald Ford. But thanks to Bob Wilson, I became a

member of that club. It's a small club, very informal, but it was formed by a group of congressmen, all of whom were veterans of World War II. There was a bill on the floor of the House that they thought was excessive and very, very expensive, and they decided to get together, about eight of them, and oppose the bill. They felt that they had great credibility, since they were all veterans and couldn't be suspected of veteran bashing or something like that. They got together and they beat the bill. I suppose some compromise was worked out, which is the legislative process. But these guys said, "Hey, this is kind of fun. We're a minority but we can win a few!" The last time the Republicans had a majority in the House was in '53 and '54, but they certainly didn't have it back in the forties. So they said, "This is kind of good. We can be effective here." So they said, "Let's try it again." They formed the Chowder and Marching Club, which is now forty years old and has about twenty-five active members. From each class that comes in, one or two are selected to join. Kind of like being rushed for a fraternity. They keep it small so they can meet in a member's office, and that club has met every Wednesday for forty years when Congress is in session. It's an excellent way to find out what's going on in a body that huge. One of the problems I found was the sheer size of

BURGENER: Congress. The House of Representatives, 435 members. Here I'd just left the state senate with only 40 members, small committees, clublike atmosphere, collegial, very personal, and I get into this 435 member "zoo." I mean, you don't know what's going on if you don't read it in the Washington Post or later in Congressional Quarterly. That was one of the values of the Chowder and Marching Club; they tried to distribute the membership and tried to cover as many committees as they could. The modus operandi for the thing was: you'd meet and have a few sarsaparillas and some light refreshment in a member's office. It would be Wednesday at five o'clock, because Wednesday is the night that the House traditionally works late. The House remember, is a three-day club, Tuesday through Thursday. That's all they work, Tuesday, Wednesday, and Thursday--small wonder they don't get anything done. Monday's a travel day, Friday's a travel day. They work hard, don't misunderstand, but they don't do it in Washington. They do it in their district or in the air. But Wednesday is a "zoo," and the House is often in until nine, ten o'clock at night, so that's the night we chose for the meeting. They'd go into the room, and each member would report. . . . Each member was supposed to have five minutes, and he, I was going to say "he or she," but there

**BURGENER:** are no shes; it's a male club, still. Each member would report what's happening in his committee, what's going on, what are the key issues, things you probably wouldn't see in the newspapers, what's really happening. The second half of the five minutes [was], for the good of the order: what's happening in my state, politically. Who's up, who's down, who's in, who's out, that sort of thing. A very valuable club. We'd invite our spouses maybe twice a year and have a nice social. But other than that, it was just plain communication. It turned out to be one of the best things that happened to me in Congress, belonging to that club. One of the leaders of the club was [Elford A.] El Cederberg, from Michigan, the senior ranking Republican on Appropriations. It was his job to assign all of the Republican members to their committees. It's friendship. That's probably how I got on Appropriations and that's how I got on the subcommittee on Energy and Water, which I very much wanted. The human equation was alive and well back there.

**GIANOS:** Was there anything comparable with regards to the California delegation? Comparable, that is to say, to the Chowder and Marching society?

**BURGENER:** Let me explain about the delegation. At the time I went in, we were almost equally divided. After Phil Burton II, the second

reapportionment, [Laughter] the second disaster for the Republicans. . . . I lived through thirty years of Phil Burton: 1962, 1972, and 1982. He was a master at gerrymandering, an absolute master. The worst he ever did--worst from the Republican point of view--was 1982. Earlier than that, during the seventies [and], my career in Congress, we were evenly split. We had forty-three members, and there were twenty-two Democrats and twenty-one Republicans, not bad. That's about how people vote, about 50-50. With that even split, we were winning, we meaning the Republicans, the big issues on the floor. Even though we didn't have a Republican majority on the floor, there were conservative Democrats joining us quite often, and we'd win by two votes, five votes, eight, ten. But after Phil Burton III, the reapportionment of 1980, he wiped us out. We picked up two seats, went from forty-three to forty-five, but the split, instead of being twenty-two [to] twenty-one, overnight was twenty-eight to seventeen: twenty-eight Democrats, seventeen Republicans. We haven't won since. It's now twenty-seven [to] eighteen. When [Robert K.] Dornan beat [Jerry] Patterson in Orange County, that shifted one seat. So I'm a bit sensitive about malapportionment. Let me hasten to say that the Republicans are no purer than the Democrats on this. If they

BURGENER: were in charge, it would be equally distorted in their direction. I just strongly believe that you can't put the fox in charge of the hen house. Reapportionment is shifting seats between states; redistricting is changing the lines in your state, which we're now facing in California. It cannot fairly be done by the legislature; the conflict of interest is so blatant, so obvious, it's just absurd. There are two things on the ballot, as you know, [Propositions] 118 and 119.<sup>1</sup> They may both pass, they may both fail. I think they'll both pass. The Republicans cannot effect a Republican partisan gerrymander; that's just as wrong as the Democrats doing it. They would if they could, let me assure you. But that's why the governor's race is so heated, because, you know, the politics of the next decade or two is at stake. A long answer to a short question.

GIANOS: To pursue that a bit more, whatever the split might have been at a given point, was there any similar structuring to the California delegation?

BURGENER: That's what I was getting to. Solidly, the Republican delegation and the Democratic delegation, in the ten years I was there, except for personal relationships, and there were many of those, close

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<sup>1</sup>Propositions 118 and 119 (June 1990) both failed.

friendships on committee, family, friends. But officially, in the House, they lived in two different worlds. They didn't communicate with each other; they almost didn't talk to each other. They still don't, I think. But I can guarantee in the ten years I was there, there was a "Berlin wall" between the two. The place is so partisan. Sacramento, I'm told, is quite partisan today. It was much less so when I was there from '63 to '73. But the partisanship in Congress is not serving the public well, in my opinion. So the Republicans would caucus every week and talk over problems, the kind of thing like Chowder and Marching again. Or every other week, however often we did it. The Democrats did the same thing. We tried several times to meet together, and I was one of those urging this to happen. It never came off. We occasionally met, and it was useless.

**GIANOS:** What issues would you meet on, or try to meet on, on a bipartisan basis?

**BURGENER:** State issues: water, defense, California's share since we are the largest tax-paying state in the nation. Are we getting our share? We are, indeed. Trying to combat the ABC syndrome in Congress: "Anybody but California." There was a lot of envy. We were so big, and it's going to get worse or better, depending on your point

of view. We're going to go to fifty or fifty-one seats. The Southerners really stick together. The congressmen and congresswomen from the South, I mean, they're unified; they work together. They don't change their members like other states do; they seem to stay in forever. When a Southerner gets to be a committee chairman, he or she stays forever because they get reelected all the time. So the Southern lobby, or bloc. . . . There are a million caucuses in Congress. A mushroom caucus, for example. I mean, there's one for everything. Some of them are quite absurd.

GIANOS: [Laughter]

BURGENER: No kidding, a mushroom caucus from Pennsylvania. But the ABC syndrome, "Anybody but California. . . ." I found out when I was working on the superconducting super collider. I worked with the University of California as a consultant--this was after I was out of Congress--trying to get that project for California, because it's a tremendous asset. We failed; it went to Texas. There are many reasons for that. [There was] a lot of opposition to both California sites. One was near Davis and the other was near Stockton. But beyond that, the Congress, they kind of gang up on California. We still get our share; we're doing OK. But the reason the Republicans

and Democrats would caucus would be to talk over problems like that. But unfortunately, they almost never did it together.

GIANOS: How was the Republican caucus organized?

BURGENER: We would elect a chairman, usually the senior member. Carlos [J.] Moorhead is currently the dean. Carlos and I went to Congress together. He was in the state assembly. Following each reapportionment, there's a great game of musical chairs, as you know. That's the only time you get promoted in politics, either when there's a vacancy, a death, somebody goes to jail--fortunately, not too many of those--or reapportionment. Otherwise, incumbents are forever returned to office; they "own" the thing, which is not necessarily in the public interest. But too bad the Democrats and Republicans don't work more as a team on matters that were quite nonpartisan.

GIANOS: I've heard and read a lot of comments to that effect, that is to say, that the California delegation was not very well organized, isn't very well organized, and doesn't use what clout it has. Is that atypically the case? Or was your experience that the partisanship you're talking about was pretty much across the board in all states and that there weren't too many well organized delegations at all.

**BURGENER:** I would say partisanship was much heavier, in my guesswork judgment. It's a guess. The partisanship in California is the heaviest in the nation. The Southerners, of course, were mostly Democrats in the old days. Now they're electing quite a few Republicans. But they seem to be able to bridge the gap and meet together and kind of "gang up," because they're small states, excepting Texas, of course. The other southern states are relatively small in population. They're not fifty-member states or thirty-member states or even twenty-member states. So the southeastern part of the South, from, say, Florida over to Louisiana and the Carolinas and all that, they stick together pretty good, regardless of party. No, my judgment is that California had the heaviest partisanship of all.

**GIANOS:** How would you explain that? Because you said, I think, in a couple of interviews ago, and it's a standard comment in my field, to say that California is, at least in terms of party organization, a weak party state.

**BURGENER:** That's true. It is a weak party state. But the power is not in the party. The Democratic party in California, now headed by Jerry Brown, [and] the Republican party in California, now headed by Frank Visco, are both relatively weak. Believe me, I know. I was

state chairman in '86 and '87; they're very weak. Now, if they get too strong, you've got evils in the other direction. Then, you've got boss rule. If the party gets too strong, so to speak, there might be a few things gained by that, but I think much more would be lost.

The fear there would be boss politics, where "Joe Smith, you're not the candidate. It's going to be Jim Jones. Forget it. Never mind the primary. You're it." Pennsylvania has had that sort of thing, and New York and some of them have machine politics that are so strong. I think if you're going to err in either direction, I'd err in the direction of weaker parties. The argument for somewhat stronger parties, though, is. . . . There's got to be somewhere in between that works. If the parties could exert a little more discipline on the members on party-line matters, I think that would be good. You know, the basic philosophy differences between Democrat, bigger government, [and] Republican, smaller government, these are grossly oversimplified. But when I talk to school kids, I try to explain that the Democrats and Republicans, in general, view government's role different. The Democrats see a much larger role for the government. Because of the higher role and more services to people and more social services and more of everything, it's going to cost more. So they're the party of high

**BURGENER:** service--they call it caring--and, therefore, high taxes. The Republican party is for more privatization, community volunteerism, make the economy work better, keep taxes down, supply-side economics, that sort of thing. Somewhere between the two is where we really live. But yes, parties are very weak. Therefore, each officeholder has his or her own organization, and they get elected not because of the party but in spite of it. The party doesn't do that much for them, in most cases. You have your own personal organization. There's too much independence in that regard, in my opinion.

**GIANOS:** Were there any situations you can recall in your years in the House where the California Republican caucus really made a difference in terms of policy, where something got hammered out in those meetings which had an effect on legislation or the outcome of legislation?

**BURGENER:** Yes. I can't think of any particular bill, but when the delegation was evenly divided in the seventies, like I mentioned the twenty-two, twenty-one [partisan division], it strengthened the Republicans in the whole House. Because of that, we got a lot more compromises and a lot more things tending a little more toward our way. After the Phil Burton reapportionment of 1981, affecting the elections of '82

and the term starting in '83, which would have been Ronald Reagan's second half of his first term, from then on, it was downhill for the Republicans. The House is so heavily Democratic that compromise is kind of out of the question.

**GIANOS:** Was it your impression, if you can generalize about this over your time in the House, that the Republicans were better organized than the Democrats, the same, not as well organized, just as a general rule?

**BURGENER:** I'd say about the same. I think the Democrats were well organized. Our leader was [Illinois Congressman Robert H.] Bob Michel. First it was [Ohio Congressman] John Rhodes, when I got there. It later became Bob Michel. Still is. The Democrats, have had the speakership all these years since '54. [Oklahoma Congressman] Carl Albert was speaker when I got there. Then [Massachusetts Congressman Thomas P.] Tip O'Neill. [Washington Congressman Thomas S.] Foley was always well respected, the current speaker. Vic Fazio, one of my best friends, I worked on a committee with him. We were totally bipartisan on our committee work. Vic is a strong partisan, very heavy-duty Democrat, as was Tony Coelho, but the personal friendships on committee are very important. I got along exceedingly well with the Democrats on committee for one

simple reason: I treated them as I should have, as equals and friends. That wasn't the Sam Rayburn theory which prevailed for probably a century in the House: "If you want to get along, go along." I believe that's wrong. That's really joining the club and waiting your turn, and all you had to be to become a committee chairman was to be in the right party and grow old, because a strict seniority system applied until about 1973 or '74. Now, the committee chairs are elected by secret ballot.

There were other reforms in the House that you maybe are aware of. But starting in about '73 and '74. . . . One of the main reforms was most constituents didn't know how we were voting. In the old days, and I've heard many stories told to me by the old-timers, the teller votes. First of all, voice votes were predominant: "All in favor say 'aye,' all opposed, 'no,' bill passes." Who voted how? Nobody really knew. Then, [when] the members themselves wanted an honest count, they demanded a teller vote. They got an honest count, all right. The "yeas" lined up on one side of the aisle, the "nays" on the other, and they'd march through and they counted them, but your constituents didn't know how you voted. So in the early seventies, many reforms came, and one was the recorded vote, where you put a card in a slot, push a

BURGENER: button, and your name goes up in lights on the wall. That's a reform. I think your constituents are entitled to know how you vote, particularly on tough votes.

They still have a few ridiculous things like the discharge petition. It takes 218 names to force a bill out of committee, and you can go sign a petition to make that happen. But it doesn't happen because every time it gets close to 218, magically names are removed from the list so nobody in the public can see the list. Now there's a movement to force that into the public. It's kept in the drawer in the speaker's desk. It's the petition; it's a discharge petition. It's been used occasionally. But 99 times out of 100, it's a myth and a sham. You go sign your name, and then you write back home and say, "I signed the discharge petition." You could say that even if you hadn't, if you wanted to be dishonest. But what's the difference? Go ahead and sign it. You can always scratch your name off later. It's quite absurd, the whole thing. Quite absurd. So you didn't buck the system or you got branded as a misfit. More so in the old days than now. Bucking the system now is a little bit more in vogue, I'm happy to report; it's much better now. But at least the votes are recorded.

**BURGENER:** There's no way in the House to know every bill; you cannot. So how do you vote? How do you cast an intelligent vote? First of all, if it's a big issue and quite controversial, you've certainly read about it in the newspapers and you've certainly got mail on it. Or, number two, more importantly, if it's on your committee, you know all about it unless you were absent or asleep. But you're on one committee of twenty or thirty, so what do you do? You go the floor of the House and you check with your colleagues on your side of the aisle. It's very partisan on that floor--not so partisan in committee, but very partisan on the floor. You check with your colleagues on the committee. You learn after a short time which ones you can depend on and which ones you can't. You can get a one-minute résumé, two-minute résumé, just like that, and you cast your vote accordingly. So you're not familiar with the bill, unless it's been on your committee, or unless it's a national public issue bill. Anyway, it works.

**GIANOS:** So it's like exactly one of my lectures in Political Science 100.

**BURGENER:** Yes.

**GIANOS:** Students are frequently surprised to hear that's how it's done.

**BURGENER:** There's no other way it could work. Practicality wins out over tidiness all the time.

- GIANOS: That's what I tell them: "Look, put yourself in somebody's position, and that's precisely what you'd do. You have no alternative." You've been alluding here to a couple of things I'd like to pursue.
- BURGENER: I did get to be elected secretary of the conference. The Democrats call theirs a caucus; we call ours a conference for some reason which I don't understand. I was the elected secretary of the Republican conference, about 190 members, and for the last three years, I was there and, as such, I had to go to the White House for the leadership meetings and things like that.
- GIANOS: I want to pursue that a bit more. Because the House is so large and complex, everything I've ever read about it indicates how terribly important the leadership structure is, both within each of the parties and also overall with regard to the speaker. Do you have any reflections or thoughts or recollections on . . .
- [Interruption]
- BURGENER: The miracle is that it works at all, I guess. The system is honest. It's inefficient. But if it got too efficient, it might become a little heavy-handed, I don't know. I don't agree with the horrendous deficit at all. I think it's a real abdication of. . . . But we're not getting into issues.

[Interruption]

GIANOS: With regard to leadership . . .

BURGENER: Yes. I wanted to mention. . . . You were wondering about the Democratic and Republican caucuses and conferences. Those are effective. I'm trying to recall the frequency, but it was at least twice a month that we had a full-dress, full-blown, all fifty-state Republican conference meeting--the Democrats did the same--in addition to meetings of your own state caucus, which were held regularly. But the conference and the caucuses of the two parties are important, and they work quite well. They hammer out basic positions. In both parties, there's a wide divergence of political ideology. You've got conservative Democrats, moderate Democrats, extremely liberal ones. In the Republicans, starting from a little more from the right, in general, you've got some ultra right-wingers, conservative, moderate, and some liberals. So within each of the two caucuses, there's not unanimity, and one wouldn't expect there to be. But when we were sticking together we were winning. We weren't losing a single Republican. We couldn't afford to, because we had maybe 190, they had whatever the difference is between 435 [and 190]. It takes 218, so out of 435, if

we had 190, they had 245. [It's] a pretty good edge, but if we held solid with 190, we could pick up enough of them.

**GIANOS:** The boll weevils.

**BURGENER:** Exactly.

**GIANOS:** What were relationships like [with], and your impressions of, the various speakers you served with when you were in the House?

**BURGENER:** Carl Albert I would consider a rather weak speaker, Tip O'Neill a very strong one. You only got to know the people in the other party well if you served on committee with them, and then you got to know them real well: personal friendships, family friends, all that sort of business. But if you only see somebody passing in the hall or on the floor of the House. . . . In the typical House session, probably 10 percent of the members are there. I mean, most of it is strictly routine, until you come to a controversial debate. So the only way you get acquainted well with members is serving on committee with them. Then you see them two or three times a week in committee. Tip O'Neill, was a strong speaker. Those were the only two I knew, Carl Albert and Tip O'Neill.

**GIANOS:** When you say strong, do you mean effective as well?

**BURGENER:** Effective, yes. I didn't think Carl Albert was particularly effective, but I didn't serve with him more than a couple of years. He retired;

I'd have to look up just when. So maybe my first term or two, [the speaker] was Carl Albert. See, the Democrat speaker couldn't do anything to me or for me, nothing, because my assignments all came from the Republican leadership. The office assignments, however, were thoroughly bipartisan. You didn't get a big office because you were a Democrat or a Republican. That's all drawn by lot and by seniority, so that was all perfectly fair. You didn't get your committee assignment except from the leadership of your own party. I got nothing from the speaker; therefore, I owed him nothing. So he couldn't punish me. That's why it's so partisan. We had a Republican cloakroom. I'd go use the Republican telephone. The lecterns down front on the floor of the House, the Democrats used one, the Republicans another. They don't use a common microphone. The Democratic cloakroom. The rest rooms were bipartisan, the men's room and the ladies' room. But the partisan division is heavy, too heavy, in my judgment.

**GIANOS:** What about another form of leadership, which is the relationship between, in this case, the House and the White House? You served under four presidents and, at least superficially, I read things indicating that some of them had very good legislative liaison work

and some didn't. I think Nixon had. . . . Bryce Harlow was one of his people, wasn't he?

BURGENER: Yes. Highly respected.

GIANOS: I read very good things about him, and Carter got trashed. Could you go through each of those administrations and reflect on the legislative liaisons?

BURGENER: Nixon and I got along exceedingly well. He was one of my favorite presidents, in spite of Watergate, because of his foreign policy. In that arena, I think he has no peer. He really screwed up on Watergate; he finally has admitted that. A third-rate burglary. He should have fired everybody and be done with it, but he'd got the fortress mentality and thought he lived in a fortress. Mercifully, the White House is not a fortress. Remember, Watergate just broke right after I got there. I got there in January of '73. Shoot, it wasn't six months before Watergate was falling down all over our ears.

[Gerald R.] Ford came in in '74, so I served with him. I supported him in his race against Reagan in '76. I could never figure out why Reagan would take on a sitting Republican president. I think that the result of all that was four years of Jimmy Carter. You see, when the Republican convention was over in 1976 in

Kansas City. . . . I didn't go. I had already signed up with Ford, but I didn't make a lot of noise about it because I knew where my constituents were; they were with Reagan, most of them, my Republican constituents. After the Republican convention in Kansas City in '76, Jimmy Carter was about thirty percentage points ahead of Ford in the polls. By election day, it was almost dead even. Carter won by a percent or so, 1 percent or something. So then I served four years under Carter. I got along very well with Jerry Ford. He's from Chowder and Marching; he was the minority leader. I'd met him through Bob Wilson even before I got to Congress. We had an excellent relationship. Later, I had an excellent relationship with him when he was in the White House. But you didn't impose on the White House. You used them if you needed them or if you ever had to, but you were known as a team player. If you had to oppose them, you didn't bomb them. You didn't do anything personal or call them names or make sarcastic remarks about the White House, if it was your own party, certainly. I was in the Republican leadership when Jimmy Carter was in the White House. This will sound very partisan, but I just felt like it was four years of time out. He came in as an outsider. Outsiders

- BURGENER: were in vogue. He left as an outsider, never bridged the gap between 1600 Pennsylvania Avenue and the Hill. A good man, very decent person, but he was an outsider.
- GIANOS: How did you perceive that lack of being able to bridge the gap, as a member of the House?
- BURGENER: I don't know. I guess he thought he was in the Georgia legislature. I don't know what it was. He wasn't a powerful, dominating, decisive kind of person.
- GIANOS: Were his House liaison people not very good, or were they not very numerous?
- BURGENER: I never saw them, so they probably did all their work with the Democrats, which is a mistake. You've got to lobby both sides heavily. That's one thing Reagan was very good at. He'd pick up the phone and lobby, lobby, lobby, both parties. One of Reagan's worst emissaries to the Congress was [Donald L.] Regan. Remember his chief of staff, Don Regan? One of the worst things that ever happened to Ronald Reagan was the job switch between [James] Baker and Regan.
- GIANOS: Are you saying Regan was bad both as chief of staff and as treasury secretary?

**BURGENER:** He was quite good as treasury secretary, terrible as chief of staff. He was arrogant, distant, and aloof. You know, Congress also has 435 prima donnas, and you come up there being arrogant, they tell you to get lost, and that's exactly what happened. But Reagan himself was a very effective lobbyist. I remember once in the White House. . . . I was in the leadership then, and down to the White House. They were having a meeting about the famous Reagan tax increase. Tip O'Neill had promised him that for every dollar of tax increase, he would cut spending by two dollars. Well, Tip double-crossed him. We raised taxes and raised spending. Reagan just flat dab got double-crossed. Our delegation, except for me, was opposed to the tax increase. I was part of the leadership. I wasn't enthused about a tax increase, but if the president thought it would work and the Democrats would really cut spending, I was for it. I'll never forget this meeting. We met in the Cabinet Room, because the Oval Office is too small. They had the Senate leadership and the House leadership. At that time, [Kansas Senator Robert] Bob Dole, I think. . . . Or was it [Tennessee Senator] Howard Baker? It was probably Howard Baker who was the Senate leader and Bob Michel in the House.

**GIANOS:** Your specific role in the leadership, was?

**BURGENER:** I was secretary to the conference. That's about number four in the pecking order. You've got the minority leader, the whip, the chairman of the conference, and the secretary. I was number four. [New York Congressman] Jack Kemp was in it, and Bob Michel, [Mississippi Congressman] Trent Lott, we were the four. So we were down in the White House. He called on the Senators first, and they gave him a glowing report about how well his tax bill was doing in the Senate, this unpopular tax increase. "We're going to get that through." See, the Republicans had the Senate then. Then he comes over to Bob Michel and said, "Bob, how are we doing in the House?" I had made arrangements. . . . As a matter of fact, on the way in to the meeting, there was a woman on the staff of the president that I knew quite well. She'd worked in the House before for the Rules Committee. She had tears in her eyes and she said, "Mr. Burgener, will you please tell the president the truth? The staff won't." I said, "About what?" She said, "The tax increase. He thinks he's in great shape." I said, "Sure, I'll tell him." So I made arrangements with Bob Michel. I said, "Bob, when it's your turn to talk, will you yield to me?" "I'll be glad to," he said. "I don't know what the hell to tell him."

**GIANOS:** [Laughter]

BURGENER: He listened to all this, how great things were going in the Senate, and he said, "OK, Bob, how's it going in the House?" I said, "Bob, will you yield to me?" "Yes, yes." I said, "Mr. President, I'll tell you how things are in the House and I'll tell you about the California delegation. I hope you don't shoot the messenger, but let me give you the news." This is '83 and '84, remember, when we were split twenty-two, twenty-one. I said, "There are twenty-one Republicans in the California delegation. For your tax bill, right now, out of the twenty-one, you have one vote." I didn't say whose it was, that was obvious. It was mine. The silence was deafening. He turned around and looked at his staff. You should have seen his face. "What are you talking about?" I said, "Mr. President, and these are your friends. Most of them served with you in the California legislature. They're against it." "Nobody's told me this." "Those are the facts." The next morning at eight o'clock, all twenty-one of them were in the White House. He got on the phone and called them and said, "Come down here." Of course, they were giving me hell for getting them into that mess. But when it was over, he got eleven votes, from the California Republicans and ten voted against it. So he went from one to eleven by personal lobbying, and it passed.

GIANOS: You're saying that Reagan was willing and able to lobby people personally, get on the phone and call them.

BURGENER: Oh, yes.

GIANOS: Just to be sure this is clear, Carter was not and Ford was not, or did you not have that kind of experience with Ford?

BURGENER: I didn't have that kind of experience with them. Ford was very skilled with the Congress because he'd spent twenty-five years of his life there. He got along well with them, and the Democrats liked him. In fact, [Andrew] Andy Young, who's mayor of Atlanta now and wants to be governor, made a speech on behalf of Jerry Ford for confirmation. I guess the vice president has to be confirmed by the Senate, isn't it? I've forgotten. Or both houses. I'd have to look it up. Whether we had to vote or not, the Senate I know voted to confirm. But there was an expression of support or something, and I remember Andy Young made a very strong, stirring speech on behalf of Jerry Ford. Jerry Ford was a very partisan guy, but he was partisan in a way that was socially acceptable to the opposition. Then, Carter, time out for four years. Ken Duberstein was very good. I'm forgetting two or three names. He had good House lobbyists, guys that knew the members and knew how to deal with them and didn't give them a lot of surprises. So he was effective.

But he ceased to be effective with the House after Phil Burton III, the 1981 reapportionment.

GIANOS: Just because of the numbers.

BURGENER: Sheer numbers. He couldn't buck the tide.

GIANOS: What kind of lobbyist face-to-face is Reagan? What sorts of techniques did he use?

BURGENER: I had had experience with him in Sacramento. Good. Persuasive. Never tough, in terms of pounding the table or threats, none of that. Just the old smile and a little show "biz" and gentle persuasion, which is really quite effective if you're a governor or a president.

GIANOS: Was it your impression over the years in Sacramento and D.C., since so much has been made after Iran-Contra, especially, about what Reagan knew or didn't know or the business of being hands on or hands off . . .

BURGENER: A very different style, for example, than Deukmejian, comparing the two. Basically, the same philosophy. I know them both well. Reagan knew he didn't know much about government, at first, so he formed a very strong cabinet. In the cabinet you had [Caspar] Cap Weinberger and Biz Livermore and Bob Finch. You had real heavy hitters who knew a lot about government. They would take a key subject--welfare, whatever--take a tough issue, debate it for weeks

and really thrash it out. The governor would be part of that, but mostly as a listener. Then, when they reached a consensus, Reagan would go public with it. It worked. Welfare reform. I carried his welfare reform bills on the floor of the Senate. We talked about that earlier. Duke spent twenty-eight years in Sacramento as a state senator, attorney general, governor. He knew his government from A to Z. I doubt if he attends all the cabinet meetings. I mean, he's a different kind of leader with the same philosophy, but totally different, a real hands-on guy. But Reagan's way worked and Duke's way worked, in different manners.

**GIANOS:** To link Sacramento and D.C., particularly with your experience in the House, did you find that when you were in the House you spent a reasonable amount of time dealing with folks in Sacramento? Or did you not deal them much at all?

**BURGENER:** Almost none.

**GIANOS:** It was basically the district, and that was it.

**BURGENER:** That's it. It's a "Grand Canyon" between state government and federal government, as far as elected officials [are concerned]. You know, we used to "memorialize" Congress. We'd pass a thing in the state senate asking Congress to do something. The assembly would pass it. Big deal, it didn't matter what it was about. I paid

no attention to that stuff. In the whole fifty states, I'm sure.

There's a huge gulf. Most of that was done at the executive level, probably president to governor and that sort of thing.

GIANOS: But from your vantage point in the House, nothing.

BURGENER: Different world, yes.

[End Tape 4, Side A]

[Begin Tape 4, Side B]

GIANOS: Over the ten years you were in the House, what sort of legislative recollections do you have?

BURGENER: First of all, members of the minority party. . . . I was in partisan office for twenty years; the other four years in office were allegedly nonpartisan city council. But in my twenty years in partisan office, meaning Sacramento and Washington, I was in the minority for nineteen years and four months of that, meaning almost all of it. So in Congress, being a member of the minority and not being a committee chairman, therefore, my name was never on any legislation, except as a cosponsor. Unlike the state legislature, where your bill is very personal and has your name on it and you carry it. Your legislation at the state level is very personal and very satisfying. A different world in Washington. Members don't carry individual bills. It would be impossible with 435 members. Who

carries bills? Committee chairmen. Who are they? Democrats. The best you can hope for is to get a bill amended. I'm talking House now. Maybe in the Senate it's a little different, not much. So your name isn't on a bill. But that really isn't important. What is important is having some influence on the bill. You rarely do it on the floor of the House. If it doesn't happen in committee, it probably isn't going to happen. The floor is extremely partisan. The full committee is sort of partisan. The subcommittee, where 90 percent of the work in Congress is done, is quite nonpartisan. That doesn't mean that on a public issue of great importance, where the media and your parties are divided widely, it won't become partisan even in subcommittee. But the subcommittees are where all the work's done, and they're very friendly. On our subcommittee in Appropriations, I don't think a vote was ever taken. It's all worked out by consensus.

Now, my own legislation was probably 90 percent district oriented. Sure, I voted on the big tax bills and the defense budget and all that. I did that more as a member of the Republican conference; the Democrats did it as members of the Democratic caucus, but with a flavor of your district in it. One hundred percent

**BURGENER:** conformity with the party line was never asked, never. The feeling was that if you want to come back here to Washington for another term, you'd better represent your district, and we do, particularly in the House. The Senators can take a broader view. They've got this big statewide constituency. I think the two-house balance is well served that way. I got on the Energy and Water subcommittee of Appropriations, where I spent eight of my ten years. A lot of it was spent working for Imperial County to get rid of the 160-acre water limitation. See, in Imperial County--I don't want to get into the bill too much--they have a prior right to Colorado River water since 1900. They built the All American Canal at their own expense. The Department of Interior gave them prior rights to that half-million acre feet, or whatever, and it was free. It's more water than they need. In fact, they're trying to sell some of it now, make a deal with the Metropolitan [Water District] in L.A. I worked on that for years, and we finally got a decision of the Supreme Court. There was a ruling came down in the Ninth Circuit Court of Appeals, the federal level, that said no farmer can have over 160 acres watered by federal water. In Imperial County, you can't make a living on 160 acres; 1,000 acres is more like it, to be cost

**BURGENER:** effective. You can't make it on 160 acres, not those kinds of crops. So that was a cause célèbre in my district. Well, we finally won in the Supreme Court, 9 to 0. We didn't do it, per se, except we helped. I had legislation to accomplish the same thing, and we got quite a bit of publicity and so on. It was part of the drumbeat. We won that 9 to 0, but I'd spent years on it. Then we codified it into law, and it was my bill in the House after that. So I did a lot of work on water issues, a tremendous amount of constituent work.

**GIANOS:** And you were properly situated, in terms of committees, to be able to do that?

**BURGENER:** Yes, Appropriations was perfect. I was on Military Construction. I had three subcommittees. I was on Interior. I got a lot of money, by the way, for the Santa Monica Mountains. Some would think too much, because of Tony Beilenson. Tony Beilenson was and is one of the most respected members of the House. He's on the Rules Committee. But he just believed that the Santa Monica Mountains are sacred. Well, he convinced me they were. Of course, with ten million people living in L.A., it's good not to develop the Santa Monica Mountains. I mean, you need the trees, you need the oxygen, you need some open space. I got millions of dollars because I was on the subcommittee on Interior for awhile. But then

I was on the subcommittee on Military Construction for a long time. You can see the importance to San Diego of that. And then Energy and Water. Water is a biggie. So members of the House, unless you're in the leadership, are pretty well, 98 percent, district-oriented people.

**GIANOS:** I came across a reference to--and I forget what committee you were testifying in--lease sale number 53 off of Big Sur, [California]. It was offshore oil drilling. I gather you and, I guess, virtually the entire California delegation were in opposition to this.

**BURGENER:** I was less in opposition than most of the others, but public opinion is so galvanized on this issue, to not go along with the public on offshore drilling--I happen to believe in offshore drilling--would put it on hold in California. You'd have to be a kamikaze. You'd have to be a little nuts, if you wanted to get reelected.

**GIANOS:** The context in which I came across it was in part the question of, "Can California Republicans support offshore oil drilling and (a) be reelected and (b) do their party any good, in terms of trying to ultimately seize control of the House?"

**BURGENER:** It's a no-win. I took the attitude, let's drill out there, test holes only, find out if there's oil, and cap them. Then, in the event of a national emergency, we can go get it. But that didn't sell. The

public didn't believe it; they wouldn't believe the oil companies would stop at test holes. Maybe they're right. But Texas used to get so mad at the rest of the country. They're drilling all over the place down there offshore. They were saying, "Why don't you take your share?" You couldn't drill offshore in Massachusetts. The public wouldn't permit it. So that's a dilemma, a no-win situation. I suppose if I were there now, I'd be antioffshore drilling. Of course, I happen to be a strong proponent of nuclear power. It's nonpolluting; it's safe. We've tragically killed over 100,000 coal miners in this century alone, but we keep digging coal. We accidentally kill several hundred every year. I guess Ralph Nader figures it doesn't count if you get killed in a coal mine. We haven't lost one person in a nuclear power accident in this country in thirty years of nuclear power in commercial production. Now, I know it's controversial, but we're going to get back to it soon as the Mideast blows up. We shouldn't put them in highly populated centers. They can be put elsewhere. But I'd much rather live next door to a nuclear plant than a coal plant, much rather. I really would. The things really are handled safely. The material is dangerous, and because it's dangerous, we've learned how to handle it. What we've not done yet is to put the nuclear waste away. We know how, but

BURGENER: nobody wants it in their state. I won't bore you. But offshore drilling? It's a loser, politically. Pete Wilson's opposed to it; [Alan] Cranston's opposed to it. All our San Diego delegation is opposed to it. There's only so far you can buck public opinion. If you're a representative, I suppose you'd go with the crowd. Now, it's the old classic argument: Do you lead or follow? You do some of both.

GIANOS: You had mentioned last time, briefly. . . . If you could give some more detail on the proposals you introduced to limit service in the House?

BURGENER: Yes.

GIANOS: What are the details?

BURGENER: My bill, and many others, but the bill I introduced. . . . You can introduce bills in Congress; they just don't get heard. I forget the [bill] number--it doesn't matter--[it] would have limited House members to six terms, twelve years, and senate members to twelve years, two terms. Nothing magical about twelve years. It could have been less or a little more. But on balance, I think that the public would be better served with a rotating membership.

[Interruption]

GIANOS: When did the idea for the term limitation first occur to you in your political career?

BURGENER: It probably did not occur to me in Sacramento. It probably came to me in Washington, when I saw some members that were there for thirty and forty and fifty years. There are two sides to this argument. Some who oppose limitation to term would argue-- including, maybe, the courts, I don't know--that the people can elect anybody they want to anything they want for as long as they want. That's constitutionally. . . . Maybe they're right. Fifty years or forty or thirty, to me doesn't make much sense. I think you'd gain more with the rotation than you'd lose by some very valuable members who might serve forty years. You can learn your job well in the first term or two, very well. There's no great mystery about it. You come in with a basic philosophy; it either matches your district or it doesn't. I'll never forget, however, [B. F.] Bernie Sisk's parting statement when he left the Congress. That was Tony Coelho's boss at the time, Bernie Sisk representing the Fresno area. He said--and it's in the Congressional Record--"Let me tell you the secret to my success. I've been here thirty years. All those years, I've campaigned as a conservative and voted as a liberal."

GIANOS: [Laughter]

**BURGENER:** Pretty basic confession to make right there. The public doesn't pay that much attention to ideology. They want service. About half of my mail had to do with a problem, a personal problem that you shouldn't have to write to your congressman to solve the problem. But the system is that if you can't make the bureaucracy work, you go to your congressman. He or she is supposed to help. The other half had to do with special interests. [There is] nothing illegal or immoral about special interests, except they should be identified and publicized. That was "Vote yes on this bill, vote no on that one," and so on. But the limitation of term, I just saw too much dead wood sitting around. I think we have lost the concept of the citizen politician, the thought that you're going and make a personal sacrifice. Leave your business, leave your family, leave whatever you're doing, or hopefully, take your family with you, as I did, and then do it awhile and then go back to the drugstore, the farm, or the real estate office or the doctor's office or the classroom and let somebody else do it. But no. Now we're getting into second- and third-generation staffers who never worked on the outside. I maintain they're not acquainted with the real world. They become arrogant and unrelated to the district. When campaigns are financed now, in many cases 100 percent from outside the district, who are

BURGENER: you representing? When congressmen have a million dollars of campaign money in the bank, and many do. . . . A million dollars, both parties. They're not lining their pockets. The laws are very strict about that. They're not stealing money. The few that do, go to jail, hopefully, and there are no more crooks in Congress than there is in any walk of life. But the arrogance of officialdom, I think Jesse Unruh used to call it, assembling a million dollar campaign fund. . . . And if you're elected before 1980, and leave by 1992 I think it is, you can take it home with you. I think that's obscene. What they're doing is totally discouraging opposition. When you combine that with the gerrymandered, supersafe fiefdoms, crazy-shaped, weird districts designed to protect the incumbent, you're really getting away from representative government. Have you read Bob Monagan's new book?<sup>1</sup>

GIANOS: No.

BURGENER: It's great. I've got to show it to you. I'm sure I'll get you a copy. It's called The Disappearance of Representative Government. It's very good. Bob's a well-respected leader, former Speaker of the Assembly, and he just says that special interests own it all now.

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<sup>1</sup>Robert T. Monagan, The Disappearance of Representative Government: A California Solution. (Grass Valley, Calif.: Comstock Bonanza Press, 1990).

Maybe that's slightly exaggerated, but only slightly. I think if we had competitive districts and fair reapportionment--not done by legislators of either party--an incumbent, he or she, would kind of say to themselves, "Let's see. This district's only good for ten years. Then it's going to go away." They don't now; they're good forever, if you're part of the establishment. So they might say to themselves, "Maybe I'd better do something else with my life." That's the kind of thinking I want public officials to have: "I'd better do something else with my life other than serve in this office all my life," because I think the public gets short shrift.

**GIANOS:** One final question that might, in a way, bring us full circle. I think the very first time we sat down and talked, you told me that that morning you had talked with a woman whose ambition it was, ultimately, to be governor. You were saying that you get lots of contacts from people who want support. I think you said they want advice, but what they really want is support.

**BURGENER:** Exactly. They don't want advice.

**GIANOS:** Right. I'm curious. When people ask you for advice now, fledgling politicians, are there any standard bits of advice you have to give them?

BURGENER: The main advice I'd give them, and young Jeff Marston is a good case in point. He's got his feet on the ground. Jeff Marston is running as the Republican in the special election to fill the vacancy created when Lucy Killea went to the state senate. It's probably the only competitive district left in the state. What do I mean by competitive? I mean a good candidate from either party can win this district. Now, there ought to be lots of districts like that; there are not. There are darn few. Out of the eighty assembly districts, I'll bet you three or four are competitive. It's crazy. But back to advice. I try to, if they want to listen. . . . I don't want to throw cold water on their ambitions to become president or governor but, to me, a realistic ambition for a politician--very realistic, and still a lot of luck's involved--is to become a state assemblyman, maybe a state senator. Of course, if you become an assemblyman, you can become a state senator because you get on the chain, on the musical chairs list. But you could become a state assemblyman or maybe a member of the House of Representatives. But if you've really got to be a United States Senator or governor or president, you'd better not allow it to become an obsession, because the odds are it isn't going to happen. Luck. You could do all the right things politically for fifteen or twenty years, and now you're going to go for the big one:

**BURGENER:** U.S. Senate, governor. And what happens? Along comes a [S. I.] Sam Hayakawa, a John Glenn, a Ronald Reagan. Nothing against these people, but they got notoriety from some other source. Sam Hayakawa ripped the wires out of a loud speaker, got to be a local hero. Ronald Reagan was an actor and a great spokesman for Goldwater. John Glenn was an astronaut. Somebody comes out of the blue and pushes you right off the map. So to me, it's kind of an unrealistic ambition if you've got to be governor, you've got to be president, [or if] you've got to be a U.S. senator.

**GIANOS:** Do you encounter a lot of people who envision a long-term political career like that? Not necessarily people who dream of being president.

**BURGENER:** Some, but I try to tell them. . . . I always wanted to be a congressman. When I say always, [I mean] from college days on. But I never permitted it to become an obsession. That's very unhealthy. You know, "I've got to get elected or I'm going to die." Or "My life's wasted." This is crazy. You've got to really do whatever you can to make it happen, but if it doesn't happen, you've got to have some balance to your life. I may sound like an amateur psychiatrist or psychologist here, but that's very fundamental. Keep healthy ambitions and keep a sense of perspective. It's difficult for

a young politician, because most of these jobs don't pay very much, and how do you support a family? When I was a city councilman back in the fifties, the pay was \$2,000 a year. Now, it's about \$40,000, but still way below what a good person can make on the outside, I suppose. So you don't do it for the money. But how do you support a family when the next election depends on whether you're going to pay the bills? Yet, we shouldn't reserve public office for the wealthy. I don't have the answer to it, except try to work out your own personal life to where it's not totally disrupted. It's hard on family life. If you've got a good, strong marriage, it'll make it stronger. If you've got a marginal one, it can blow it apart. Often, you neglect your kids. You run around, you're going to Sacramento, you're going to Washington, you're concentrating on the next election instead of whether your kids are doing their homework.

GIANOS: I lied to you; I said one last question. But let me ask one last, last question. Currently, you're doing a number of things, the most visible of which, to me at least, is being a UC Regent.

BURGENER: That's my unpaid job, by the way.

GIANOS: What is life after elected office like?

BURGENER: It's great. I've never worked so hard in my life. I worked hard as a congressman, but it was much more focused, and the lost time was travel. You know, twenty trips to Washington a year, going to coffee parties and the political stuff to get reelected. I hated running for office; I loved serving. I know some that are the opposite. I know a few that don't care that much about serving and love to campaign. I think there's something wrong with them. But I think most of them like the serving better than the campaigning. Now, my life is much more focused. I have eight jobs. I'm on five corporate boards, three public boards. The Board for International Broadcasting doesn't pay much. That's Radio Free Europe [and] Radio Liberty. It's just basically expenses. But then of my eight boards, you might say six pay. The State Personnel Board is my other public one. The others are private corporations. So I earn a lot more money than I made as a congressman, at least double, and I'm working hard and I enjoy it. I have more of a private life. I no longer have to go out to political coffee parties and town meetings. But it all goes with the territory. I did it, and I did it without grumbling because I fully understood it goes with the territory. If you have a standoffish type of person that doesn't want to go to

those things, they'll either get defeated or they should be, because that's part of the price of admission.

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